The protection of minors on VSPs: age verification and parental control

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The protection of minors on VSPs: age verification and parental control

European Audiovisual Observatory

Foreword

Today, very few people remember shareyourworld.com. However, this obscure website launched in 1997, the purpose of which is entirely contained in its name, is the world's very first video-sharing platform. It was dubbed "the first YouTube" by its creator, Chase Norlin, in an interview with online media Beet.TV in 2007, as he recalled the struggles related to bandwidth usage and the absence of advertising revenues. At the time, he estimated that the proliferation of digital camera phones and the reduction in costs of digital cameras and camcorders meant that everyone could record and produce quality content and that they should subsequently be given the possibility to share it and be compensated for it.

Another piece of history, slightly more recent and still accessible in its original format, is YouTube's first ever video. Soberly called "Me at the zoo", the low-quality video shows the young Jawed Karim, YouTube's co-founder, standing in front of the elephants' enclosure at the San Diego Zoo, where he proceeds to tell viewers about elephants and their most distinctive physical feature – their trunk. Uploaded on 23 April 2005, these nineteen seconds of History boasted, at the time of writing, more than 303 million views and more than 10 million comments.

Although very few can rival YouTube in popularity, many other video-sharing platforms have emerged over the years. While they all fall under the umbrella term of video-sharing platforms, the larger actors all offer something different. For YouTube, the video-sharing part is essential, it is its core feature. For other services that are similarly defined as video-sharing platforms, sharing videos is just a feature among others – as is the case with X (formerly Twitter), the main distinctive feature of which remains the ability to share short messages limited to 280 characters. Others rely heavily on the video aspect, such as Twitch or TikTok, although both of them add a twist to it: Twitch is dedicated to live streaming, with a strong emphasis on video games and TikTok relies on mostly very short videos.

The range of electronic devices that have become instrumental to our everyday lives, and to those of teenagers and even children, is ever-evolving. Consumption habits with regards to video-sharing platforms have changed, with users increasingly favouring access through applications directly on their smartphones or tablets rather than computers. The ease in accessing video-sharing platforms also favours their popularity among the younger users, which in turn makes them more susceptible to encounter inappropriate content on those platforms, as they are designed for a wider audience.

Many services created and established in the United States have set a minimum age requirement at 13, but many countries set a higher minimum age for unsupervised access to video-sharing platforms. The main question is therefore: what are video-sharing platforms doing to ensure that their younger users are adequately protected from content that could prove detrimental to their development?

In the European Union, the protection of minors on video-sharing platforms falls under Article 28b (1) of the revised Audiovisual Media Services Directive (AVMSD). This report looks at national transpositions of this Article and at age verification and parental control measures implemented by a selection of video-sharing platforms. The more specific case of adult video-sharing platforms is also touched upon with a general overview of the most common age verification measures in place to prevent minors from accessing their content. Additional rules pertaining to influencers are also mentioned.

The report includes a pan-European comparative analysis and easy-to-access country profiles and reflects the state of play as of September 2023.

The overview provided in this report would not have been possible without the work of our national experts, who helped us gather the relevant information on the EU-27 member states and the UK; our coordinating experts, Ivana Kostovska, Vrije Universiteit Brussel, and Sally Broughton Micova, University of East Anglia, who helped us in analysing and comparing the different national legal frameworks and specificities of each platform. I would like to warmly thank them, as well as the media regulators who assisted us in checking the correctness of the information contained in this report.

Strasbourg, December 2023

Maja Cappello

Head of the Department for Legal Information

European Audiovisual Observatory

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1. Executive summary

1.1. Objective of the project

The objective of the project was to provide the European Commission with information on the measures put in place by video-sharing platforms (VSPs) to ensure the protection of minors, in particular regarding age verification and parental control.

1.2. Key findings

The vast majority of member states transposed the provisions of the Audiovisual Media Services Directive (AVMSD) through amendments to the main law governing audiovisual media services in legislative acts implementing other changes to the Directive made by its 2018 revision. Member states have largely transcribed the relevant provisions of the AVMSD verbatim into their laws.

There is notable variation in the age at which minors can consent to the processing of data required to make use of VSPs.

Member states have taken various approaches to clarifying their expectations for age verification and several member states have made clear that self-declaration is not sufficient to comply with the age assurance referred to in the AVMSD's Article 28b.3(f). Standards are being set for verification mechanisms including, in some cases, automated systems.

The age verification measures differ in how and where users encounter them and in how advanced they are. There are various age verification measures based on access control (granting or denying access to a VSP as a whole, or to all or parts of its content).However, access control measures are generally absent from some of the large VSPs examined by the national experts involved for the gathering of the information used in this study. VSPs tend to rely on self-declaration of users during the sign-up phase. Based on the mapping of VSPs offering their services in the countries reviewed, five age verification methods were identified: use of official identification documents, selfie, facial age estimation based on video selfie, social vouching, and use of other documents such as school ID card or company loyalty card. There are also other measures that do not rely on the user's action such as the use of AI to find and remove underage accounts, the use of third-party data and flagging by content reviewers.

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Among the major VSPs examined by national experts in this study, only half provide parental control measures. These control measures vary in robustness, range, and degree of customisation. Additionally, they differ in whether they target children under the legal age or teenagers.

Several smaller VSPs were identified in reports by national experts or in the registries of national regulatory authorities. Although the sample cannot be considered exhaustive of all smaller VSPs regulated in the EU, those identified in the study typically rely on self-declaration of age. Some of the VSPs do not ask for self-declaration of age as part of the registration.

This study identified an evident lack of initiative from most pornography providers to implement measures that prevent children from accessing their services and being exposed to their content. Insufficient age verification measures on adult VSPs do not only risk exposing minors to pornography, but because these VSPs also allow users to be content creators, this increases the risk of child sexual exploitation.

While content classification can be prescribed in law or other binding legal texts in some countries and others leave this to industry bodies or other institutions, it seems all member states have such systems that can be used for VSP content. There was evidence of many initiatives to both contribute to the development and implementation of parental controls and to educate users about them to encourage their use.

Some VSP providers appear to lack initiatives to implement measures that efficiently prevent children from accessing their services. Automated systems for age verification play an important role in the mechanisms of VSPs that do seem to be making an effort to protect minors from exposure to their content.

The study did not find evidence in national legislations of age verification or parental control obligations specifically towards influencers (users who create content and use VSPs to share it), as opposed to the VSP providers. In practice however, one VSP provider (OnlyFans, a VSP with a high proportion of adult content) imposes stricter age and identity verifications on content creators than on users. Many examples of rules or guidelines for 'influencers' were found aimed at ensuring disclosure of commercial content and protecting minors from certain types of harmful commercial communication. It was pointed out by experts from eleven member states that influencers meeting the conditions of the AVMSD are considered as on-demand audiovisual media service providers and hence regulated as such by those member states[1].

[1] National experts pointed out that influencers meeting the conditions of the AVMSD are considered as on-demand audiovisual media service in AT, BE-VL, DE, ES, GR, LT, LU, NL, PL, RO and SK.

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2. Methodology and structure of the note

2.1. Project objective

The Audiovisual Media Services Directive (AVMSD) 2018/1808 sets out a series of obligations for member states, leaving it up to video-sharing platforms (VSPs) to decide how they intend to ensure that minors cannot access content which is not suitable for them. The objective of this note is to look at the obligations for VSPs regarding the protection of minors, as set by Article 28b of the AVMSD and provide a practical overview of the measures implemented by a selection of major video-sharing platforms.

2.1.1. Scope

At the moment of writing, 72 VSPs[2] were under the jurisdiction of the national media regulatory authorities of the countries included in the scope of this report, according to the European Audiovisual Observatory's MAVISE database.[3] The scope of the questionnaires sent out to national experts was narrowed down to focus on non-adult VSPs with a wide audience across the countries included in the report in order to allow for more homogenous answers from national experts.

The VSPs selected are the following: YouTube, Twitch, Dailymotion, X (Twitter), Facebook, Snapchat, Instagram, TikTok, Vimeo, BitChute and OnlyFans.

While OnlyFans is widely used by pornographic content creators, it is not considered as a strictly-adult VSP for the purpose of this report, as it is also used by other types of creators whose content do not fall under the adult category.

2.1.2. Jurisdiction

National experts were required to report on the age verification and parental control measures put in place by the aforementioned VSPs even if they were not under the jurisdiction of the country's national media regulatory authority, as one of the objectives of the report is to provide an overview of the age verification and parental control measures of VSPs available in all of the countries covered by the report. Requiring national experts to report only on VSPs under the jurisdiction of their national media regulatory authority

[2] As of 18 December 2023, 75 VSPs are registered in the MAVISE database, including one from Georgia and one from the United States of America. An additional VSP is under the jurisdiction of the media regulatory authority of the German Community of Belgium.

[3] https://mavise.obs.coe.int/f/ondemand/advanced?typeofservice=4&page=1.

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would have resulted in a highly heterogenous analysis, with the United Kingdom alone having jurisdiction over 19 VSPs established over its territory,[4] while other countries have jurisdiction over none.

Additionally, in today's media landscape, national jurisdiction has little incidence over a user's ability to access a platform which is established in another country, especially if its content is tailored to cater for a wide range of tastes. By selecting a panel of widely popular and accessible VSPs, the objective was to provide a broad yet accurate overview, representative of the experience of a large proportion of users from the EU and UK, with regards to age verification and parental control when using those platforms.

2.1.3. VSP survey

Surveys were sent out to the main VSPs identified with questions regarding their age verification measures and parental control measures (if appropriate, depending on the nature of the platform). The replies were cross-checked with national experts' findings to ensure the accuracy of the national experts' answers.

The report takes into account replies from Dailymotion, Meta (Facebook and Instagram), OnlyFans, Twitch and Vimeo. It was not possible to obtain replies from BitChute, Snapchat, X (Twitter) and YouTube, but information was gathered from their respective websites.

2.2. Methodology

The methodology adopted by the Observatory involves the collection and analysis of national data, done by means of a standardised questionnaire designed by the Observatory, submitted for completion by national experts, and checked by the relevant national regulatory authorities.

The methodology can be summarised as to be inclusive of the following:

- the choice of international experts to provide assistance throughout the mapping and the elaboration of a comparative analysis;
- the choice of a pool of national experts: mainly academics and independent researchers and consultants;
- the elaboration of a standardised questionnaire filled in by each national expert; one questionnaire per country was completed, with the exception of Belgium, where a questionnaire was completed for both the French and the Flemish

[4] https://mavise.obs.coe.int/f/ondemand/advanced?typeofservice=4&country=71.

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communities; and questionnaire responses cross-checked by the relevant national regulatory authorities.

The questionnaire aimed at identifying, for each country (EU-27 and UK), the law transposing Article 28b(1) AVMSD and how major VSPs complied with their obligation towards the protection of minors, with a focus on age verification and parental control measures. The questionnaire also aimed at gathering information on the age verification measures put in place by adult VSPs accessible in the countries within the scope of the report and identifying potential rules referring specifically to influencers in those countries.

2.3. Structure of the report

The national summaries are structured around six sections:

- the first section deals with the key findings;
- the second section focuses on key excerpts from national transpositions of Article 28b(1) AVMSD;
- the third section summarises the types of age verification and parental control measures put in place by VSPs, based on the national expert's research and experience of accessing the service.
- the fourth section provides a list of VSPs established in the country, based on data from the European Audiovisual Observatory's MAVISE database;
- the fifth section contains information regarding measures specific to adult VSPs accessible from the country;
- the sixth section focuses on national rules pertaining to influencers;

The comparative legal analysis mirrors the structure of the national legal summaries and provides an analysis aimed at highlighting the trends and patterns in the implementation of age verification and parental control measures. Tables are included throughout the report as a complement, to offer a more in-depth look at particular cases. The national summaries also provide more detailed information regarding the situation in each specific country.

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3. Comparative analysis

3.1. The legislative framework transposing Article 28b (1)

As a directive rather than a regulation, the AVMSD requires member states to transpose its provisions into national law. Member states can do this in a variety of ways depending on their own legislative and regulatory arrangements. The AVMSD is also an instrument of minimum harmonisation. Member states must implement the minimum standards that it imposes but have the freedom to go beyond these and institute higher standards. There is a long history of member states choosing to do this, especially in relation to commercial communications[5] and content or independent production requirements.[6] Some member states have also chosen to impose requirements on audiovisual media services for the protection of minors that go beyond the minimum standards in the AVMSD.

This section presents a comparison of the legislative frameworks in each of the member states in the field of protection of minors on VSPs, in particular in relation to age verification and parental controls. It first looks at the means of transposition of the relevant provisions of the AVMSD, namely Articles 28a and 28b that refer also to Article 9(1) on commercial communications and Article 4a on co/self-regulatory codes. It then discusses some specific rules or guidance found in member states on age verification and on content classification, whose implementation is essential for the proper functioning of parental control tools. This section shows some variation where member states have imposed higher standards or additional rules on top of what they are obliged to implement by the AVMSD. The AVMSD provisions on VSPs were added to the Directive in 2018 and since then, newer legislation addressing digital or online services more broadly has been passed or proposed by member states. Therefore, this section ends with an examination of the interaction between the legal acts implementing the AVMSD provisions and related member state laws that also require age verification and parental controls pursuant to Art. 28b(1)(a) of the AVMSD.

3.1.1. Approach to transposition

The vast majority of member states transposed the AVMSD provisions through amendments to the main law governing audiovisual media services in legislative acts implementing changes to the Directive made by the 2018 revision. In some countries the amendments

[5] See Feci, N. & Valcke, P. (2023) "Between Minimal Standards and national variation" in *European Audiovisual Policy in Transition* Ranaivoson, Broughton Micova & Raats (eds), Routledge.
[6] See Iordache, C., Mitric, P. & Raats, T. (2023) "Content quotas: At the crossroads between cultural diversity and economic sustainability" in *European Audiovisual Policy in Transition* Ranaivoson, Broughton Micova & Raats (eds), Routledge.

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were made in general media acts or decrees, such as in Estonia and the Netherlands, while in others, such as Austria and Italy, the laws are specific to audiovisual media services. In a few countries these laws retain their broadcasting era titles such as with the Radio and television Law of Cyprus or the Television Act of Portugal.[7] Though the names of the legislative acts differ, common to all is that, arguably in the spirit of the 2018 AVMSD revision, they are media laws that govern media services rather than ones for telecommunications or information society services. In Ireland, the transposition was partially achieved through the Online Safety and Media Regulation (OSMR) Act 2022[8] amending the Broadcasting Act 2009. The full transposition of Article 28b AVMSD will be achieved through the adoption of additional secondary legislation, the Online Safety Code, foreseen in the OSMR Act 2022.

Another commonality among these countries is that they have largely transcribed the relevant provisions of the AVMSD verbatim into their laws. Although translated into local languages, most of the laws contain nearly, if not exactly, the wording of the AVMSD. One exception to this is the Netherlands where the amendments to the Media Act refer directly to Article 28b of the Directive rather than mirroring the language of the provisions. The tendency to keep the transposition of the VSP-related provisions within the legal framework governing audiovisual media services does not necessarily mean that only the national regulatory authorities responsible for audiovisual media are charged with the enforcement of the provisions for the protection of minors on VSPs. Advertising self-regulatory bodies are often given a role and other institutions can also be involved. In Lithuania, for example, the Communications Regulatory Authority, which is responsible for electronic communications services, operates a hotline for reporting content that is harmful to minors and disseminates a list of filtering software and guidance for implementation of parental controls. Two member states, Czechia and Greece, seem to have adopted specific laws for VSPs. The Czech Act on Services of Video Sharing Platforms and on Amendments to Certain Related Acts is nevertheless also a near exact copy of the text of the Directive.[9] The Greek law also mirrors the language of the Directive.

[7] Radio and Television Stations Law of Cyprus: https://www.cylaw.org/nomoi/enop/ind/1998_1_7/section-sc68ad2a0d-c7cc-624f-5af7-e111292146f2.html and https://diariodarepublica.pt/dr/detalhe/lei/74-2020-148963298.

[9] Act 242/2022 of 10 August 2022 on video-sharing platform services and amending certain related acts (the Video-Sharing Platform Services Act): https://www.zakonyprolidi.cz/cs/2022-242

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Table 1: General summary of categories of legislation transposing Article 28b (1) AVMSD*

Inclusion in main law on audiovisual media	Separate law on VSPs	Transposition through changes to multiple laws
AT, BE-FR, BE-VL, BG, CY, EE, ES, FI, FR, HU, IT, LT, LU, LV, MT, NL, PT, SE, SK, UK	CZ, GR	DE, DK, HR, PL, RO, SI

**In Ireland the transposition was partially achieved through the Online Safety and Media Regulation (OSMR) Act 2022 amending the Broadcasting Act 2009. The full transposition of Article 28b AVMSD will be achieved through the adoption of additional secondary legislation, the Online Safety Code, foreseen in the OSMR Act 2022.*

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire

In a few member states, the transposition of the provisions on the protection of minors on VSPs was accomplished through amendments to more than one law. The German case is arguably the most complex in this group. The so-called NetzDG law,[10] which covers some of the measures expected of VSPs, was already in place at the time of the 2018 revision of the AVMSD and was slightly amended since. The Telemedia Act was also amended to include a definition of VSPs as telemedia and outline an electronic complaints procedure.[11] The protection of minors on VSPs is mainly dealt with by the Interstate Treaty on the Protection of Minors and the Protection of Minors Act.[12] Although it does not mention parental control directly, the Treaty sets out the requirements for VSPs, as telemedia, to employ technical systems based on age ratings. The enforcement system established by the German legislative framework is similarly shared across institutions. According to the Treaty, the certified self-regulatory organisations are expected to check the effectiveness of the technical systems and age verification mechanisms used.

In Croatia, Poland, Romania and Slovenia, the AVMSD's provisions on VSPs and the protection of minors were implemented through changes in the core audiovisual media services law as well as a more specific law. In Croatia, this additional law takes the form of an ordinance detailing the measures expected of VSPs. A similar approach was taken in Denmark with a combination of amendments to the law and an Executive Order specific to VSPs.[13] In Poland, an amendment was also made to the Cinematography Act as well as the Broadcasting Act, and this was followed by a Regulation of the National Broadcasting Council on the ratings and signals to be used by VSPs for the content provided. In Slovenia, an update was made to the definition of content harmful to minors in the General Act on

[10] The Network Enforcement Act consolidated 2021: https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//*%5b@attr_id=%27bgbl121s1436.pdf%27%5d

[11] The Telemedia Act consolidate 2021: https://gesetz-ttdsg.de/

[12] Interstate Treaty on the Protection of Minors in the Media (JMStV) consolidated 2022: https://www.kjm-online.de/fileadmin/user_upload/Rechtsgrundlagen/Gesetze_Staatsvertraege/Interstate_Treaty_on_the_Protection_Minors_in_the_Media_JMStV_in_English_Second_Interstate_Treaty_to_Amend_Interstate_Treaties_on_Media_Law.pdf and the Protection of Young Persons Act (JuSchG):https://www.gesetze-im-internet.de/juschg/index.html

[13] Order No 1158 of 18 June 2020 on video sharing platform services: https://www.retsinformation.dk/eli/lta/2020/1158

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the Protection of Children in Audiovisual Media Services.[14] This Act does not deal with VSPs but is referred to in the Audiovisual Media Services Act[15] where most of the AVMSD's provisions on VSPs were implemented. In Romania, some of the measures outlined in Article 28b of the AVMSD were included in the country's Law on Preventing and Combatting Pornography in relation to adult VSPs.[16] In these countries the content classification rules necessary for the functioning of many parental control measures or the specifics of age verification were therefore covered in complementary legislation or delegated acts.

3.1.2. Implementation of AVMSD requirements and additional national requirements

Age verification is one of the core measures for the protection of minors on VSPs introduced by the revised AVMSD and there is significant variation in how this has been implemented at member state level. The AVSMD does not set the age of minority or the age at which minors are allowed to use VSPs. The age of 18 is the standard across all the countries for access to adult VSPs. The use of VSPs by minors is limited by their ability to consent to the processing of their data for that purpose. As per Article 8(1) of the GDPR, minors can consent to this on their own from the age of 16 unless member states have set a lower threshold, which cannot be below 13.[17] Among the member states there is significant variation in the age at which minors should be using VSPs independently and without the requirement of parents or other adults of authority. This results in differing levels of protection for services within the scope of the AVMSD.

The table below illustrates the differing ages of consent for the use of VSPs in the member states. For example, the Czech, French and Greek data protection laws require minors to be at least 15 years old. Several other laws, including the Irish and German laws implementing the GDPR, require minors to be at least 16 years old. While the requirements on VSPs stemming from the AVMSD in most of these countries do not necessarily go above and beyond the Directive, those requiring a higher age of consent are indirectly stricter because of the resulting age limits for fully independent use of VSPs stemming from their data protection laws.

[14]General act on the protection of children in audiovisual media service: https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-2305?sop=2022-01-2305

[15] Audiovisual Media Services Act (ZAvMS): https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-2305?sop=2022-01-2305

[16] Law 196/2003 on combating pornography: https://legislatie.just.ro/Public/DetaliiDocument/156574?isFormaDeBaza=True

[17] Regulation (EU) 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 95/46/EC (General Data Protection Regulation - GDPR)

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Table 2: Age of consent required for independent use of VSPs under data processing legislation18

13	14	15	16
BE-FR, BE-VL, BG, DK, EE, FI, LV, MT, PT, SE, UK	AT, CY, IT, LT, ES	CZ, FR, GR	DE, HR, HU, IE, LU, NL, PL, RO, SK, SI

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire

The countries reviewed have taken various approaches to clarifying their expectations for age verification and many of them have made clear that self-declaration is not sufficient to be considered age verification as referred to in the AVMSD's Article 28b.3(f). Some of these requirements were in laws other than the ones transcribing the Directive.

For example, in France, the Penal Code (Law n° 2020-936)[19] was amended in July 2020 to make the potential exposure of pornographic material to a minor offence and including a rule stating that self-declaration mechanisms were not sufficient for age verification. In the UK, the national media regulatory authority, Ofcom, has also stated in its guidance that it will not consider self-declaration to be compliant with the relevant provisions of the Communications Act that transcribed the Directive.[20] With another approach, the Romanian Law on Preventing and Combatting Pornography (Law 196/2003) mentioned above requires all adult VSPs under its jurisdiction to be password-protected, with access to content only provided on the basis of payment for use, adding additional protections against access by minors.

[18] As differing age requirements were not all reported by national experts the data presented here has been confirmed and completed based on the information here: https://euconsent.eu/digital-age-of-consent-under-the-gdpr/

[19] Law N° 2020- 936: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042176652

[20] See Ofcom's Video Sharing Platform Guidance, paragraph 4.119: https://www.ofcom.org.uk/__data/assets/pdf_file/0015/226302/vsp-harms-guidance.pdf

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A promise is not enough, especially for porn

The AVMSD's Article 28b required the introduction of 'age verification systems,' and several member states' lawmakers or their regulators have made it clear that requiring users to enter their birth date or even to use a credit card to subscribe are not adequate verification. The evidence indicates that adult VSPs were first in focus. By early 2022, France's Arcom had taken legal action against "Pornhub" sites., "Tukif", "xHamster", "Xnxx" and "Xvideos", for non-compliance with age verification requirements. The German Commission for the Protection of Minors in the Media had initiated proceedings against MindGeek and xHamster. The UK's Ofcom also reported inadequacies in nearly all the adult VSPs it regulated in relation to user age verification, despite those same services having more robust systems for verifying creators' ages. Its engagement with them resulted in an investigation into RevealMe for failure to comply and two being closed down by their owner, who was not able to comply with the age verification expectations.

More information: Arcom's Communiqué de presse, Mardi 8 mars 2022 "Accès des mineurs aux sites pornographiques: Saisine du président du tribunal judiciaire de Paris"; Burgess, M. (2022) "Germany is about to block one of the world's biggest porn sites" in *Wired*; *Ofcom's first year of video-sharing platform regulation* (2022)

In yet another example, the German Independent Commission for the Protection of minors in the media (*Kommission für Jugendmedienschutz, KJM*), established by the Interstate Treaty on the Protection of Minors in the Media[21] has issued mandatory guidelines on age verification that require two types of verifications, one of identity at registration and another at authentication for each use, to prevent the transfer of access to persons other than the one registered with the service. The German rules also allow the use of automated systems under the condition that they effectively create closed user groups and prevent access by minors (see box). Several member states participate in the International Working Group on Age Verification,[22] which may result in increased standardisation in this area. Germany also has a specific law on the protection of young persons that provides additional details on the measures expected of VSPs, including ones not listed in the AVMSD.[23] These include a requirement to appoint a Protection of Minors Officer if a service is used by minors, obligatory default settings for parental controls, and disabled chat functions for minors.[24]

[21] Interstate Treaty on the Protection of Minors in the Media (JMStV): http://jugendmedienschutzstaatsvertrag/

[22] https://www.ofcom.org.uk/news-centre/2023/joining-forces-to-help-protect-children-online

[23]The German Protection of Young Persons Act (JuSchG): https://www.gesetze-im-internet.de/juschg/index.html and for explanation in English: https://merlin.obs.coe.int/article/8761

[24] Some member states, such as Italy, have similar measures in place but aimed at internet service providers, which are required to make filters and parental controls the default settings in their service provision. (See AGCOM Decree No 28 on the protection of minors in cyberspace) These have a role in the protection of minors from harm stemming from VSPs but are not obligations on VSP providers as envisioned by the AVMSD.

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Germany's KJM sets standards for age verification.

The German Commission for the Protection of Minors (KJM) appears to be one of the leaders in establishing standards for age verification, especially in evaluating automated mechanisms. According to the rules set by KJM, verification must be done for each use and consists of two steps. The first step is when a user is newly identified, and their age is verified. Then, each time the user makes use of the services they must be re-confirmed as the person whose age and identity were originally verified.

The KJM has also been evaluating automated systems used by VSPs in their jurisdiction for age verification and established two categories. The first is auto-identification similar to e-gates at passport control that check biometrics with submitted official form of identification. The second is age estimation, which uses AI to establish age based on an image. Multiple technical solutions in these categories are provided and the KJM has developed quality criteria and a grid-based evaluation system for determining which automated systems meet their standards. The KJM maintains a list of the systems evaluated that can be referred to by VSP providers and users.

More information: The German country summary below, https://www.kjm-online.de/aufsicht/technischer-jugendmedienschutz/unzulaessige-angebote/altersverifikationssysteme/

Another difference identified among the countries reviewed is whether the age-related content classifications are prescribed in law or other binding legislation, or whether it is left up to industry bodies or service providers to determine. For example, the Polish national regulator has issued a regulation setting out four age group categories and accompanying graphic indicators that are mandatory for both audiovisual media services and VSPs. The Slovenian General Child Protection in Audiovisual Media Services Act[25] provides similar categories with descriptions of each of them for VSPs. Countries with a different approach to classification include the Netherlands, whose independent Institute for the Classification of Audiovisual Media (NICAM) handles classification, and Germany where the independent Commission for the Protection of Minors in the Media (KJM) mentioned above is responsible for content classification. The UK allows for services either to develop their own classification or to use those developed by the British Film Institute.

Parental awareness of parental control systems and other measures is actively being promoted through national initiatives in several countries. In some of them, this is the work of national regulatory authorities. Efforts include promoting the use of parental control systems, their testing and certification, and supporting the industry in adopting these measures.[26] Highlighted below are several of these efforts, as outlined by Better Internet for Kids:

[25] See https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-2305?sop=2022-01-2305

[26] O'Neill, B., Dreyer, S. and Dinh, T. (2023). The Better Internet for Kids Policy Map, Fourth edition. European Schoolnet. Available at: https://www.betterinternetforkids.eu/bikmap

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- In France, the government launched the Jeprotegemonenfant.gouv.fr website which offers tools, advice, and practical resources to better inform and support parents so that they protect their children online.
- In Lithuania, the Communications Regulatory Authority (RRT) is active in both educating parents about internet safety controls for children and in the official testing of filtering software intended for public access points used by minors, such as libraries and internet cafes.
- In Greece, the national media regulatory authority, the National Council for Radio and Television (NCRT), endorses specialised guides that classify available software according to its performance, safety, and affordability.

This study has captured only some of the variation across the countries reviewed. The minimum standards set by the AVMSD are reflected in national laws and in many instances countries have gone beyond these minimum standards, especially in setting out requirements for age verification and access to adult VSPs.

3.1.3. The wider legal context of burgeoning online protection

When the AVMSD was revised in 2018 to include VSPs in its scope, there were few laws at member state level to protect minors on such platforms. The German NetzDG was a trailblazer in this area and aimed to address wider problems of harmful and illegal content on online platforms. In this study, it is evident that the provisions to protect minors on VSPs in the AVMSD are only part of the legislative toolbox for protecting minors in the online platform environment. Most of the member state laws identified are complementary to the AVMSD. For example, as the transposition period for the AVMSD was ending, Austria passed a law similar to the NetzDG, the Kommunikationsplattformen-Gesetz (KoPl-G),[27] which exempts VSPs from certain obligations of the act unless the regulator determines they fit in the scope because the transposition of the AVMSD provides similar protections for minors. Laws in Italy, France and other member states aimed at protecting minors online by imposing obligations on internet service providers and device manufacturers also complement the legislation derived from the AVMSD that regulates the platforms accessed through the internet. However, in 2019 the UK began developing its wider-reaching online harms law and the resulting Online Safety Bill adopted in September 2023 will fully replace the AVMSD-related provisions on VSPs when it comes fully into force.

Another relevant development is the adoption of the EU's Digital Services Act (DSA) in October 2022 which is the EU's flagship law protecting consumers, including minors, from illegal content and other harms stemming from a wide array of digital services,

[27] Full text at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20011415 see Article 1.

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including VSPs.[28] The DSA does not replace the AVMSD, and its recitals specifically state that the two are complementary. It states in Recital 10:

> *This Regulation should be without prejudice to other acts of Union law regulating the provision of information society services in general, regulating other aspects of the provision of intermediary services in the internal market or specifying and complementing the harmonised rules set out in this Regulation, such as Directive 2010/13/EU of the European Parliament and of the Council (7) including the provisions thereof regarding video-sharing platforms…*

Being a regulation, the DSA does not require transposition, but some member states will have to make adjustments to national laws to be able to fulfil their responsibilities or bring laws in line with the Act.

3.2. Age verification measures put in place by VSPs

As elaborated above, under the revised AVMSD, member states shall ensure that VSP providers under their jurisdiction adopt measures to protect the general public and in particular minors from harmful content. Regarding the protection of minors from harmful content, they should notably establish and operate age verification systems for VSP users (Article 28b(3)(f)). To verify users' ages, VSPs use a variety of systems that can either confirm or estimate a person's age.

3.2.1. Types of age verification measures

The age verification measures differ in how and where users encounter them, and in how advanced they are. Age verification measures fall into two general categories: those based on access control and those relying on technology. Access control measures are generally absent from the leading VSPs examined by the contributing national experts. The VSPs tend to rely on a self-declaration of the user's date of birth provided during the sign-up. This method of simply asking users to provide birthdate is known as 'age gating', and as discussed in section 2.1.2 above, is not considered sufficient in many member states.

- **Access control measures:** VSPs require submission of identification documents, like an ID, passport, birth certificate, driving licence or credit card, to verify whether a user meets age criteria. Some VSPs, such as Facebook, allow optional confirmation of identity through unofficial identification documents (e.g., student card, library card, diploma). For verification purposes, certain VSPs ask users to take a 'selfie' with their ID included in the shot (e.g., OnlyFans).

[28] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act): https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065.

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- **Use of technology:** Another method of age verification uses technology (artificial intelligence and machine learning). Biometric analysis may include analysis of facial features, fingerprints and retinal patterns to estimate age.

For instance, in some member states, Instagram and Facebook users can use a video selfie for age verification, using an age estimation method which is based on Yoti's technology. Yoti employs Artificial Intelligence based on trained dataset on anonymous pictures of people to gauge age by analysing facial features. Once assessed, all images are promptly deleted to prioritise privacy. Yoti doesn't receive any additional user data. Users who want to change their age to over 18 on Instagram can use the video selfie as an alternative to uploading an ID. Also, Instagram may request users to take video selfie for age verification if they encounter issues logging in and their accounts cannot be verified. Users can use video selfie as an alternative to uploading an ID to verify age to access Facebook dating.

From the research conducted by the national experts involved in the gathering of information for this report and further desk research, it appeared that self-declaration is the method of choice for most large VSPs. The age verification methods are explained in the VSPs' community guidelines. All VSPs have functionalities for reporting underage accounts. The specific methods for age verification are explained below.

- **Official identification documents:** Official identification documents are considered to be hard identifiers. YouTube can verify the user's age by ID or credit card. However, YouTube is accessible even to those without Gmail accounts. Children use Guest mode to bypass parental controls on YouTube. OnlyFans differentiates between two categories of users, "Fans" and "Creators". It asks users to upload a combination of personally identifying information and documents, including ID or a selfie while holding ID. "Creators" are asked to provide nine pieces of personally identifying information (including a valid government photo ID, a standalone selfie and a selfie while holding their ID photo).
- **Selfie:** OnlyFans, as part of its verification process, requires users to take a photo for age verification.
- **Facial Age Estimation based on video selfie:** As explained above, users on Instagram and Facebook can use video selfie based on Yoti's technology as an age verification method.
- **Social vouching:** On Instagram, users can ask mutual friends to verify their age, however no proof apart from the friends' declaration is required. The person vouching must be at least 18 years old and meet other safeguards.
- **Other documents:** This category frequently serves as an alternative to the use of official identification documents. Instagram accepts different documents for age verification, including the combination of two documents (school ID card, contract, company loyalty card).

It is important to note that a single VSP can allow its users to verify their age through several different methods, either as a choice left to the user or depending on the specific

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request by the user that prompted the age verification (creating an account, modifying age information on a pre-existing account, accessing certain types of content, etc). In many cases also, a VSP will offer some of the age verification methods described above in certain situations, while still resorting to simple self-declaration the rest of the time. In addition, the presence of an age verification method by a VSP does not guarantee its application to all users, leading to blind spots.

Additional measures in place can be summarised as follows:

- **Restriction of users who repeatedly enter different birthdays:** Users who repeatedly try to enter different birthdays into the age screen are restricted on Facebook and Instagram. On TikTok, users are not able to create an account with different dates of birth. And on Twitch, attempting to register once while providing a date of birth indicating that the user is under 13 will result in further attempt at registering (even if changing the date of birth) on the same device being automatically denied.
- **Age verification for certain experiences and features:** When a user has added accounts to an Account Centre, they may be asked to verify their age when trying to access certain experiences and features, such as on Meta for Facebook Dating (e.g., use of video selfie for age verification). The Account Centre is a place where users can manage connected experiences across Facebook, Meta, and Instagram accounts.

Measures not relying on the user's action:

- **Use of AI to find and remove underaged accounts:** This was found to be used on Facebook and Instagram, for example. It may involve an analysis of users' behaviour on the platform to determine age.
- **Use of third-party data:** To identify the age of the user, some VSPs rely on data held by other organisations (e.g., linked email account).
- **Flagging by content reviewers:** Content reviewers on Facebook and Instagram, for instance, are trained to flag reported accounts that appear to be used by underage users.

Table 3: Types of age verification measures of large VSPs

VSP	Self-declaration	Official identification documents	Facial age estimation (Video selfie)	Social vouching	Other documents (e.g., school ID, travel pass, diploma)
YouTube		Yes			Yes

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VSP	Self-declaration	Official identification documents	Facial age estimation (Video selfie)	Social vouching	Other documents (e.g., school ID, travel pass, diploma)
Twitch	Yes				
Dailymotion	Yes				
X (Twitter)	Yes				
Facebook	Yes	Yes (optional)	Yes (optional)		Yes (optional)
Snapchat	Yes				
Instagram		Yes (optional)	Yes (optional)	Yes (optional)	Yes (optional)
TikTok	Yes				
Vimeo	Yes				
BitChute	Yes				
OnlyFans		Yes			Yes

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire

3.2.2. Small VSPs rely on self-declaration of age

Several smaller VSPs were identified in reports from national experts or the registries of national regulatory authorities. Though the sample cannot be considered exhaustive of all smaller VSPs regulated in the EU, those identified in the study typically rely on self-declaration of age. Some of the VSPs however do not ask for self-declaration of age as part of the process of registration.

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Table 4: Reliance on self-declaration of age in a selection of smaller VSPs

VSP	Member State	Self-declaration	Other type of age-verification
VBox 7	Bulgaria	Yes	No
Freevideo.cz*	Czechia	Yes	No
Pornfile.cz*	Czechia	Yes	No
Biites ApS	Denmark	Yes	No
Videa.hu	Hungary	Yes	No
Indavideo.hu	Hungary	Yes	No
Tukif*	Portugal	No	Options of using ID, a selfie or credit card.

*Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire. Platforms marked with an * are adult VSPs.*

3.2.3. Methods for parental consent

Most of the VSPs do not ask users under 18 to have parental consent in order to be registered. VSPs use the age of consent as defined by legal requirements in the member states (see subsection 3.1.2). Some countries require users to be over 13 to consent to the processing of their personal data. When parents or guardians give permission to use the service, they become subject to the terms of agreement with the platform and responsible for their child's activity on the service.

The table below illustrates the age requirements by the large VSPs that are included in the analysis and specifies if parental consent is necessary for account registration. As presented in the table, only some platforms are available to users who are children. On YouTube,[29] parents can create an account for their child without any age restriction. On the day they turn 13, children can choose whether they want to manage their own Google Account or continue to have their parents manage it for them.

Dailymotion[30] demands parental consent for users that are not allowed by law to enter into a binding contract. Parents possess the authority to revoke their child's

[29] https://support.google.com/youtube/answer/2802272
[30] https://legal.dailymotion.com/en/child-safety-policy/

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Dailymotion account if it was set up without their consent. On Vimeo, users under 16 or the applicable age are required to have parental consent. TikTok specifies that they actively check for accounts used by underage individuals and will close any account they reasonably believe is used by, or being shared with, someone underage.

Table 5: Parental consent measures on large VSPs

VSP	Age requirement	Parental consent
YouTube	13 or minimum age required by law	Yes
Twitch	13 or minimum age required by law	Yes
Dailymotion	Minimum age required by law	No
X (Twitter)	13 or minimum age required by law	Yes
Facebook	13 or minimum age required by law	No
Snapchat	13, and 18+ to have a public profile	No
Instagram	13 or minimum age required by law	No
TikTok	13 or minimum age required by law, 16 for direct messaging, 18 to live stream and interact with virtual items	No
Vimeo	16 or under the applicable age with parental consent	Yes, only for users under applicable age
BitChute	18 for registered users, and 16 to use anonymously with parental consent	No
OnlyFans	18	No

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire

Another key issue is the validation of an individual's status as the actual parent or guardian of a child.

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X (Twitter)'s policy[31] states that they will lock accounts failing to comply with their age requirements and will inform users that parental consent is necessary for reactivation. The parent/guardian is required to provide proof of identification and guardianship.

TikTok was fined by the Irish Data Protection Commission (DPC) because the Family Pairing feature did not require that an adult overseeing a child's account be verified as the child's actual parent or guardian, among others. The investigations into how TikTok and Instagram processed children's personal data are detailed below.

Investigation of TikTok's processing of children's personal data

A EUR 345 million fine was imposed on TikTok by the Irish Data Protection Commission in September 2023. The investigation[32] was conducted to assess whether TTL (TikTok) adhered to its GDPR obligations concerning the processing of children's personal data on the TikTok platform during the period from 31 July 2020 to 31 December 2020. The focus was on the platform's default public settings, 'Family Pairing' feature settings, and the age verification procedures during user registration. The DPC's decision, which was adopted on 1 September 2023, records findings of infringement of Articles 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) and 5(1)(a) GDPR. The findings of the investigations[33] can be summarised as follows:

- The profile settings for child user accounts were set to public by default, meaning that anyone could view the content posted by the child user.
- 'The Family Pairing' setting allowed a non-child user to pair their account to child user's account. This allowed the non-child user to enable direct messaging to a child user over the age of 16, posing severe potential risks to child users.
- The fact that the profile settings for child users were set to public by default also posed potential risks to children under the age of 13 who gained access to the platform.
- TikTok failed to provide sufficient transparency information to child users.
- TikTok implemented 'dark patterns' by nudging users towards choosing more privacy-intrusive options during the registration process, and when posting videos.

The decision further exercises the following corrective powers:

- A reprimand;
- An order requiring TTL to bring its processing into compliance by taking the action specified within a period of three months from the date on which the DPC's decision is notified to TTL; and
- Administrative fines totalling EUR 345 million.

Data Protection Commission's decision in the Instagram Inquiry

[31] https://help.twitter.com/en/using-x/parental-consent
[32] https://www.dataprotection.ie/en/news-media/press-releases/DPC-announces-345-million-euro-fine-of-TikTok
[33] https://edpb.europa.eu/system/files/2023-09/final_decision_tiktok_in-21-9-1_-_redacted_8_september_2023.pdf

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Instagram was fined EUR 405 million in 2022 by the Irish Data Protection Commission (DPC) for violations of the EU General Data Protection Regulation (GDPR). The inquiry[34] concerned the processing of personal data relating to child users of Instagram. It was initiated by the DPC in September 2020 in response to information provided by David Stier, a US data scientist, and also in connection with issues identified by the DPC itself, following examination of the Instagram user registration process. The inquiry examined the public disclosure of email addresses and/or phone numbers of children using the Instagram business account feature and a public-by-default setting for personal Instagram accounts of children.

By default, all accounts on Instagram, including those held by minors, were set to be public unless users altered their privacy preferences. Under the GDPR, businesses are required to adopt 'privacy by design and default' in their data handling processes. Also, teenage users aged between 13-17 were allowed to operate 'business accounts' on Instagram, which resulted in the publication of the users' phone numbers and email addresses.

The decision records findings of infringement of Articles 5(1)(a), 5(1)(c), 6(1), 12(1), 24, 25(1), 25(2) and 35(1) of the GDPR. In addition to the administrative fine, the DPC also imposed a reprimand and an order requiring Meta to bring its processing into compliance by taking a range of specified remedial actions.

3.2.4. Standards for online age verification

There are processes underway for the development of standards for online age verification:

- **European standards for online age verification.** In May 2022, the European Commission unveiled its "Strategy for a better internet for kids",[35] emphasising age verification. The Commission plans an EU code for age-appropriate design by 2024,[36] grounded in the Digital Services Act (DSA). The code will also contribute to the implementation of the AVMSD and align with the GDPR. Furthermore, it will also explore how to use the planned European Digital Identity wallet for age verification under the European Digital Identity[37] (eID) proposal.
- **International standards for age verification.** According to the Age Verification Providers Association,[38] a global trade body for independent providers[39] of privacy-protecting, standards-based and age assurance technology, age verification requires more than just checking a box or even typing a date of birth to see if someone is old enough to access an online service. PAS 1296:2018, a code of practice for online age verification service providers, developed by the British Standards Institute and the Digital Policy Alliance, is the current

[34] https://edpb.europa.eu/our-work-tools/our-documents/binding-decision-board-art-65/binding-decision-22022-dispute-arisen_en
[35] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A212%3AFIN
[36] https://digital-strategy.ec.europa.eu/en/policies/group-age-appropriate-design
[37] https://www.consilium.europa.eu/en/press/press-releases/2023/06/29/council-and-parliament-strike-a-deal-on-a-european-digital-identity-eid/#:~:text=The%20proposal%20requires%20member%20states,technical%20standards%2C%20following%20compulsory%20certification
[38] https://avpassociation.com/standards-for-age-verification/
[39] https://avpassociation.com/members/

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benchmark for age verification. Two more international standards are under development with the IEEE and ISO. Proper age verification can be carried out in a wide variety of ways, each offering a different level of confidence in the result (or "level of assurance" as it is technically termed). These levels are affected by a combination of factors explained below – accuracy, authenticity, currency, and reliability.

- **Regulatory cooperation on age verification.** Regulatory authorities responsible for VSPs in Belgium, Cyprus, France, Germany, and the UK have formed an International Working Group on Age Verification. Their cooperation outlined in an initial joint statement[40] is particularly aimed at age verification on services containing adult content (18+).

3.3. Parental control measures put in place by VSPs

Member states' obligations, under the revised AVMSD, to ensure that VSP providers under their jurisdiction adopt measures to protect the general public and in particular minors from harmful content also include providing users with parental control systems with respect to content which may impair the physical, mental or moral development of minors; (Article 28b(3)(h) AVMSD). This section presents the types of parental control systems found to be available as of September 2023 to end-users and their underlying functionalities. It relies on examining functionalities by all VSPs established in the member states. It presents mapping of platforms with and without parental control measures. It also presents different type of parental control functionalities that are available, as well as the types of tools VSPs use to better inform parents.

3.3.1. Types of parental control measures and functionalities

From the large VSPs operating in the countries reviewed and analysed by national experts , five offer parental control systems for users. Parental control features differ in robustness, range, and degree of customisation. There is also a difference in terms of whether parental control measures are introduced for children under the legal age or to teenagers. Typically, VSPs offer parental control features that connect a child's or teenager's account with that of a parent or guardian. Generally, the following differentiation can be made:

- **VSPs without parental control systems.** Some of the larger VSPs, including Twitch, X (formerly Twitter), Vimeo and Dailymotion have not incorporated parental control measures (Table 6). Vimeo,[41] intended for users under 16 or the local age of majority, provides a content filtering functionality for parents who choose to share videos with their children. Facebook[42] has parental supervision

[40] https://www.ofcom.org.uk/__data/assets/pdf_file/0022/255730/joint-statement-iwg-age-verification.pdf
[41] https://vimeo.com/help/guidelines/parentalguidelines
[42] https://about.fb.com/news/2023/06/parental-supervision-and-teen-time-management-on-metas-apps/

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tools only for Messenger, the messaging system that is both embedded with Facebook and available as a separate app. A wider range of functionalities is accessible through the Messenger Kids app.

- **VSPs with supervised accounts or dedicated apps for children.** YouTube allows parents to create supervised accounts[43] for their children under 13, or the applicable minimum age. YouTube Kids is an application and website created specifically for children. The Messenger Kids app is also part of this category.

- **VSPs with supervision of teenagers with their consent.** Some VSPs, including Instagram and Snapchat, allow optional parental supervision of teenagers. Instagram offers a supervision feature for users aged 13 to 17, which requires mutual consent from both the teenager and the parent. Parents can use certain monitoring functionalities, such as the ability to view who their teenagers are following and who is following them, as well as track the amount of time they spend on the platform. However, options for blocking and filtering content, or restricting who can contact their teens, are somewhat limited. On Snapchat,[44] teens between 13 and 18 can be subject to parental controls, but only with their consent.

The parental control functionalities of the larger VSPs, as examined in this study, fall into six categories. It is worth noting that VSPs regularly revise and introduce new functionalities.

- **Monitoring functionalities.** Parental control features in this category may allow parents to monitor their children's screen time, check their contact lists, review their privacy and safety settings, and receive alerts about any reports made. For example, Instagram's supervision features enable parents to check the accounts that their teen follows and blocks, as well as their followers. They are also able to see the teenager's privacy configurations, sensitive content setting, and group messaging options. Parents will receive notifications in their activity feed, and through push notifications if activated, if their teen changes any of the aforementioned settings.

- **Blocking or filtering content.** With these parental control tools, parents can block or filter content or contacts. YouTube allows parents to change content level settings both for YouTube supervised account and YouTube Kids. They can also turn off 'Search features' on YouTube Kids and through the YouTube supervised account. Parents of teens with supervised account can block specific channels. Ads for supervised accounts in some categories are prohibited and personalised ads are turned off. On TikTok, parents or guardians can add keyword filters for teens through 'Family Pairing controls'. Parental control functionalities on Messenger allow parents to set controls on what type of content is available to their child and restrict personal information display.

[43] https://support.google.com/youtube/answer/10314940#zippy=%2Cavailability-by-countryregion
[44] https://help.snapchat.com/hc/en-us/articles/7121384944788-What-is-Family-Center-

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Dailymotion has integrated a sensitive content filter that's activated by default for users under 18.

- **Record and rewatch content.** Another type of functionality for parents is to be able to record and rewatch content seen by their child. Parents can monitor what their child has watched on YouTube by checking the 'Watch it Again' feature and clear history.

- **Limit screen time.** Parents can also use features to set online time limits for their children. A built-in timer on YouTube kids lets parents limit screen time by sending alerts to children when it is time to stop watching and designating a switch-off time. On TikTok, accounts for users under the age of 13 are limited to 60 minutes off watch time daily. To extend by an additional half-hour, parental approval is required. TikTok offers a 'Mute notifications' setting that allows parents to set specific times when their children will not receive notifications. Instagram also allows parents to help teens set daily time limits and scheduled breaks.

- **Limit contacts and direct messaging.** On TikTok, parents can either limit the individuals who can message their teen or disable direct messaging entirely. To prioritise user safety, the VSP sets specific messaging protocols, such as permitting messaging only between approved followers and prohibiting the sharing of images or videos within messages. Facebook allows parents to block certain accounts from viewing their child's content or sending them messages as well as to limit friend requests. Parents can also control access to third-party apps and games. On Instagram, users over 19 years old are restricted to send private messages to teens who don't follow them.

- **Content ratings and restricted modes:** Parents can set controls to filter the type of content their children are exposed to. Content ratings on VSPs draws inspiration from TV and movies content rating systems. The objective is to tailor protections to the age of the child or teenager. YouTube[45] enables parents to choose between three types of content settings for their children's supervised accounts: Explore (9+); Explore more (13+) and Most of YouTube (almost everything except for videos marked as 18+). Parents can disable auto play and clear watch history. In the YouTube Kids app there are three types of content settings: preschool, younger and older. YouTube's review team also assigns age restrictions to some videos, making them inaccessible to users not logged in, users below the age of 18, or those using restricted mode. Reasons for age restriction might include coarse language, graphic visuals, implied or explicit sexual content, demonstration of unsafe behaviours, or misleadingly adult-themed content presented as family-oriented. Facebook has three categories of video content: No rating (acceptable for +13); 14+ (may include sexually suggestive dialogue, infrequent coarse and moderately crude language, intense

[45] https://support.google.com/youtube/answer/10315823?hl=en&ref_topic=10314939&sjid=2973361292342482504-EU#zippy=%2Cexplore%2Cexplore-more%2Cmost-of-youtube

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sexual situations or intense violence); 18+ content (may contain crude indecent language, frequent course language, explicit sexual dialogue and/or activity or graphic violence and/or shocking images). Dailymotion also has age restrictions that apply to content that is not suitable for all audiences.

Table 6: Types of parental control functionalities of large VSPs

VSP	Parental control system	Monitoring	Blocking or filtering	Record & rewatch content	Limit screen time	Limit contacts & direct messaging	Content ratings & restricted modes
YouTube	Yes	Yes	Yes	Yes	No	N/A	Yes
YouTube Kids	Yes	Yes	Yes	Yes	Yes	N/A	Yes
Twitch	No	N/A	N/A	N/A	No	N/A	N/A
Dailymotion	No	N/A	N/A	N/A	No	N/A	N/A
X (Twitter)	No	N/A	N/A	N/A	N/A	N/A	N/A
Facebook	Yes	Yes	No	N/A	No	No	Yes
Facebook Messenger Kids	Yes	Yes	No	N/A	Yes	Yes	N/A
Snapchat	Yes	Yes	Yes	No	No	No	No
Instagram	Yes	Yes	No	No	No	No	No
TikTok	Yes	Yes	Yes	No	Yes	Yes	No
Vimeo	No	N/A	N/A	N/A	N/A	N/A	N/A
BitChute	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OnlyFans	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire

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3.3.2. Lack of parental control systems in smaller VSPs

Large VSPs are reported by national experts to provide a uniform set of functionalities for parental control across member states. The small VSPs established in certain member states typically lack parental control systems or have measures with limited functionalities. Most of the small VSPs listed in the table below allow minors to be end-users.

Table 7: Smaller VSPs found to offer no parental control systems

VSP	Member State	End-users may be minors	Parental control systems
VBox 7	Bulgaria	Yes	No
Biites ApS	Denmark	Yes	No
Videa.hu	Hungary	Yes	No
Indavideo.hu	Hungary	Yes	No

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire. Adult VSPs established in MS are not included in this table.

3.3.3. Referral to useful sources

Large VSPs tend to present their safety policies for young users as all-encompassing, which includes finding ways to effectively inform both children or teenagers and their parents.

VSPs guide parents towards external authoritative resources and indicate that their policies for safety of children and teenagers online are designed in collaboration with external specialists in child development. The means for informing might consist of the following:

- Parental guides: including glossary of features and terms so parents could better navigate the platform, explanation of safety features,
- Videos: usually offer details on the operation of parental control systems, along with instructions for parents on how to activate them.
- Section as part of a website: usually contains tips for teens, guide for reporting safety concerns, resources for parents to talk to children about online safety.

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- Resources from partners: may include resources from localised expert partners, explanation of safety advisory boards and names of partners that offer expert guidance to parents about online safety.

3.4. Measures specific to adult VSPs

This study identified an evident lack of initiative from most pornography providers to implement measures that prevent children from accessing their services and being exposed to their content. However, since many adult VSPs also allow users to create and share content, age verification is key not only to preventing minors from accessing pornography, but also to preventing the sexual exploitation of minors.

In general, the most common age verification measure applied by adult VSPs, as reported by national experts, is self-declaration of age. Pornhub, which is used EU wide, for example, does not offer age verification safeguards. YouPorn, which is also widely available, requires users to be over 18 in its terms of service, but also relies on self-declaration of age when accessing the platform. YouPorn's terms also forbid users from interacting with any person under 18 or the applicable age of majority. The platform stipulates that verifying one's age through the submission of certain details may be necessary for both registered and unregistered users. One clear exception to the lax approach was OnlyFans, which is regulated by Ofcom in the UK.

Although OnlyFans is not a VSP exclusively dedicated to adult content, a large proportion of its content is unsuitable for minors. The regulator found that it was using third-party technology solutions provided by Yoti and Ondato to verify the age of users, with any user identified by Yoti as being under 23 years of age having to undertake identification with an ID through Ondato. Creators on the platform have to go through multiple steps to verify their age before posting to prevent child sexual exploitation.

Smaller adult VSPs that target users in some member states only also mainly rely on self-declaration of age and lack age verification systems. For example, Pornfile.cz and Freevideo.cz, established in Czechia only mandate that users certify they are over 18 and have terms that prohibit access to the platforms by anyone below the legal age. In the UK, Ofcom found five smaller adult VSPs requiring payment and relying only on their third-party billing service, and deemed them to be not compliant with its guidance.[46]

There may soon be improvements in the use of age verification by adult VSPs. At EU level, the Proposal for a Regulation laying down rules to prevent and combat child sexual abuse sets forth a requirement for services to take necessary age verification and age assessment measures to reliably identify child users on their services, so that they can take mitigation measures[47]. The proposed legislation complements the European Strategy

[46] See Ofcom's 2022 report on its first year of regulating VSPs: https://www.ofcom.org.uk/__data/assets/pdf_file/0032/245579/2022-vsp-report.pdf

[47] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A209%3AFIN

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for a Better Internet for Children, which aims to create safe digital experiences for children and to promote digital empowerment, as well as the AVMSD and the DSA. The transnational cooperation at the level of regulators and stakeholders described in section 2.2.4 may also contribute to better and more widespread implementation of adequate age verification on adult VSPs.

The German youth protection regulator KJM took action against multiple adult entertainment websites headquartered in Cyprus, ordering the implementation of age-verification systems to continue operating in Germany.

3.5. Additional rules referring especially to influencers

The study did not find evidence of age verification measures specific to influencers or parental control requirements directed at them specifically. National experts did, however, note often that there were rules for 'influencers' or 'influencer advertising' relevant to protecting minors. Some were in legislation. French laws for example, restrict influence advertising of gambling and prohibit influencers under the age of 16 themselves from advertising the high fat, sugar, salt and sweetener food and beverage for which there are specific codes of conduct for audiovisual media.[48]

Several member states regulate influencers as audiovisual media service providers when they fulfil the AVMSD conditions to be considered as such. As a result, influencers are subject to the AVMSD rules, notably on audiovisual commercial communications, protection of minors and prohibition of incitement to violence and hatred. VSPs have also certain obligations with an impact on influencers. Notably, VSPs have the obligation to provide a functionality allowing users uploading content to declare when such videos or content include audiovisual commercial communications (influencers transparency).

The national rules mentioned in this study were most often in the form of rules, guidance, or codes from the advertising standards bodies or even the consumer and markets/competition regulators. They focused on transparency, declaration of commercial content and the rules set out in Article 9(1) of the AVMSD, including those related to the protection of minors in relation to commercial communications. For example, in Belgium, the Flemish Regulator for the Media (VRM) has published a Content Creator Protocol for influencers on how to disclose commercial communication to minors, and the national level Communication Centre, the professional organisation that unites advertisers, media, communication agencies, and digital sector participants has provided considerable guidance as well. In Poland it is the Office of Consumers and Competition Protection that has been focused on ensuring appropriate labelling of commercial communications through

[48] This is through the Law N° 2023-451 on gambling commercial communication and the Law N° 2023-451 on aimed at regulating commercial influence and combating the excesses of influencers on social networks.

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guidance and education campaigns and on handling complaints about advertising of restricted goods, such as alcohol, by influencers.

National experts from several member states (see Table 8 below) pointed out that influencers could be required to register as on-demand audiovisual media services and would be regulated as such including in relation to the protection of minors. The evidence from this study indicates that this practice has expanded considerably, which will have notable implications for the protection of minors on VSPs disseminating such services. It provides another level of protection for minors and could be used as an indicator of safety integrated into parental controls or filters. The evidence shows significant variation in the criteria, categories and exceptions being adopted in the member states to determine what content providers using VSPs for dissemination are classified as on-demand services and therefore subject to regulation as second tier services. Table 8 indicates member states where the practice of designating VSP users' channels as on-demand audiovisual media services was identified by national experts or the authors of the study.

Table 8: Non-exhaustive indication of EU member states designating influencers as on-demand audiovisual media services

Practice is in place with criteria set	Plan developed but not yet adopted
AT, BE-VL, DE, ES, GR, LT, LU, NL, RO, SK	BE-FR, IT

Source: Analysis of the responses to the European Audiovisual Observatory standardised questionnaire

Among those already designating content creators on VSPs as on-demand audiovisual media services, the Netherlands stands out as having a particularly advanced approach. There are specific clear criteria for determining designation and the NICAM has developed a system called Kijkwijzer[49] that enables uploaders to complete a questionnaire and automatically get an age-rating classification for their content. Lithuania also has clearly defined conditions to designate content creators using VSPs as on-demand audiovisual media services.. As of the time of writing, 14 services had been designated. In Estonia, the Audiovisual Media Law sets out criteria for users of VSPs that must be considered "users of special relevance" and treated as on-demand audiovisual media services.

In the course of this study, Austria and Slovakia were found to have taken the approach of combining broad criteria for designating influencers as audiovisual media services with exceptions to reduce or eliminate the regulatory burden for natural persons whose use of VSPs meets those conditions. The Austrian rules exclude natural persons who present their private life without trying to influence public opinion and without generating advertising revenues from being designated, while the Slovak rules exclude natural persons from certain aspects of compliance. From a protection of minors' perspective, the Austrian case is interesting as the criteria specifically exclude gamers. Gamer channels on VSPs are

[49] https://www.kijkwijzer.nl/en/

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particularly popular with minors, are sometimes created by minors, and have been found to carry harmful content.[50]

Croatia seems to take an original approach in its Electronic Media Act in that it does not necessarily indicate that some content creators will be classified as on-demand AVMSs but it applies the same rules on the protection of minors to both VSPs and to user-generated content (UGC). This includes prohibiting harmful content and requiring measures, including age verification, on content that is likely to cause harm.

An original approach to protecting minors and (v)blogging

In France, authorities have addressed an issue related to the protection of minors that is not expressly covered (or even not intended to be covered/falling outside of the substantive scope of the AVMSD) in the AVMSD, namely the use of child 'influencers' for advertising or revenue generation by channel owners. The French Law n° 2020-1266 has ensured that minors under the age of 16 whose image is used in content in that manner enjoy the same employment law style protections as those who engage in modelling or other types of work.

As part of the implementation of this law, seven VSPs signed the *Charter to promote the information and protection of users with regard to the distribution of the image of minors on online platforms* developed by the regulator ARCOM.

[50] See e.g. Evans, R. et al (2023) A systematic review and meta-analysis of the effect of digital game-based or influencer food and non-alcoholic beverage marketing on children and adolescents: Exploring hierarchy of effects outcomes, https://doi-org.uea.idm.oclc.org/10.1111/obr.13630 and on bullying content Zhou, Y. & Farzan, R. (2021) Designing to Stop Live Streaming Cyberbullying: A case study of Twitch Live Streaming Platform: https://doi-org.uea.idm.oclc.org/10.1145/3461564.3461574

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4. Country summaries

4.1. AT – Austria[51]

4.1.1. Key findings

In Austria, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed through Article 54b of the Federal Act on Audiovisual Media Services. According to the provisions, "prohibited content" includes any content shared on VSPs which meets certain criteria for offences stipulated in the Penal code. This specifically refers to pornographic representations of minors, incitement to terrorist offences, approval of terrorist offences and incitement to hatred and violence. Also, deemed "prohibited" is hate speech against certain protected groups that does not fall under the corresponding criminal offence.

4.1.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Federal Act on Audiovisual Media Services (Article 54d) (*Audiovisuelle Mediendienste-Gesetz – AMD-G*)	(1) Prohibited content within the meaning of this section is content made available to the public on a video-sharing platform which 1. fulfils one of the following objective criteria for an offence: pornographic representations of minors (paragraph 207a Penal Code), incitement to terrorist offences and approval of terrorist offences (paragraph 282a Penal Code), hate speech (paragraph 283 Penal Code), or	Legislation

[51] The summary on Austria incorporates feedback received from Stefan Rauschenberger, Director of the Legal Department at Rundfunk und Telekom Regulierungs-GmbH (RTR-GmbH) during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	2. if not already covered by paragraph 283 of the Penal Code, incites hatred or violence against a group or a member of a group on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. (2) Harmful content is content which might seriously impair the physical, mental or moral development of minors.	

4.1.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Austria but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.1.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[52]
Amateurseite.com	Adult	Austria
sexmagazin.at	Adult	Austria

[52] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.1.5. Measures specific to adult VSPs in general

The most common age verification measures put in place by adult VSPs accessible in Austria is self-declaration of age. A few, such as OnlyFans, also require the submission of official documents, such as an ID card or a credit card scan.

4.1.6. Additional rules referring especially to influencers

In Austria, influencers are obliged to comply with commercial communication requirements for the protection of minors. Influencers on any platform can be considered as On-Demand Audiovisual Media Services (OD AVMS). However, not all influencers are OD AVMS, for example, gamers are not included in this classification due to the unique nature of their content.

In its review of the legislation following the transposition of the AVMSD, an exemption of certain types of services from the general definition of OD AVMS was introduced. To illustrate: natural persons are exempt for the purpose of presenting their private life, in particular in connection with their leisure activities or hobbies, without providing any information likely to influence the formation of public opinion, on the condition that no advertising revenue is generated. Determining whether an influencer's activity remains a hobby, particularly when there's irregular income through partnership programmes on VSPs, can still be challenging.

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4.2. BE FR – Belgium - French Community[53]

4.2.1. Key findings

Article 28b (1) of the Audiovisual media Services Directive (AVMSD) has been transposed verbatim into the legislation of the French Community of Belgium. The AVMSD provides that the specifics of its measures could be laid down in a code of conduct or an advisory committee regulation of the *Conseil Supérieur de l'Audiovisuel* (CSA). However, no such regulation or code of conduct exists at the time of writing.

The media regulatory authority for the French Community of Belgium, the CSA, participated in the International Working Group on Age Verification as an observer together with the national media regulatory authorities from Cyprus, France, Germany, and the UK.[54] The aim of the working group is to ensure that VSPs implement robust access control measures to prevent children from accessing harmful content on their services.[55]

4.2.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Decree of 4 February 2021 on audiovisual media services and video-sharing services (Article 2.5-2) (*Décret relatif aux services de medias audiovisuels et aux services de partage de vidéos*)	Article 2.5-2 paragraphs 1 and 5 subparagraphs 4 and 5 Decree 2021 Paragraph 1. All video-sharing service providers shall take appropriate measures to protect minors from programmes and user-generated videos that may impair their physical, mental or moral development, by ensuring that such content is only made available to users in such a way that minors would not normally see or hear it.	Legislation

[53] The summary on Belgium (French Community) incorporates feedback received from Geneviève Thiry, Advisor for Protection of minors and Elections, and Anahi Vila, Director of European Affairs, at the CSA during the checking round with the national regulatory authorities.
[54] https://www.ofcom.org.uk/news-centre/2023/joining-forces-to-help-protect-children-online
[55] https://www.csa.be/wp-content/uploads/2023/03/joint-statement-iwg-age-verification.pdf

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BE (FR)

Title and type of legislation	Key excerpts of legal measures	Link
	Paragraph5. … Detailed rules for the measures referred to in this article may be laid down in a code of conduct or in a regulation of the Advisory Committee of the CSA. … These shall be proportionate, taking into account the size of the video-sharing platform service and the nature of the service provided, and shall not entail *ex ante* control measures or upload-filtering of content that does not comply with Article 15 of Directive 2000/31/EC. If, following that assessment, the Licensing and Control Committee concludes that there are measures that are inappropriate, it shall invite the video-sharing service provider to adopt appropriate remedies within a specified period. In the event of failure to comply with the Licensing and Control Committee's decision, the Committee may impose one of the penalties provided for in Article 9.2.2-1.	

4.2.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of the French Community of Belgium but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

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4.2.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.2.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in the French Community of Belgium is self-declaration of age.

4.2.6. Additional rules referring especially to influencers

Article 28b of the AVMSD is applicable to publishers, including influencers, who qualify as audiovisual media services. There are no rules that apply specifically to influencers for the protection of minors. Such measures are expected to be detailed in a decree by the French Community of Belgium, which had not been adopted at the time of writing.

At the federal level in Belgium, guidelines for influencer advertising have been set forth by the Communication Centre, the professional organisation that unites advertisers, media, communication agencies, and digital sector participants in Belgium. A significant part of the Communication Centre's resources is devoted to the *Jury d'Ethique Publicitaire* (JEP),[56] a self-regulatory body of the advertising sector. In addition, the Federal Public Service Economy has published a set of best practices for advertising by content creators or influencers.[57] These guidelines are monitored by the Economic Inspectorate.

[56] https://www.jep.be/

[57] https://economie.fgov.be/fr/themes/ventes/publicite/vous-etes-createur-de-contenu

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4.3. BE VL – Belgium - Flemish Community[58]

4.3.1. Key findings

In the Flemish Community of Belgium, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed into the legislation by Article 176/4 of the Decree on Radio and Television Broadcasting. It establishes that VSPs are obliged to take appropriate measures to protect minors from programmes, user-generated content and commercial communications which could be detrimental to their physical, mental or moral development.

The Flemish Community of Belgium has developed a comprehensive set of guidelines and best practices for influencers.

4.3.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Decree on Radio and Television Broadcasting (Media Decree) (Article 176/4; Article 42, paragraph 1 Media Decree) (*Decreet betreffende radio-omroep en televisie van 27 maart 2009*)	Article 176/4 Paragraph 1. Without prejudice to the application of Articles XII.17, XII.18, XII.19 and XII.20 of the Code of Economic Law, providers of video-sharing platform services shall take the appropriate measures to: 1. protect minors from programmes, user-generated content and commercial communications which could be detrimental to their physical, mental or moral development, within the meaning of Article 42 of this Decree; ... Article 176/4 Paragraph 2. The following measures are appropriate measures as stated in paragraph 1:	Legislation

[58] The summary on Belgium (Flemish Community) incorporates the feedback received from Dirk Peereman, Registrar at the Flemish Regulatory Authority for the Media (VRM) during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	1. including the regulations stated in paragraph 1 in the terms and conditions of the video-sharing platform services and apply those regulations; 2. offering encrypted programmes, user-generated content and commercial communications that contain pornographic images or images of gratuitous violence or that are subject to effective parental control; 3. establishing and using transparent and user-friendly mechanisms that allow users of video-sharing platform services to report or flag programs, user-generated content and commercial communications offered on the video-sharing platform service to the provider of that video-sharing platform service; ... 5. establishing and operating age verification systems for users of video-sharing platforms with respect to programmes, user-generated content and commercial communications which may impair the physical, mental or moral development of minors; 6. providing for parental control systems that are under the control of the end-user with respect to programmes, user-generated content and commercial communications which may impair the physical, mental or moral development of minors; ...	

4.3.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of the Flemish Community of Belgium but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering,

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recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.3.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.3.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in the Flemish Community of Belgium is self-declaration of age. For certain adult VSPs, such as Fansly, users need to provide several photos, including with them holding ID.

4.3.6. Additional rules referring especially to influencers

The media regulatory authority of the Flemish Community of Belgium, the Flemish Regulator for the Media (VRM), has published a Content Creator Protocol (CCP) which offers guidance to user-generated video creators on how to adhere to the Flemish Media Decree. The CCP illuminates how the Media Decree's regulations apply to content creators and influencers in Flanders, concentrating on three central themes: 1) commercial communication on social media; 2) commercial communication and content targeting minors; and 3) the prohibition of hate speech and incitement to violence. The CCP outlines that commercial communications aimed at children and young people should be readily recognisable to them as such and that videos aimed specifically at children under 12 cannot contain any product placement.

Additionally, the Flemish Government has launched the Influencer FAQ as an information resource for influencers. Rather than instituting new regulations, this digital platform offers a wealth of advice, tips, and guidance for online content creators. The tool is designed to continuously expand with new subjects and pertinent information, in close collaboration with influencers themselves.

At the federal level in Belgium, guidelines for influencer advertising have been set forth by the Communication Centre, the professional organisation that unites advertisers, media, communication agencies, and digital sector participants in Belgium. A significant

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part of the Communication Centre's resources is devoted to the *Jury voor ethische praktijken inzake reclame* (Jury for Ethical Advertising Practices – JEP),[59] a self-regulatory body of the advertising sector. In addition, the Federal Public Service Economy has published a set of best practices for advertising by content creators or influencers.[60] These guidelines are monitored by the Economic Inspectorate.

[59] https://www.jep.be/
[60] https://economie.fgov.be/nl/themas/verkoop/reclame/u-bent-contentcreator

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4.4. BG – Bulgaria[61]

4.4.1. Key findings

In Bulgaria, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed in Article 19e of the bill for the amendment of the Radio and Television Act. It stipulates that, among other obligations, VSPs have to establish and operate age verification systems for users with respect to content which may impair the physical, mental or moral development of children. VSPs must also offer parental control systems with respect to such content.

Bulgaria has also established co-regulatory measures. The national media regulatory authority, the Council for Electronic Media (CEM), in collaboration with national associations and organisations, has developed a code of conduct containing measures for the assessment, flagging and restriction of access to programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development. The code of conduct has been adopted pursuant to Article 17a of the Radio and Television Act. As a form of co-regulation, it supplements existing child protection laws while aligning with the AVMSD, and applies to all media service providers, including VSPs. The code of conduct lays down measures for VSPs under the jurisdiction of Bulgaria.[62] To limit children's access to programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental, moral and/or social development, VSP providers shall draw up general terms and conditions in coordination with the CEM. The execution of the measures should be tailored to the specific type and nature of the service, ensuring they are proportionate to any potential harm that could result from the programme. Under the code, a "child" is any natural person until they reach 18 years of age. Under Bulgarian legislation, minors are considered persons under the age of 14.

The CEM can issue statements and appeals to VSPs regarding the dissemination of images and video materials online if found to be inappropriate. Recently, in a case where a video was circulated that degradingly portrayed a boy with special needs, the regulator flagged this user-generated content on platforms including YouTube, Facebook, and TikTok, as well as the media service providers listed in the CEM Public Registry. Those found to have distributed the video in violation of the Radio and Television Act will face appropriate administrative penalties.

[61] It was not possible to receive feedback on the summary concerning Bulgaria during the checking round with the national competent institutions.
[62] https://www.cem.bg/files/1677072185_code_of_conduct_01_2023_en.pdf

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4.4.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Radio and Television Act (new, SG No. 109/2020, effective 22 December 2020) (*Закон За Радиото И Телевизията*) Article 19e.	Provisions applicable to video-sharing platform services Article 19e. (new, SG No. 109/2020, effective 22 December 2020) (6) Video-sharing platform providers shall determine appropriate measures for the attainment of the purposes of this article in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the interest of the audience. ... (8) The measures referred to in paragraph (6) shall consist of, as appropriate: 1. having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know; 2. transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in paragraph (1) provided on its platform; ...	Legislation

4.4.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Bulgaria but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly

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require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

The only VSP registered under Bulgarian jurisdiction according to the VSP registry is VBox7. Users of the VBox 7 platform are bound by the code of conduct and the general terms and conditions.[63] These stipulate that VBox 7 may suspend access to content it deems contrary to Bulgarian legislation, the general terms and conditions, or third-party rights. Services to the user may be halted or altered without notice when user behaviour potentially infringes legal provisions or the rights of others. VBox 7 can also deactivate user profiles for similar violations, leading to automatic contract termination and removal of all user content from its servers. In cases of the registration of minors, the application for consent to the general terms and conditions is made by their parent or guardian.

VBox7 has the following measures in place:

- Age verification: upon registration of a minor, the same declares the consent of their parents or guardians to the general terms and conditions, and the parents or guardians of the minor user agree in advance to the general terms and conditions on behalf of the minor. In cases of the registration of a person under the age of 14, the application for consent to the general terms and conditions is made by their parent or guardian.
- Parental controls allow: the suspension of access; the stopping, limiting or changing of the service; referral of the case to the competent state authorities.

4.4.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[64]
VBOX7	Entertainment	Bulgaria

[63] https://www.vbox7.com/toc

[64] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.4.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age.

Some may require the submission of official documents, such as ID or a credit card scan. Adult VSPs like all others must comply with the requirement to agree to abide by the code of conduct of the platform and the general terms and conditions which have to be in compliance with the CEM's Code of Conduct Regarding Measures for the Assessment, Labelling and Restriction of Access to Programmes Having Adverse Effects on or Posing a Risk of Impairing Children's Physical, Mental, Moral and/or Social Development.[65]

4.4.6. Additional rules referring especially to influencers

The National Council for Self-Regulation, a non-commercial association of public utility, has published National Ethical Rules for Advertising and Commercial Communications in Bulgaria which also apply to influencers or influencers.[66] These rules are voluntary as stipulated in the code: "The code is not a legal act and does not address issues regulated by the applicable laws. Nevertheless, a fairly large overlap exists in the objectives of the regulation and self-regulation, respectively in the scope of the laws and the Ethical Code." According to the code, "special care should be taken in marketing communication directed at or featuring children or young people".

[65] https://www.cem.bg/acten/6229
[66] https://www.nss-bg.org/en/kodeks

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4.5. CY – Cyprus[67]

4.5.1. Key findings

The current legislation in Cyprus transposing the Audiovisual Media Services Directive's (AVMSD) rules on VSPs encompasses obligations outlined in Law 197(I)/2021 which amends Radio and Television Stations Law 7(I)/1998. VSPs under the jurisdiction of Cyprus are obliged to protect minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development.

As of now, the Radio and Television Act (RTA) has not enacted any specific rules, codes of conduct, or guidance. At the time of writing, the national media regulatory authority, the Cyprus Radio Television Authority (CRTA) had prepared draft regulations specific to VSPs for consultation and had been in direct communication with VSPs in their jurisdiction about taking appropriate measures.

4.5.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Radio and Television Stations Law 7(I)/1998 as amended by Law 197(I)/2021, section 32F (*Ο περί Ραδιοφωνικών και Τηλεοπτικών Οργανισμών Νόμος του 1998 (7(I)/1998)*)	(1) Without prejudice to Articles 15, 16, 17 and 18 of the Act on Certain Aspects of the Information Society Services and in particular e-Commerce and Related Matters, video-sharing platform providers under the jurisdiction of the Republic shall take appropriate measures to protect: (a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with paragraphs (1) to (4) of section 29; …	Legislation Legislation (unofficial English translation)

[67] The summary on Cyprus incorporates the feedback received from Constandia Michaelidou, Radiotelevision Legal Officer at the Cyprus Radiotelevision Authority, during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	(8) Measures listed under paragraphs (1), (3), (6) and (7) may include depending on the case, a) including and applying in the terms and conditions of the video-sharing platform services the requirements referred to in paragraph 1; b) including and applying in the terms and conditions of the video-sharing platform services the requirements set out in paragraph 1 of section 30E for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers; c) having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know; d) establishing and operating transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 provided on its platform; e) establishing and operating systems through which video-sharing platform providers explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (d); f) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors; ...	

4.5.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Cyprus but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of

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age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.5.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[68]
Faphouse	Adult	Pan-European
Pornhub	Adult	Pan-European
STRIPCHAT	Adult	Pan-European
xHamster	Adult	Pan-European

4.5.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in Cyprus is self-declaration of age.

4.5.6. Additional rules referring especially to influencers

N/A

[68] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.6. CZ – Czechia[69]

4.6.1. Key findings

In Czechia, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) has been transposed verbatim in Article 7a (1) of the Act on Video-Sharing Platform Services and on Amendments to Certain Related Acts. The national media regulatory authority, the Council for Radio and Television Broadcasting (the Council), oversees adherence to the regulations. Its child protection initiatives are showcased on the Children and the Media[70] website, which also offers a rundown of the relevant laws, examples from the Council's administrative practice, and links to relevant literature.

Act No. 110/2019 Coll., concerning personal data processing, stipulates that children may consent to the processing of their personal data in relation to information society services once they reach 15 years of age.[71] Consequently, a child below this age is not permitted to consent to data processing. Responding to this regulation, platforms like YouTube have adjusted their policies, setting the minimum age[72] for account creation at 15 for Czechia. If younger individuals wish to use these services, they need to secure the approval of a legal guardian.

4.6.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Act 242/2022 of 10 August 2022 on video-sharing platform services and amending certain related acts (the Video-Sharing Platform Services Act) Article 7 (1)	Video-sharing platform service providers shall, without prejudice to the provisions of sections 3 to 6 of the Information Society Services Act, adopt measures to protect: (a) minors from programmes, user-generated videos and commercial communications which might impair their physical, mental, or moral development; such videos, programmes and audiovisual commercial communications are only	Legislation

[69] The summary on Czechia incorporates the feedback received from the Czech Council for Radio and TV Broadcasting (RRTV).
[70] https://www.deti-a-media.cz/
[71] https://www.zakonyprolidi.cz/cs/2019-110#p7-1
[72] https://support.google.com/accounts/answer/1350409?hl=cs#zippy=%2Cevropa

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Title and type of legislation	Key excerpts of legal measures	Link
(*Zákon č. 242/2022 Sb. o službách platforem pro sdílení videonahrávek a o změně některých souvisejících zákonů*) (*Zákon o službách platforem pro sdílení videonahrávek*)	made available in such a way as to ensure that minors will not normally hear or see them; measures to protect minors include, in particular, age verification tools or other technical measures; ...	

4.6.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Czechiabut which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). A notable particularity in Czechia is that the minimum age requirement has been raised to 15 on YouTube, while it is 13 in almost all other countries featured in this report.

Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.6.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

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4.6.5. Measures specific to adult VSPs in general

The prevalent practice among adult VSPs available in Czechia is to require a self-declaration that a user is over 18 before granting access. Procedures demanding proof of age, like ID verification, are not commonplace. An illustration of this can be seen on platforms like Freevideo.cz and Pornfile.cz, where entry is contingent upon users confirming that they are over 18, that they won't share content with minors, and that they agree to certain data processing terms.

4.6.6. Additional rules referring especially to influencers

N/A

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4.7. DE – Germany[73]

4.7.1. Key findings

Key regulations pertaining to the protection of minors can be found within three main pieces of legislation: the Interstate Treaty on the Protection of Minors in the Media (JMStV), the Protection of Young Persons Act (JuSchG), and the Network Enforcement Act (NetzDG). Under the JMStV, VSPs are obliged to implement adequate measures to protect children and adolescents from content deleterious to their development irrespective of the obligations per paragraph 4 and paragraph 5. In the JMStV, a fundamental difference is made between "content harmful to minors" and "content detrimental to development". The VSPs must have age verification systems in place to ensure that “content harmful to minors”, such as pornography, is only accessible to adult users (closed user group). Furthermore, they must employ the necessary safeguards, such as parent-controlled filtering software, to prevent minors of varying age groups from encountering “content deleterious to their development”.

NetzDG is intended to provide protection for users of social media network providers in general, including minors. The providers are obliged to provide complaints procedures about illegal content and to remove such content within 24 hours after receiving a complaint. Under Article 3b, introduced with the revision of NetzDG in 2021, providers are obliged to provide an effective and transparent procedure for reviewing decisions on the removal or blocking of access to content.

More comprehensive protection of minors on VSPs is provided with the amendments to the JuSchG. As telemedia providers, VSPs are required to adopt specific preventive measures. Examples include default settings that protect minors from risks, such as disabling chat functions with other users, settings that can only be altered by parents. The law also encourages the use of easy-to-understand, child-friendly language and presentation in the terms and conditions and the setting up of a help and complaints system that is easily accessible to children. Under the act, the Federal Review Board for Media Harmful to Minors (BPjM) has as its mission the protection of children and adolescents from media content that is harmful to minors. The legislative provisions outline that VSPs must appoint a Protection of Minors Officer if their content is publicly accessible and endangers minors or their development.

According to the guidelines of the Commission for the Protection of Minors in the Media (KJM), an adult verification system has two verification levels: identification as a person of age as well as authentication with each use. The KJM takes regulatory measures against providers based in Germany to implement its guidelines. As the central supervisory

[73] The summary on Germany incorporates feedback received from Michel Winkels, European Affairs Adviser at the Media Authority of North Rhine-Westphalia (*LFM NRW*) during the checking round with the national regulatory authorities.

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board for the Internet, it decides on measures to be taken in a given case (e.g. objection, prohibition, blocking of providers, fines of up to EUR 500 000).

The Protection of Young Persons Act (JuSchG) obliges the Federal Agency for the Protection of Children and Young People in the Media (BzKJ) to keep a list of media harmful to young people. The legal enforcement of indexing websites, as stated by the JuSchG and the German Criminal Code, is not applicable to providers located abroad. As a response, the JuSchG encourages the use of user-driven filtering programs to manage these foreign websites. The Federal Review Board, in collaboration with the German Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM), established the BPjM module to handle this task. While the module is not a standalone filter program, it can be incorporated as a blacklist within user-driven filters. The board offers this module to makers of such filters. Additionally, German search engine providers, under the auspices of the FSM, have committed to blocking websites indexed by the BPjM.

The Federal Review Board's department for "Advancement of the Protection of Minors in the Media, Prevention, Public Relations" works on devising sustainable measures to address current and future challenges in safeguarding minors. This involves fostering collaboration between government, industry, and civil society, by establishing networking structures that facilitate shared responsibility.

4.7.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Act to Improve Law Enforcement in Social Networks (Network Enforcement Act – NetzDG) consolidated 3 June 2021 (Article 1 (3))	Article 1 (3) Unlawful content means content for the purposes of subparagraph 1 which fulfils the criteria laid down in paragraphs 86, 86a, 89a, 91, 100a, 111, 126, 129 to 129b, 130, 131, 140, 166, 184b, 185 to 187, 201a, 241 or 269 of the Penal Code and is not justified. ...	Legislation
Telemedia Act consolidated 1 December 2021 Article 10a and 10b	Article 10a (1) If federal or federal-state legislation makes reference to this provision, and where a corresponding obligation does not already arise from the Network Enforcement Act of 1 September 2017 [NetzDG] (BGBl. I, p. 3352), as most recently amended by Article 274 of the Regulation of 19 June 2020 (BGBl. I, p. 1328), in its latest version, video-sharing platform providers shall be required to have in place a procedure for users to electronically submit complaints (user complaints) about unlawful audiovisual content provided on the video-sharing	Legislation

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Title and type of legislation	Key excerpts of legal measures	Link
	platform service of the video-sharing platform provider. ...	
Interstate Treaty on the Protection of Minors in the Media (JMStV) consolidated 30 June 2022 Articles 4, 5, 5a, 5b and 6	Article 4 (1) Without prejudice to any liability under the German Criminal Code, content is illegal if it: 1. represents propaganda as defined in section 86 of the German Criminal Code whose content is directed against the liberal democratic basic order or the principles of international understanding; 2. uses the insignia of organisations that are prohibited under the German Constitution within the meaning of section 86a of the German Criminal Code; ...	Legislation
Protection of Young Persons Act (JuSchG)	Section 4 paragraph 17 Competent federal authority and management (1) The Federal Inspectorate for Media Harmful to Young Persons, as an independent higher federal authority, is responsible for carrying out the tasks that are carried out under federal administration in accordance with this act; ... Section 17a Tasks (1) The Federal Agency maintains a review body for media harmful to young people, which decides whether media are to be included in the list of media harmful to young people in accordance with Article 18 and whether they are deleted from this list. ...	Legislation

4.7.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Germany but that can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting

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time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.7.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.7.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in Germany is self-declaration of age. Cases were found of adult VSPs that did not even require self-declaration of age for registration.

4.7.6. Additional rules referring especially to influencers

German legislation does not specifically define influencers. Instead, it focuses on the nature of the content they produce. The regulations a provider needs to adhere to depend on how the audiovisual communication is distributed. As such, individuals known as influencers could be classified as providers of audiovisual media services based on their content and its distribution. This legal perspective means that influencers are regulated under the same laws as traditional media and media service providers. Depending on the services provided, influencers may have different legal obligations.

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4.8. DK – Denmark[74]

4.8.1. Key findings

The obligations regarding the protection of minors, as outlined in Article 28b (1) of the Audiovisual Media Services Directive (AVMSD), were integrated into Danish legislation via the Danish Radio and Television Broadcasting Act, Order No. 1158 of 18 June 2020 on video-sharing platform services and Order No. 978 of 18 June 2020 on the Media Council for Children and Young People and age rating of audiovisual content.

According to the national media regulatory authority, the Agency for Culture and Palaces, only one VSP, Biites,[75] is registered and falls under Danish jurisdiction. Biites has no age verification measures, nor any age requirements. The service's ethical guidelines and conditions provide users with a detailed list of prohibited content, which covers a wide variety of themes. It results in making virtually all types of content not suitable for minors prohibited on the platform.

4.8.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
The Radio and Television Broadcasting Act – consolidated 4 September 2020 – section 51b (2) paragraph 2 (*LBK nr 1350 af 04/09/2020 - Lov om radio- og fjer*)	The Minister for Culture shall lay down rules requiring providers of video-sharing platform services subject to the provisions of section 51a(1) to take appropriate measures to protect minors from harmful content. In this connection, the minister shall lay down rules prohibiting the personal data of minors collected or otherwise generated by providers of video-sharing platforms from being processed for commercial purposes.	Legislation
Order No. 1158 of 18 June 2020 on video-	Section 11 (1) Video-sharing platform service providers, cf. section 8(1), shall take appropriate measures to protect minors from programmes,	Legislation

[74] The summary on Denmark incorporates feedback received from Søren F. Jensen, Senior Legal Advisor at the Radio and Television Board (*Radio og tv-nævnet*) during the checking round with the national regulatory authorities.

[75] http://www.biites.dk/

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Title and type of legislation	Key excerpts of legal measures	Link
sharing platform services (sections 11 (1) and 12)	user-generated videos, advertising, sponsorship and product placement that may impair their physical, mental or moral development. Section 12 (1) Measures under section 11 shall include, as appropriate: 1) inclusion and application of the requirements relating to harmful or illegal content as referred to in section 11 of the video-sharing platform services' general conditions for use of the service; 2) establishment and maintenance of transparent and user-friendly mechanisms that users of a video-sharing platform service can use to report to the platform provider content as referred to in section 11 provided on its platform; ...	

4.8.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Denmark but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

At the time of writing, there was one VSP, Biites, under the jurisdiction of Denmark. It provides the following:

- Age verification: no age verification measures nor any age requirements.
- Parental control: Biites does not appear to offer any sort of parental control measures. Users do not need an account in order to watch the content on Biites.

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Biites' ethical guidelines and conditions[76] include a list of prohibited content which includes images, text or talk about illegal products, hate, violence, weapons, pyramid games, religious content, discrimination, tobacco products, drugs, unsafe food supplements and adult products/services including nudity and sex.

Although no age verification and parental control measures are in place on Biites, the ethical guidelines underline Biites' focus on content that is suitable for minors.

4.8.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[77]
www.biites.dk	Generalist	Denmark, Sweden, Norway, United Kingdom, Germany, Netherlands

4.8.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age. Some, such as OnlyFans, require the submission of official documents, such as ID or a credit card scan.

4.8.6. Additional rules referring especially to influencers

The Danish Consumer Ombudsman has published guidance on the prohibition of surreptitious advertising on social media, including advice for influencers on surreptitious advertising. The information is also relevant for influencers. Complaints about surreptitious advertising can be filed with the Danish Consumer Ombudsman. If necessary, the Ombudsman can report any violations of the Danish Marketing Act to the police. It's likely that following the Consumer Ombudsman's guidelines would ensure compliance, but the final decision on advertisement compliance rests with the Danish courts.

[76] https://biites.com/ethical-guidelines-and-conditions/

[77] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.9. EE – Estonia[78]

4.9.1. Key findings

In Estonia, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) is transposed in Media Services Act, which governs the protection of minors on VSPs. There are no additional rules, codes of conduct, or specific guidelines in place for these services. Furthermore, no VSPs have been established in Estonia, implying that VSPs operating in the country fall under the jurisdiction of another member state.

Regarding age restrictions, in Estonia, the minimum age to independently manage an account is 13 years old. Once a child reaches the country's minimum age, they are permitted to manage their own account.

4.9.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Media Services Act (MSA), paragraph 19[1]	Paragraph 19[1]. Protection of minors and ensuring morality and legality on video-sharing platforms. (1) The video-sharing platform operator prescribes in the terms of use of the service that on the video-sharing platform it is prohibited to transmit any programmes, user-generated videos or commercial communications which: 1) incite hatred, violence or discrimination on the grounds of any group identity, including nationality, sex, race, colour, ethnic or social origin, genetic characteristics, language, religion, political beliefs, belonging to a national minority, financial status, birth, disability, age or sexual orientation, where it poses a threat to the life, health or property of a person; 2) incite violation of the law, or	Legislation https://www.riigiteataja.ee/en/eli/ee/514062022001/consolide/current

[78] The summary on Estonia incorporates the feedback received from Peeter Sookruus, advisor to the Information Society Division at the Consumer Protection and Technical Regulatory Authority during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	3) depict child pornography. ... (4) If the operator of a video-sharing platform is aware of a programme, user-generated video or commercial communication specified in subsection 1 of this section, they shall immediately remove the programme, video or commercial communication from the video-sharing platform or block access thereto. (5) If the video-sharing platform operator is aware of a programme, user-generated video or commercial communication that may impair the physical, mental or moral development of minors, the operator shall immediately add a warning and symbol pursuant to subsection 2 of this section to the programme, video or commercial communication in the absence thereof or ensure that this programme, video or commercial communication is received by means of personal identification codes or other appropriate technical solutions only in a manner that would not normally be accessible to a minor. ...	

4.9.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Estonia but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

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4.9.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.9.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in Estonia is self-declaration of age. OnlyFans was identified as one that requires submission of official documents, such as ID or a credit card scan.

4.9.6. Additional rules referring especially to influencers

There are no specific rules on influencers set out in law, however, the Consumer Protection and Technical Regulatory Authority has guidelines for advertising on social media that are aimed at influencers and note the restrictions on advertising alcoholic beverages and tobacco products among other rules.[79]

[79] https://www.ttja.ee/en/business-client/consumer-topics/consumer-protection-requirements/advertising#advertising-on-socia

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4.10. ES – Spain[80]

4.10.1. Key findings

In Spain, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) has been transposed verbatim into the legislation. VSP providers are required to protect minors from programmes, user-generated videos and audiovisual commercial communications that may harm their physical, mental, or moral development.

In December 2023, the Spanish National Markets and Competition Commission (CNMC) has published a public consultation on criteria for ensuring that VSPs age verification measures are adequate. The main objective is to receive stakeholders' opinion on age verification mechanisms and measures for protection of minors from harmful content.[81]

Initiatives are underway to develop technology solutions for verifying users' age to protect children from exposure to harmful content.[82] The proposed technology solution, which is expected to be operational in middle of 2024, will require from users to verify their age through identification documents, health residence cards, driver's licenses, or passports. The technology has been developed by the Spanish Royal Mint, following a set of guiding principles by the National Data Protection Agency.[83]

4.10.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Law 13/2022 of 7 July, General Law on Audiovisual Communication was notified to the	Article 86 Video-sharing platform service providers shall guarantee compliance with the principles set out in Articles 4, 6, 10, 12, 14 and 15 and in Article 7(1) in respect of content distributed via their services	Legislation

[80] The summary on Spain incorporates feedback received from Pedro Domingo Martín Contreras, Senior Legal Advisor at the Directorate of Telecommunications and Audiovisual at the National Commission of Markets and Competition (*Comisión nacional de los mercados y la competencia*, CNMC), during the checking round with the national regulatory authorities.

[81] https://www.boe.es/buscar/act.php?id=BOE-A-2022-11311&p=20220708&tn=1

[82] https://www.aepd.es/prensa-y-comunicacion/notas-de-prensa/aepd-presenta-sistema-verificacion-edad-para-proteger-a-menores-de-edad

[83] AEPD (2023). Age Verification and Protection of Minors from Inappropriate Content. https://www.aepd.es/guias/decalogo-principios-verificacion-edad-proteccion-menores.pdf

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Title and type of legislation	Key excerpts of legal measures	Link
Commission (Articles 86 and 88.a)	and in compliance with the obligations laid down in this title. Article 88 The providers of VSP services will adopt measures to protect minors from programmes, user-generated videos and audiovisual commercial communications that may harm their physical, mental or moral development. Audiovisual media service providers will provide sufficient information to the viewers about the programmes. For this purpose, the providers will use a system of descriptors adopted by means of a co-regulation agreement. ...	

4.10.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Spain but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

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4.10.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[84]
Mtmad	Generalist	Spain

4.10.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in Spain is self-declaration of age. However, in July 2023 the national media regulatory authority, *Comisión nacional de los mercados y la competencia* (CNMC), issued a decision in relation to pornography themed VSPs operated by TECHPUMP S.L. stating that self-declaration is not sufficient for limiting access to minors.[85] Some do require registration using a credit card, which can provide some additional evidence of age.

4.10.6. Additional rules referring especially to influencers

In terms of special regulations for the protection of minors related to influencers, no additional rules were in place at the time of the national expert's verification. However, Article 94 of the Spanish Audiovisual Law sets out criteria for users of VSPs that must be considered "users of special relevance" and as such are required to register as audiovisual media services. Therefore, significant influencers may be regulated as audiovisual media services. The Ministry of Economic Affairs and Digital Transformation has drafted a specific decree that obliges influencers to register in the General Registry of Audiovisual Media Service providers.[86] According to the text, influencers will be obliged to protect minors, but no rules were yet in force at the time of writing.

[84] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.
[85] The CNMC in its Decision of 27 July 2023 (REQ/DTSA/002/23/TECHPUMP).
[86] https://www.cnmc.es/sites/default/files/4628780.pdf

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4.11. FI – Finland[87]

4.11.1. Key findings

In Finland, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) is transposed by the Act on Audiovisual Programmes (710/2011). Under it, VSP providers are obliged to take appropriate measures to protect children from detrimental audiovisual programmes. The measures must be proportionate to the nature of the audiovisual programmes in question and the potential detriment caused by the programmes, taking into account the size of the VSP and the nature of the service provided. The measures must not lead to *ex-ante* control measures or upload-filtering of content.

4.11.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Kuvaohjelmalaki (710/2011), Act on Audiovisual Programmes (sections 7a and 15)	Section 7a (30.12.2020/1209) Protecting children from detrimental audiovisual programmes on video-sharing platform services. The video-sharing platform provider shall take appropriate measures to protect children against images that may be detrimental to a child's development. The measures shall be proportionate to the nature and potential harm of the video-sharing programmes concerned, taking into account the size of the video-sharing platform service and the nature of the service provided. The measures shall not result in the advance inspection of the content or filtering when uploading content. Section 15	Legislation

[87] The summary on Finland incorporates feedback received from Erika Lauri, senior officer at the National Audiovisual Institute, during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	Audiovisual programmes detrimental to the development of children. An audiovisual programme is considered detrimental to the development of children if the programme, by virtue of its violent or sexual content or its properties causing anxiety or any other comparable features, is likely to detrimentally affect children's development. When assessing the detrimental nature of an audiovisual programme, the context and manner in which the programme's events are described must be taken into consideration. ...	

4.11.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Finland but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.11.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

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4.11.5. Measures specific to adult VSPs in general

At the time of the national expert's verification, most adult VSPs accessible in Finland only require self-declaration of age.

4.11.6. Additional rules referring especially to influencers

There are no special regulations and normal consumer protections apply also to influencers. However, the Consumer Ombudsman has recently emphasised the need for greater recognisability of advertising, with a clear note at the start of the video, especially in adverts aimed at minors.

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4.12. FR – France[88]

4.12.1. Key findings

In France Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed in Ordinance No. 2020-1642 of 21 December 2020. Under the legal provisions, the Audiovisual and Digital Communication Regulatory Authority (Arcom) has to ensure that VSP providers take appropriate measures, including age verification and parental control systems, complaint resolution procedures and media education measures. At the time of the national expert's verification, more specific enforcement rules regarding VSPs and the protection of minors were not yet in place. Guidelines that would clarify what constitutes the "practicable and appropriate measures" as stated in Article 60 of the amended 1986 Audiovisual Law, are expected from Arcom.

In addition to the direct transposition of the AVMSD, the French legislator has also enhanced its legal framework regarding the protection of minors. Therefore, there are some national laws which do not constitute a transposition of the directive but are nonetheless relevant to achieving its policy aims in this area.

Law No. 2020-936 of 30 July 2020 strengthened the French Penal Code making potential exposure of pornographic material to a minor an offence. The updated Penal Code dictates that the simple presence of a checkbox asserting one's legal age is no longer a sufficient safeguard to absolve VSP providers of this offence. The President of Arcom can now issue a formal notice to any provider of pornographic videos, instructing the provider to implement protection measures. If no action is taken, the President of Arcom can refer the matter to the President of the *Tribunal judiciaire de Paris* with the request that it should order Internet access providers to block access to the service; (s)he may also request that the service be removed from search engines or online directories. At the time of writing, proceedings were still pending in several instances in which the President of the *Tribunal judiciaire de Paris* was petitioned by the President of Arcom following unheeded formal notices by five of the main pornographic sites available in France.

Concurrently, the French Government is drafting a piece of legislation – a bill on the security and regulation of the digital space[89] – aimed at outlining the verification processes that platforms must establish to confirm the age of users accessing pornographic sites. If the law is adopted as it stands at the time of writing, it would provide Arcom with

[88] The summary on France incorporates the feedback received from the French Regulatory Authority for Audiovisual and Digital Communication (Arcom), during the checking round with the national regulatory authorities.

[89] https://www.legifrance.gouv.fr/dossierlegislatif/JORFDOLE000047533100/

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the power to impose penalties and to order Internet access providers, among other technical intermediaries, to block non-compliant services.

In addition, pursuant to Law No. 2020-1266 of 19 October 2020, Arcom is responsible for encouraging the adoption, by VSPs, of charters on information and awareness raising among users regarding images of minors on their services, reporting content that would undermine the dignity or moral or physical integrity of children under 16 years of age, and the protection of minors' privacy. In 2022, seven platforms (Tiktok, Snapchat, Dailymotion, Yubo, YouTube, Facebook and Instagram) ratified the Charter to promote the information and protection of users with regard to the dissemination of images of minors on online platforms, under the auspices of Arcom.[90]

Among the other relevant laws is Law No. 2022-300 of 2 March 2022, which is directed at device manufacturers and provides several measures to make it easier for parents to use parental control systems.[91] Another is Law No. 2023-451 of 9 June 2023, which specifically addresses gambling-related commercial communications provided by "influencers" on online social networks. Finally, Law No. 2023-566 of 7 July 2023 obliges social networks to require parental authorisation to register users that are under 15 years of age and to seek *ex-post* authorisation from the parents of minors already registered. The definition of social networks in the law, which is aligned with that in the Digital Markets Act, indicates that many VSPs would be in scope.

4.12.2. National transposition of Article 28b (1) AVMSD and legal dispositions governing VSPs and the protection of minors[92]

Title and type of legislation	Key excerpts of legal measures	Link
30 September 1986 Audiovisual Law (Article 60, II, 2 and 3) (*Loi n° 86-1067 du 30 septembre 1986 relative à*	II. – In accordance with the conditions defined by the Audiovisual and Digital Communication Regulatory Authority, the measures, which must be practicable and appropriate as referred to in subparagraphs 1 and 2 of paragraph I, shall, as the case may be, consist in particular in: …	Legislation

[90] https://www.arcom.fr/nos-ressources/espace-juridique/textes-juridiques/charte-studer
[91] https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000046254262 and https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047816345.
[92] In the case of France several other legal acts are in place that contribute to achieving the policy aims of Article 28b of the AVMSD and therefore these have been listed here.

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Title and type of legislation	Key excerpts of legal measures	Link
la liberté de communication (*Loi Léotard*))	2. Making content classification and notification mechanisms available to users; 3. Putting in place age verification and parental control systems.	
Decree No. 2021-1922 of 30 December 2021 implementing Article 60 of Law No. 86-1067 of 30 September 1986 on freedom of communication and establishing the general principles for audiovisual commercial communications provided on video-sharing platforms	Articles 1 to 7 of the decree define the ethical rules for audiovisual commercial communications on video-sharing platforms and provide definitions.	Legislation
Law No. 2023-566 of 7 July 2023 aiming to establish a digital majority and to fight against online hatred (Articles 6 and 7) (*Loi n° 2023-566 du 7 juillet 2023 visant à instaurer une majorité numérique et à lutter contre la haine en ligne*)	Online social network service providers operating in France will refuse registration to their services of minors under the age of 15, unless authorisation for such registration is given by one of the holders of parental authority over the minor. They must also collect, under the same conditions and as soon as possible, the express authorisation of one of the holders of parental authority relating to accounts already created and held by minors under the age of 15. During registration, these companies provide information to users under the age of 15 and to holders of parental authority on the risks associated with digital use and the means of prevention. One of the holders of parental authority may ask online social network service providers to suspend the account of a 15-year-old minor. ...	Legislation
Penal Code Amended by Law No. 2021-1539 of 30 November 2021 Article 40	The manufacture, transport or dissemination by any means whatsoever and irrespective of the medium of a message of a violent nature, inciting to terrorism, of a pornographic nature, including pornographic images involving one or more animals, or of a nature seriously prejudicial to	Legislation

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Title and type of legislation	Key excerpts of legal measures	Link
(Article 227-24) (*Code pénal*)	human dignity or likely to incite minors to engage in games that physically endanger them, or trading in such a message, shall be punishable by three years' imprisonment and a fine of EUR 75 000 where the message is likely to be seen or perceived by a minor. ...	
Law No. 2020-936 of 30 July 2020 aimed at protecting victims of domestic violence (Articles 22 and 23) (*Loi n° 2020-936 du 30 juillet 2020 visant à protéger les victimes de violences conjugales*)	Article 22 A new paragraph is added to Article 227-24 of the Criminal Code: The offences provided for in this article shall be constituted even if access by a minor to the messages mentioned in the first paragraph is the result of a simple declaration by the minor indicating that he or she is at least 18 years old. ...	Legislation
Decree No. 2021-1306 of 7 October 2021 on procedures for implementing measures to prevent minors accessing sites with pornographic content (Articles 1-6) (*Décret n° 2021-1306 du 7 octobre 2021 relatif aux modalités de mise œuvre des mesures visant à protéger les mineurs contre l'accès à des sites diffusant un contenu pornographique*)	Article 3 In order to assess, pursuant to the first paragraph of Article 23 of the aforementioned Act of 30 July 2020, whether the person whose activity is to publish an online public communication service allows minors to access pornographic content in breach of Article 227-24 of the Criminal Code, the President of the *Conseil Supérieur de l'Audiovisuel* (now Arcom) shall take into account the level of reliability of the technical process put in place by this person in order to ensure that users wishing to access the service are of legal age. ...	Legislation

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4.12.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of France but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

Dailymotion is a VSP registered in France and therefore is regulated there as its country of origin. Dailymotion employs a basic content filtering mechanism, accessible via a button on its homepage. The control can be activated or deactivated with a simple click, providing no substantial barrier. Despite the stipulation in Dailymotion's terms of use that forbids access to those under the age of 13, there is no practical age verification process in place to enforce this restriction.

4.12.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[93]
Dailymotion	Generalist	Pan-European

4.12.5. Measures specific to adult VSPs in general

The Penal Code now provides that the mere presence of a checkbox indicating that one is of legal age is no longer sufficient to prevent site managers from being guilty of the offence of potentially exposing pornographic material to a minor.[94] In 2021 Arcom launched a

[93] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.
[94] Article 227-24 of the Penal Code:
https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409165?isSuggest=true
Decree No. 2021-1306 of 7 October 2021 relating to the procedures for implementing measures aimed at protecting minors against access to sites disseminating pornographic content:

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blocking request which targets Pornhub, XVideos, XHamster, Xnxx and Tukif. The *Tribunal judiciaire de Paris* recently decided to postpone its decision on the blocking of these platforms, deferring its decision pending the examination by the Council of State of the appeals against the implementing decree mentioned above which specifies the implementation modalities of the new procedure involving the President of Arcom. Therefore, for the moment, no site has been blocked by the court. The French Parliament is currently discussing a bill to secure and regulate the digital space. Among the numerous provisions of this bill – most of which are the result of the DSA – the first articles are aimed at requiring that platforms develop systems to verify the age of people who consult pornographic sites.

4.12.6. Additional rules referring especially to influencers

The aforementioned Law No. 2023-451 of 9 June 2023 includes provisions specifically addressing the protection of minors against inappropriate content by prohibiting their exposure to gambling commercial communications when provided by influencers on online social networks.

The law[95] also aims to protect children who are directly impacted by commercial influencing activities. It broadens the scope of the French law enacted on 19 October 2020, which seeks to regulate the commercial use of images featuring children under the age of 16 online, by extending the obligations to online platforms whereas the 2020 law only targeted VSPs. This law imposes labour law protections – such as administrative authorisation, medical certification, and maximum working hour limits – on any parent or agent aiming to profit from a child's image. The legislation prohibits children under the age of 16 from promoting drinks or manufactured food products that have added sugars, salt, or synthetic sweeteners, or have a fat content that exceeds a certain threshold.

https://www.legifrance.gouv.fr/loda/id/JORFTEXT000044173388?init=true&page=1&query=2021-1306&searchField=ALL&tab_selection=all

[95] https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047663185

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4.13. GR – Greece[96]

4.13.1. Key findings

In Greece, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) is transposed by Law 4779/2021.To ensure the protection of minors, VSP providers in Greece are required to draw up terms and conditions in alignment with the provisions of its Articles 32(1) and 14(1) and must also establish and operate age verification systems. They are also required to develop easy-to-use systems allowing users to rate the content and easy-to-use mechanisms allowing users to report or flag harmful content, while providing transparency on how these actions are processed. Additionally, the introduction of parental control systems is mandatory. VSPs are also required to set up procedures to resolve disputes arising from user complaints and offer effective media literacy measures to help users navigate and understand the online environment.

4.13.2. National transposition of Article 28b (1) AVMSD

Title, type of the legislation	Key excerpts of legal measures	Link
Law 4779 of 20 February 2021 (Article 32 paragraphs 1 and 5)	Paragraph 1. Without prejudice to Articles 11 to 14 of Presidential Decree 131/2003 (Government Gazette, Series I, No. 116), video-sharing platforms under the jurisdiction of Greece shall take measures to protect: (a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 9(1); Paragraph 5. To comply with paragraphs 1 and 2, video-sharing platforms under the jurisdiction of Greece shall take appropriate measures in each case, which shall be defined depending on the type of content	Legislation

[96] The summary on Greece incorporates the feedback received from Persa Lambropoulou, legal advisor at the National Council for Radio and Television (NCRT), during the checking round with the national regulatory authorities.

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Title, type of the legislation	Key excerpts of legal measures	Link
	concerned, the damage likely to be caused by that content, the characteristics of the group of persons that need to be protected, as well as the rights and legitimate interests at stake, including the interests of the video-sharing platform providers and of the users having created or uploaded the content, as well as the general public interest. Article 32 paragraph 6. For the purposes of the protection of minors, as provided for in point (a) of paragraph 1, the most harmful content shall be subject to the strictest access control measures. Those measures shall consist of, as appropriate:[97] (a) laying down terms and conditions of use of the platform relating to fulfilling the requirements set out in paragraph 1, as well as methods for the mandatory application of these terms and conditions; (b) laying down terms and conditions of use of the platform relating to fulfilling the requirements set out in Article 14(1) for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers, as well as methods for the mandatory application of these terms and conditions; (c) having a functionality for users who upload videos generated by them or others to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know; ...	

[97] Due to a technical (legal) error, it seems that the measures provided in Article 32 under paragraph 6 refer only to the protection of minors. However, as is evidenced from the text of the provisions, which reflect the general measures foreseen in the AVMSD, these measures describe the obligations of VSPs in general, including those related to the protection of minors. This issue has been flagged by the national media regulatory authority (NCRT) to the competent ministry with a request to correct it by inserting a number to begin a new article.

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4.13.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Greece but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.13.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.13.5. Measures specific to adult VSPs in general

Most adult VSPs accessible in Greece only require the user to confirm that they are above 18 years of age.

4.13.6. Additional rules referring especially to influencers

No specific rules that apply to influencers can be identified within the legal framework of Greece. However, a recent initiative, outlined in Regulatory Decision 1/2022 by the nation media regulatory authority (NCRT) and launched in July, aims to document all existing audiovisual services. This initiative includes influencers and is a step toward understanding and potentially formalising their role in the media landscape. In addition, the NCRT is cooperating with the associations of advertisers and advertising agencies and Greece's Self-Regulation Council (SEE) to form a commonly accepted framework of rules for the supervision and voluntary compliance of those active in influencer marketing.

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4.14. HR – Croatia[98]

4.14.1. Key findings

In Croatia, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) were transposed verbatim in Article 96(1) of the Electronic Media Act. Further obligations for VSPs are stipulated in the Ordinance on the Protection of Minors in the Electronic Media (Article 16).

In particular, VSPs that are under the jurisdiction of Croatia are obliged to take appropriate measures regarding the protection of minors from user-generated programmes and audiovisual commercial communications that could seriously harm or are likely to harm their physical, mental or moral development.

Regarding content deemed unsuitable for individuals under 18, which includes material that could significantly harm their physical, mental, or moral development, such as violence or pornography, VSP providers are required to establish and apply a user age verification system or other technical measure to ensure that minors will not have access to such content.

4.14.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Electronic Media Act (Article 24(2) and (3))	Article 24(2) and (3) of the Electronic Media Act that also pertains to VSPs and user-generated content (UGC) according to Article 96(1) of the same act: (2) Audiovisual media services, radio programmes, and electronic publications that could seriously harm the physical, mental, or moral development of minors are not allowed, especially those that involve gratuitous violence. (3) Audiovisual media services and radio programmes that are likely to harm the physical, mental, or moral development of minors are not	Legislation

[98] The summary on Croatia incorporates feedback received from Sanja Pančić, advisor to the Director for International Cooperation and Public Relations, at the Agency for Electronic Media (AEM) during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	allowed to be published, except when the media service provider has ensured, through the choice of broadcasting time, age verification tools, or any other technical measure, that minors in the transmission area will not normally hear or see them. ...	
Ordinance on the Protection of Minors in the Electronic Media (NN, 106/2022) (Article 16)	(2) Media content of category "18" referred to in Article 8 of this Ordinance, and content that can seriously harm the physical, mental or moral development of minors, such as gratuitous violence and pornography, are subject to the strictest access control measures. The service provider of the video-sharing platform is obliged to establish and apply a user age verification system or other technical measure to ensure that minors in the transmission area will not normally hear or view such content.	Legislation

4.14.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Croatia but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). However, in Croatia, this age limit is increased to 16. This specific age requirement results from Croatia's application of the General Data Protection Regulation 2016/579. According to Croatia's Law on Implementation of General Data Protection Regulation (NN 42/2018), individuals under the age of 16 cannot provide valid consent for the processing of their personal data by information society services.

Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this

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report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.14.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.14.5. Measures specific to adult VSPs in general

At the time of the national expert's verification, most adult VSPs accessible in Croatia only require self-declaration of age. Some platforms simply require an email address for registration.

4.14.6. Additional rules referring especially to influencers

Article 24(2) and (3) of the Electronic Media Act, which also pertains to VSPs and UGC according to Article 96(1) of the same act, stipulates that:

(2) Audiovisual media services, radio programmes, and electronic publications that could seriously harm the physical, mental, or moral development of minors are not allowed, especially those that involve gratuitous violence.

(3) Audiovisual media services and radio programmes that are likely to harm the physical, mental, or moral development of minors are not allowed to be published, except when the media service provider has ensured, through the choice of broadcasting time, age verification tools, or any other technical measure, that minors in the transmission area will not normally hear or see them. If audiovisual commercial communications related to gambling and audiovisual media services and radio programmes are broadcast in unencrypted form, the media service provider is obliged to ensure that they are preceded by an audio warning or can be recognised by visual symbols for the entire duration of their broadcast.

With regards to self-regulatory acts, the Code of Conduct for advertising and market communications of the Croatian Association of Communications Agencies (HURA) also applies to influencers and contains detailed rules on marketing aimed at minors in Article 18, with which influencers must comply.

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4.15. HU – Hungary[99]

4.15.1. Key findings

In Hungary, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed by Act XXIV of 2020 amending e-Commerce Act CVIII of 2001. According to the legal provisions, VSP providers are required to adopt sufficient measures and effective technological solutions to protect users, including minors, from user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development. The legislation delineates the circumstances that require VSP providers to implement technical safeguards and outlines the comprehensive scope these measures should address. The act underscores the importance of effective age monitoring and parental supervision, as stipulated in the AVMSD. In addition, Article 15/G of the act mandates the obligation to provide information and to maintain a complaints procedure.

In Hungary, the national media regulatory authority, the Media Council, has disseminated a compilation[100] of potentially useful parental tools and filtering software for the benefit of VSP users in the country.

4.15.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Act XXIV of 2020 amending e-Commerce Act CVIII 2001 implements the Directive's rules on video-sharing platforms (Article 15/D. paragraph (1) points a) and c); Article 15/F. paragraphs (1) - (3))	Article 15/D. paragraph (1) In order to protect users of the service, a video-sharing platform provider shall implement the measures and technological solutions provided for in section 15/F where (a) any programme or user-generated video provided to the general public by the video-sharing platform provider, commercial communications marketed, sold or arranged by the video-sharing platform provider or others (content) is likely to impair the physical, mental, spiritual or moral development of minors;	Legislation

[99] It was not possible to receive feedback on the summary concerning Hungary during the checking round with the national competent institutions.

[100] https://nmhh.hu/dokumentum/173242/szuroszoftverek.pdf

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Title and type of legislation	Key excerpts of legal measures	Link
	... (c) the content may constitute a crime or solicitation to commit a crime, in particular if it is likely to solicit other persons to commit a terrorist act, incite against a community, openly deny crimes committed by national socialist or communist regimes, and/or it may constitute the sharing, distribution or transmission of child pornography content; Article 15/F. paragraph (1) A video-sharing platform provider shall adopt sufficient measures and effective technological solutions in order to ensure compliance with the requirements under Article 15/D(1). (2) With a view to enforcing the requirement set out in Article 15/D(1)(a), the video-sharing platform provider shall have in place effective age verification and parental control systems that are under the control of the users. (3) With regard to paragraph (2), an age verification and parental control system shall be considered effective if it is actually capable of ensuring compliance with the requirements set out in Article 15/D(1)(a) by verifying the real age of service users, ensuring in particular that minors are unable, under normal circumstances, to hear or see any harmful content.	

4.15.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Hungary but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be

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over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

There are two VSPs under Hungarian jurisdiction: Videa.hu and Indavideo.hu. According to the terms and conditions of Videa.hu,[101] users who are under the age of 18 need permission from a parent or other legal representative to use the service. By allowing their child to use the service, the parent or other legal representative of a user under the age of 18 will also be subject to the terms of the contract and is responsible for the child's activities in the service. Users under the age of 16 can only use the VideaKid website intended for children, with the permission of a parent or other legal representative. The provider can remove videos in cases of violation of the platform's terms and conditions. Users are allowed to upload videos with pornographic content only to the "adult" category.

Users of Indavideo.hu[102] under the age of 18 require approval from a parent or legal guardian. The platform's terms and conditions advise that it is primarily intended for viewers aged 14 and above. Moreover, it states that it does not provide age classification of content and cannot reliably assess the content of the uploaded videos, which is why the terms and conditions indicate that unsupervised video browsing for children is not recommended.

4.15.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[103]
Autósvideók	Lifestyle/Leisure/Health/Travel	Hungary
FreeYork Videótár (VSP)	Film and TV fiction	Hungary
Indavideó (VSP)	Other/Not identified	Hungary
Jegy.hu online események	Music	Hungary
Videa	Generalist	Hungary
Videakid	Children	Hungary
Videok.hu	Generalist	Hungary

4.15.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age, including in the "adult" section on Videa.hu. The Media Council does not have any

[101] https://videa.reblog.hu/cimke/%C3%81SZF
[102] https://indavideo.hu/termsofuse
[103] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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adult-only services registered with it, as most seem to be established in other countries or to operate in Hungary illegally.

4.15.6. Additional rules referring especially to influencers

N/A

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4.16. IE – Ireland[104]

4.16.1. Key findings

In Ireland, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was partially transposed into Irish law through the Online Safety and Media Regulation Act (the OSMR Act), effecting changes in the Broadcasting Act 2009. The jurisdiction of Ireland covers major VSPs offering services in Europe, including YouTube and Facebook, making its regulatory role particularly important for the implementation of the AVMSD.

Under the provisions of the OSMR Act, the national media regulatory authority, the Broadcasting Authority of Ireland (BAI) was replaced by the *Coimisiún na Meán* (CnaM). The CnaM is mandated to oversee a broader spectrum of services, including VSP providers. The act is centrally focused on instituting a regulatory landscape to enhance online safety.

According to the OSMR Act, the CnaM is tasked with developing regulatory online safety codes that will lay down the obligations for VSP providers under the jurisdiction of Ireland. These codes will clarify the primary duties for designated providers that fall within the scope of a particular code. The CnaM is endowed with enforcement powers to ensure compliance with online safety codes. Furthermore, the act stipulates that the CnaM has the authority to issue a content limitation notice to designated online services to remove, disable, or restrict access to harmful online content. The act also delineates categories of harmful online content and defines what constitutes age-inappropriate content.

Specific rules, or guidelines are yet to be formulated. VSPs established in Ireland are expected to become subject to a first binding online safety code which will be adopted by the CnaM. As per the CnaM's work plan, a VSP register should be published in the fourth quarter of the same year. The CnaM has initiated a call for input[105] on the development of online safety codes tailored for VSP services. In its request for consultations, the CnaM collected views on matters like age verification and age assurance features, content rating measures, and parental control mechanisms. When creating an online safety code, the CnaM will also establish which online service providers are subject to the code. In the input for the development of the Online Safety Code for VSPs, the Ombudsman for Children's Office encouraged the CnaM to "seriously consider grounding Ireland's first online safety code in cross-cutting, rights-based principles, which incorporate core child rights principles".[106]

[104] The summary on Ireland incorporates the feedback received from Stephanie Comey, Director of Media Development at the Coimisiún na Meán (the Media Commission), during the checking round with the national regulatory authorities.

[105] https://www.cnam.ie/wp-content/uploads/2023/07/20230724_CallForInputs_Update_vFinal-1.pdf

[106] https://www.oco.ie/library/oco-submission-to-coimisiun-na-mean/

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The CnaM intends to establish a Youth Advisory Committee tasked to advise the CnaM on its online safety work related to the interests of children and people who are 25 years old and younger.

4.16.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Online Safety and Media Regulation Act 2022	Designation of online services 139E. (1) The Commission may designate a relevant online service as a service to which online safety codes may be applied under Chapter 3. (2) A designation under this section may be made in relation to a named service, or in relation to all services falling within a category of services described in the designation (and a service may be designated both as a named service and as falling within a category). ... 139G. (1) The Commission shall designate as a category of services under section 139E the video-sharing platform services the provider of which is under the jurisdiction of the State. (2) The Commission shall designate as a named service under section 139E any relevant online service that appears to the Commission to be a video-sharing platform service the provider of which is under the jurisdiction of the State. ... Chapter 3 Online safety codes 139K. (1) The Commission may make codes (online safety codes), to be applied to designated online services in accordance with section 139L. (2) An online safety code may make provision with a view to ensuring— (a) that service providers take appropriate measures to minimise the availability of harmful online content and risks arising from the availability of and exposure to such content, ...	Legislation

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4.16.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, including those under Ireland's jurisdiction, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

The CnaM, in exercise of the powers and duties conferred on it by section 139E and section 139G of the Broadcasting Act 2009, as amended by the OSMR Act, has designated VSP services under Ireland's jurisdiction as a category of relevant online services to which online safety codes may be applied. The designation process of some of the VSPs featured in this report was still ongoing at the time of writing.

In Ireland, under GDPR regulations, the age of digital consent is 16, as implemented by the Data Protection Bill.

4.16.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[107]
Facebook	Generalist	Pan-European
Instagram	Generalist	Pan-European
TikTok (EEA + CH)	Entertainment	Pan-European
YouTube	Generalist	Pan-European

4.16.5. Measures specific to adult VSPs in general

In general, the most common age verification measure applied by adult VSPs is self-declaration of age.

[107] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.16.6. Additional rules referring especially to influencers

Measures regarding commercial communications for online services are expected to be stipulated in online safety codes, as is foreseen in the OSMR Act amending the Broadcasting Act, in order for the AVMSD to be fully transposed.

The Executive of the Advertising Standards Authority for Ireland (ASAI) has issued a Guidance Notice[108] concerning affiliate or advertorial ads shared by influencers on social media. The lack of transparency in influencer marketing was a concern for 51% of Irish consumers, according to a 2021 survey by the ASAI.[109]

[108] https://www.asai.ie/wp-content/uploads/ASAI-Guidance-Note-Recognisability-of-Influencer-Marketing-Communications-Feb-21.pdf

[109] https://www.asai.ie/press-releases/over-half-51-of-people-in-ireland-say-they-are-concerned-by-a-lack-of-transparency-in-influencer-marketing-according-to-research-conducted-by-the-advertising-standards-authority-for-ireland/

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4.17. IT – Italy[110]

4.17.1. Key findings

In Italy, Article 28b (1) of the Audiovisual Media Services Directive has been transposed in the consolidated text on audiovisual media services which translates verbatim the related provisions set out under the AVMSD.

The national legislator, in implementing Article 28a of the AVMS Directive, introduced new powers to the national media regulatory authority (*Autorità per le garanzie nelle comunicazioni* – AGCOM), in Article 41 of the consolidated text on audiovisual media services, including the authority to issue regulations on VSPs with the aim of protecting the rights of users.

In April 2023, AGCOM published Resolution No. 76/23/CONS,[111] launching a public consultation on the draft regulation on programmes, user-generated videos, or audiovisual commercial communications conveyed by VSPs established in another member state, but targeting the Italian public.

The regulation provides for the removal of audiovisual content broadcast on a VSP for the following purposes: the protection of minors; the fight against incitement to racial, sexual, religious or ethnic hatred, as well as against the violation of human dignity; consumer protection, including the protection of investors. In cases of significant and imminent harm, AGCOM can require the platform provider to promptly remove the harmful content. In other cases, AGCOM may ask the national media regulatory authority in a provider's country of origin to take measures. The regulation also provides for anyone with an interest to report violations directly to AGCOM and for AGCOM to act *ex officio*, also with the support of the core of the Finance Police and the Postal Police.

In addition to these legislative and regulatory steps directly involved in the transposition, the Italian legislator has also adopted Legislative Decree No. 28 of 30 April 2020, entitled "Systems for the protection of minors from the risks of cyberspace". This introduced important provisions relating to parental control and age verification on electronic communications services, requiring such controls and filters to be pre-activated and well-advertised. AGCOM has followed this up with guidelines for service operators.

[110] The summary on Italy incorporates the feedback received from Francesco di Giorgi, Digital Services Directorate, Agcom (*Autorità per le garanzie nelle comunicazioni*) during the checking round with the national regulatory authorities.

[111] https://www.agcom.it/documents/10179/29792795/Delibera+76-23-CONS/06b585f0-b187-460f-a009-0930a541d9eb?version=1.0

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4.17.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Consolidated text on audiovisual media services (Article 42(1) (a) - (c) Article 42(6) - (7) (a)-(l))	Article 42(1) (a) - (c) Without prejudice to Articles 14 to 17 of Legislative Decree No. 70 of 9 April 2003, video-sharing platform providers under Italian jurisdiction must take appropriate measures to protect: (a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 38(3) [AVMS Code]; Article 42(6) - (7) (a)-(l) Paragraph 6: For the purposes of the protection of minors, provided for in point (a) of paragraph 1, the most harmful content shall be subject to the strictest access control measures. Paragraph 7: Video-sharing platform providers shall in any case be obliged to: (f) provide for age verification systems, ensuring compliance with personal data protection law, for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors; (g) provide for easy-to-use systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1; (h) provide for parental control systems that are under the control of the end-user with respect to content which may impair the physical, mental or moral development of minors;	Legislation

4.17.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Italy but which can be accessed within the territory, have imposed a

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minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.17.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.17.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in Italy is self-declaration of age. Other means were not identified.

4.17.6. Additional rules referring especially to influencers

On 21 July 2023, AGCOM launched with Resolution No. 178/23/CNOS a public consultation on the measures to be adopted to ensure compliance by influencers with the provisions of the consolidated text on audiovisual media services. AGCOM intends to provide for differentiated measures against influencers based on their success. In a first category, AGCOM intends to include influencers who offer audiovisual content on a continuous basis, with a method of offering and organising them such as to make them superimposable on the catalogue of an on-demand media service (for example, YouTube channels). Those in this category would be regulated as on-demand audiovisual media services with obligations including compliance with European works quotas, registration in the register of operators (ROC), and obtaining a general authorisation to carry out the activity (SCIA).

The second category would include influencers that operate in a less continuous and structured manner, to whom, on the other hand, the application of the overall legal regime envisaged for on-demand audiovisual media services does not appear justified.

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4.18. LT – Lithuania[112]

4.18.1. Key findings

Lithuania has transposed Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) with the Law on the Provision of Information to the Public of the Republic of Lithuania (consolidated 12 May 2022). As per Article 40 4(1), the provisions of the AVMSD are directly incorporated into Lithuanian legislation. Following the transposition of the AVMSD into Lithuanian law, the national media regulatory authority, the Radio and TV Commission (RTCL), formulated guidelines for VSPs with regard to the protection of minors. These guidelines indicate that service providers are subject to the protective measures stated in the Law on the Provision of Information to the Public and the Law on the Protection of Minors from the Negative Effects of Public Information.

RTCL has obliged VSPs to select and apply codes of conduct based on the Decision on the Approval of the Procedure for Determining the Effectiveness of Codes of Conduct (the Decision). VSP providers are obligated to share their codes of conduct with the Commission, as directed by the Decision. The Decision also elaborates the procedure for determining the effectiveness of codes of conduct (ethics). If the Commission determines that a code of ethics is ineffective, it will notify the provider, highlighting specific shortcomings and setting a deadline for correction. If the provider fails to address these issues within the given timeframe, the Commission will set mandatory requirements to ensure compliance.

The Commission is tasked with ensuring that audiovisual service providers comply with established rules and requirements. Violations may result in fines or reprimands. In 2022, the Commission identified four breaches of the Law on the Protection of Minors against the Detrimental Effect of Public Information.

Another regulatory entity, the Communications Regulatory Authority, which is responsible for electronic communications services, facilitates a hotline for reporting content that is injurious to minors and disseminates a list of filtering software and guidelines for promoting safe online media consumption.

[112] The summary on Lithuania incorporates feedback received from Nerijus Maliukevičius, market research analyst at the Radio and Television Commission of Lithuania (RTCL), during the checking round with the national regulatory authorities.

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4.18.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
The Law on the Provision of Information to the Public	Article 40-4(1) 1. Video-sharing platform providers shall be required: 1) to take the measures laid down in paragraph 2 of this Article and in the Law on the Protection of Minors against the Detrimental Effect of Public Information to protect minors from programmes, user-generated videos and audiovisual commercial communications which disseminate information detrimental to minors; 2) to take the measures laid down in paragraph 2 of this Article to protect society from programmes, user-generated videos and audiovisual commercial communications which disseminate the information referred to in Article 19(1), subparagraphs 1 to 4, of this law; 3) to comply with the requirements of Article 39 of this law with regard to audiovisual commercial communications commissioned by video-sharing platform providers themselves or disseminated at their initiative, and to take appropriate measures as regards compliance with the requirements of this article in respect of audiovisual commercial communications which are not marketed, sold or arranged by video-sharing platform providers; ...	Legislation

4.18.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Lithuania but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). One must be 14 years of age or older in Lithuania to have control over a personal Google Account, which is necessary to sign up on YouTube.

Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

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4.18.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.18.5. Measures specific to adult VSPs in general

The Law on the Protection of Minors against the Detrimental Effect of Public Information obliges VSP providers to index their content depending on children's ages:

- Content must be marked with the index "S" when information has a negative impact on minors and therefore it can only be disseminated between 11 p.m. and 6 a.m.;
- Content must be marked with the index "N-14" when information has a negative impact on minors under 14 years of age and it can only be disseminated from 9 p.m. to 6 a.m.;
- Content must be marked with the index "N-7" when the information has a negative impact on minors under seven years of age.

In general, the most common age verification measure applied by adult VSPs accessible in Lithuania is self-declaration of age.

4.18.6. Additional rules referring especially to influencers

RTCL published guidelines regarding qualifying and requirements applicable to audiovisual media service providers, who provide the services using a video-sharing platform. The guidelines define the conditions under which influencers may be considered as on-demand audiovisual media service providers. It is mandatory for those audiovisual media service providers to submit written notification to the Commission detailing the services they provide and to fulfil specific legal criteria. Currently, about 14 influencers have provided notification to the RTCL and are registered as audiovisual media service providers.

The Communication Regulation Authority released the guidelines for industry on child online protection in 2022, a framework developed by the International Telecommunication Union and UNICEF for industries engaged in developing, providing, or utilising information and communication technologies in their products and services.

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4.19. LU – Luxembourg[113]

4.19.1. Key findings

In Luxembourg, aside from the provisions encompassed in the AVMSD and implemented via the Law on Electronic Media of 27 July 1991, no additional regulations or protective measures exist. However, the national media regulatory authority, the Luxembourg Independent Audiovisual Authority (ALIA), is in the process of developing guidelines specifically designed for VSPs. These are expected to be finalised and implemented over the course of 2023.

Under the 1991 Law on Electronic Media, which has been amended several times (most recently in December 2022), VSP providers under the jurisdiction of Luxembourg are required to take appropriate measures to protect minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development.

4.19.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Law on Electronic Media of 27 July 1991 (Article 27 and Article 28) (*Loi du 27 juillet 1991 sur les médias électroniques*)	Article 27 ter 1) and 2) (1) Programmes offered by audiovisual media service providers which may impair the physical, mental or moral development of minors shall only be made available to the public in such a way as to ensure that minors will not normally hear or see them. (2) A Grand-Ducal regulation shall set out the measures to be taken by audiovisual media service providers such that minors will not normally hear or see such programmes. Those measures shall include selecting the time of broadcast, age verification tools or other technical measures.	Legislation

[113] The summary on Luxembourg incorporates feedback received from the Department of Media, Telecommunications and Digital Policy (Ministry of State) and the Luxembourg Independent Media Authority (ALIA) during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	They shall be proportionate to the potential harm of the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures. Article 28 septies 1) point a) Without prejudice to Articles 60 to 63 of the amended E-Commerce Act of 14 August 2000, video-sharing platform providers under Luxembourg jurisdiction shall take appropriate measures to protect: a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 27b (1) and (2) Article 28 septies 3) points a), d), e), f), g), h) and i): For the purposes of paragraphs 1 and 2 (i.e. the protection of minors and the general public), the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the general public interest. ... d) establishing and operating transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 provided on its platform; e) establishing and operating systems through which video-sharing platform providers explain to users of video-sharing platforms what effect has	

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Title and type of legislation	Key excerpts of legal measures	Link
	been given to the reporting and flagging referred to in point d; f) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors; g) establishing and operating easy-to-use systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1; ...	

4.19.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Luxembourg but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute(18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.19.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[114]
Cameraboys.com	Adult	Pan-European
Joyourself.com	Adult	Pan-European
Livejasmin	Adult	Pan-European
liveprivates.com	Adult	Pan-European

[114] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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Name of service	Genre	Targeted countries[114]
livesexasian.com	Adult	Pan-European
lsawards.com	Adult	Pan-European
maturescam.com	Adult	Pan-European
mycams.com	Adult	Pan-European
Mytrannycams.com	Adult	Pan-European
Porndoelive.lsl.com	Adult	Pan-European
Pornhdlive.com	Adult	Pan-European

4.19.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in the country is self-declaration of age.

At the time of the national expert's verification, the list of VSPs under the jurisdiction of ALIA consists solely of adult VSPs, all of which are owned by the same company. Although various types of parental control measures can be observed, the self-declaration systems were not considered adequate by ALIA, which began a dialogue with the VSP provider to enhance the effectiveness of their age verification systems.

4.19.6. Additional rules referring especially to influencers

Influencers meeting the criteria of audiovisual media services can be designated by ALIA as OD AVMS[115] after an assessment made on a case-by-case basis.

[115] https://alia.public.lu/wp-content/uploads/2023/07/20230706_Alia_RapportAnnuel_Contenu_EN_v06.pdf

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4.20. LV – Latvia[116]

4.20.1. Key findings

In Latvia, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) has been transposed in Article 23 of the Electronic Mass Media Law.

As mandated by Latvian legislation, VSP providers are required to implement appropriate measures to safeguard minors from content that could potentially harm their physical, mental, or moral growth. According to the legal provisions, VSP providers are obliged to develop a publicly available code of conduct where they indicate the basic principles of operation, the accepted conditions of ethical activity, regulations regarding inappropriate audio and audiovisual commercial communications, including those which target minors and which may negatively affect their psychological or physical development.

4.20.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Electronic Mass Media Law, Article 23 (1) and (3) (*Elektronisko plašsaziņas līdzekļu likums*)	(1) The providers of a video-sharing platform service shall take appropriate measures in order to protect the public from such broadcasts and user-generated videos and audiovisual commercial communications: 1) the content of which may impair the physical, mental or moral development of minors; 2) the content of which may endanger the general public and which contain incitement to violence and hatred directed against a person or a group of persons based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union or Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;	Legislation

[116] The summary on Latvia incorporates the feedback received from Māra Madara Lūse, Head of the International Cooperation and Analytics Division at the National Electronic Mass Media Council, during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	3) the distribution of the content of which is a criminal offence (public glorification and justification of terrorism, public provocation to terrorism, distribution of material containing glorification or justification of terrorism or threat of terrorism if there are grounds for believing that terrorism could be committed, or the demonstration of such a pornographic performance or handling of material of a pornographic nature containing child pornography, public provocation to genocide, public glorification of genocide, crimes against humanity, crimes against peace and war crimes or glorification, denial, acquittal or gross trivialisation of committed genocide, crimes against humanity, crimes against peace or a war crime and acts directed towards triggering national, ethnic, racial or religious hatred or enmity). ... (3) The providers of a video-sharing platform service shall develop a publicly available code of conduct where they indicate the basic principles of operation, the accepted conditions of ethical activity, regulations regarding inappropriate audio and audiovisual commercial communications, including those the target audience of which are minors and which may negatively affect the psychological or physical development of minors. The code of conduct shall also include regulations which apply to audio and audiovisual commercial communications included within broadcasts intended for children, and also before and after such broadcasts, of foods and beverages containing nutrients and substances with a certain nutritional or physiological effect, in particular, such substances as fat, fatty acids, salt or sodium and sugars the excessive intake of which is not recommended in the overall diet. The providers of a video-sharing platform service shall publish the code of conduct on their website.	

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4.20.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Latvia but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.20.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.20.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age, though some require the submission of official documents, such as ID or a credit card scan.

4.20.6. Additional rules referring especially to influencers

N/A

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4.21. MT – Malta[117]

4.21.1. Key findings

In Malta, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed into the Broadcasting Act 350 (consolidated 7 December 2020). According to Article 16S (1), the AVMSD provisions are transposed verbatim into the legislation of Malta. The Code for the Protection of Minors is outlined in Subsidiary Legislation 350.05. This code sets out several criteria with the aim of safeguarding minors. For instance, *paragraph 3 states that:*

> *Broadcasts shall not include any programmes which might seriously impair the physical, mental or moral development of minors, and in particular they shall not include programmes that involve pornography or gratuitous violence.*

4.21.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Broadcasting Act 350	Broadcasting Act 350 (consolidated 7 December 2020) Article 16S (1) Without prejudice to Articles 19, 20, 21 and 22 of the Electronic Commerce Act and Articles 12 to 15 of Directive 2000/31/EC, video-sharing platform providers under the jurisdiction of Malta shall take the necessary measures to protect: (a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 16JA; (b) the general public from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds	Legislation

[117] The summary on Malta incorporates feedback received from Dr. Joanna Spiteri, Chief Executive of the Maltese Broadcasting Authority, during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	referred to in Article 21 of the Charter of Fundamental Rights of the European Union; ...	

4.21.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Malta but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.21.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.21.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age. Some, such as OnlyFans, require the submission of official documents, such as ID or a credit card scan.

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4.21.6. Additional rules referring especially to influencers

N/A

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4.22. NL – Netherlands[118]

4.22.1. Key findings

In the Netherlands, Article 28b(1) of the Audiovisual Media Services Directive (AVMSD) was transposed with an amendment to the Media Act. VSP providers are required to have a code of conduct prescribing measures as referred to in Article 28b(1) and the second and fourth subparagraphs of Article 28b(2) of the AVMSD and apply that code to their platform. The national media regulatory authority, *Commissariaat voor de Media* (CvdM), is tasked with overseeing the development, content, and application of this code as per Article 7.11 of the same Media Act, which provides the legal framework for the CvdM's exercise of its authority. At the time of writing, there seem to be no VSPs that come under the purview of Dutch jurisdiction.

4.22.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Media Act 2008, Article 3a.3 *(Mediawet 2008)*	Article 3a.3 Media Act 2008: 1. Video-sharing platform providers shall have a code of conduct prescribing measures as referred to in Article 28b(1) and the second and fourth subparagraphs of Article 28b(2) of the EU Directive and shall apply that code and those measures to their platform. 2. Accordingly, the code of conduct referred to in the first paragraph shall include, as appropriate, the measures referred to in Article 28b(3) of the EU Directive. 3. The code of conduct referred to in the first paragraph shall set out clear and unambiguous objectives and shall provide for:	Legislation

[118] The summary on the Netherlands incorporates feedback received from Marcel Betzel, Policy Advisor at the *Commissariaat voor de Media*, during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	(a) regular, transparent and independent monitoring and evaluation of the extent to which the objectives are being achieved; and (b) effective enforcement, including effective and proportionate penalties. 4. Video-sharing platform providers shall ensure that the code of conduct has sufficient support among key stakeholders.	

4.22.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of the Netherlands but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.22.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.22.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in the country is self-declaration of age.

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4.22.6. Additional rules referring especially to influencers

The legal provisions transposing the AVMSD do not explicitly mention influencers, social media influencers or YouTube channels. However, the explanatory note accompanying the legislation does specifically address channels that are active on VSPs:

> *Video platform services are services that provide programmes and user-generated videos to the general public without any editorial responsibility for them. However, the VSP provider determines the organisation of the platform, for example by means of automatic means or algorithms, in particular by displaying, tagging and ranking. These services have become increasingly important in the viewing behaviour of mainly young people in recent years. The fact that a platform is referred to as a video platform service does not yet provide an opinion about the services that are active on that platform. For example, it is possible that on a video platform service certain channels are active that can be qualified as an on-demand media service. These on-demand media services must comply with the rules applicable to them from the Media Act 2008. They remain editorially responsible for their media offering, even if it is distributed via a video platform service.*

Article 4.1 of the Media Act 2008 obliges audiovisual media service providers (both linear and on-demand) to use the classification of content under the Kijkwijzer system.[119] The Netherlands Institute for the Classification of Audiovisual Media (NICAM), a self-regulatory body, has developed a new Kijkwijzer system for potentially harmful content on VSPs. A questionnaire[120] is used that asks about potentially harmful content. Uploaders complete the questionnaire about their video and then automatically receive a ranking result. The starting point is that the questionnaire is short and easy to complete, without compromising the validity and reliability of the classifications.

Article 4.1a (2) of the Media Act states that the media service provider is responsible for making the most harmful content inaccessible for people under the age of 16, such as gratuitous violence and pornography. A media service provider that uses a VSP for distribution needs to meet the requirements of Article 4.1 and 4.1a and, therefore, of NICAM.

Influencers are commercial media institutions which, through a third-party video platform service, provide audiovisual media content for which they (the video uploaders) bear editorial responsibility.

On the basis of the policy rules of the CvdM,[121] content creators that are active through VSPs are governed by the notification duty referred to in Article 3.29b(1) of the act only when:

[119] https://zoek.officielebekendmakingen.nl/stcrt-2022-12438.html

[120] https://nicam.nl/uploader/#:~:text=K%20ijkwijzer%20waarschuwt%20voor%20mogelijk,te%20passen%20op%20hun%20content

[121] https://www.cvdm.nl/wp-content/uploads/2020/10/2011-Policy-rules-on-the-classification-of-on-demand-commercial-media-services.pdf

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1) there is an account on YouTube, Instagram or TikTok,

2) at least one of those accounts has 500 000 followers or more,

3) at least 24 videos were posted on that account in the last 12 months,

4) an economic advantage is gained with the creation and/or publication of the videos,

5) the company is registered at the Chamber of Commerce.

If a (v)blogger qualifies as an on-demand commercial media institution, the general rules for on-demand commercial media services apply. However, the CvdM currently only actively supervises rules on commercial communication and provisions for the protection of minors, including rules on harmful content and the classification of content.

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4.23. PL – Poland[122]

4.23.1. Key findings

Poland's regulations for protecting minors from harmful content on VSPs are grounded in an established system that has regulated broadcasters. While this system is recognised and understood by media service consumers, due to its complexity, its application necessitates significant awareness-raising among VSP providers and content uploaders. Additionally, these measures, much like many other aspects of Polish media law, are entirely legislative, with no self-regulation or co-regulation elements.

The Broadcasting Act has undergone revisions to assimilate the AVMSD provisions. These amendments compel VSP providers to adopt appropriate measures to prohibit content potentially harmful to the physical, mental, or moral development of minors. This includes pornographic content or displays of gratuitous violence, which must be barred using effective technical safeguards. The act also requires the National Broadcasting Council to issue regulations regarding the conditions for rating and labelling programmes, user-generated content and other communications disseminated through VSPs as well as graphic symbols that may be used for such purposes. Such conditions for rating and labelling programmes have been specified in the regulation of the National Broadcasting Council of 13 April 2022. VSP providers are expected to classify broadcasts, user-created videos and other content into the appropriate age categories listed in the regulation. Users need to have the possibility to mark uploaded content with a visible symbol or graphic indicating the rating of the content within a given age category. VSP providers have to inform users on rules regarding the conditions for rating and labelling content.

4.23.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
The Broadcasting Act as amended in 2021 by the act implementing	Article 47o paragraph 1, subparagraph 1, of the Broadcasting Act in conjunction with paragraph 2:	Legislation

[122] The summary on Poland incorporates feedback from Albert Woźniak, Expert from the Department of Strategy of the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji – KRRiT*) during the checking round with national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
Directive 2018/1808, the Act of 11 August 2021 amending the Broadcasting Act and the Cinematography Act, Official Journal 1676. (Article 47o paragraph 1, subparagraph 1, paragraph 2 and 47p paragraph 1) *(Ustawa o radiofonii i telewizji)*	It shall be prohibited to upload to video-sharing platforms programmes, user-generated videos or other communications: 1) prejudicial to the proper physical, mental or moral development of minors, in particular including pornographic content or showing gratuitous violence without the use of effective technical safeguards as referred to in Article 47p(1); 2. Video-sharing platform providers shall take measures to prevent content as referred to in paragraph 1 being made available. Article 47p paragraph 1 of the Broadcasting Act: 1. Video-sharing platform providers shall: 1) establish and operate effective technical safeguards, including parental control systems or other appropriate means of protecting minors from accessing programmes, user-generated videos or other communications prejudicial to the proper physical, mental or moral development of minors, in particular including pornographic content or showing gratuitous violence; 2) enable video-sharing platform users to rate the programmes, user-generated videos or other communications as referred to in Article 47o(1)(1) which they upload, and to implement technical safeguards as referred to in subparagraph 1 in respect of the programmes, user-generated videos or other communications they upload.	
Regulation of the National Broadcasting Council of 13 April 2022 on the rating and labelling on video-sharing platforms of programmes, user-generated videos and other broadcasts that	Paragraph 1. The regulation determines: 1) the features of, and detailed terms for, the rating and labelling of the programmes, user-generated videos and other broadcasts referred to in Article 47p(1)(2) of the Broadcasting Act of 29 December 1992, hereinafter "the Act";	Regulation

Title and type of legislation	Key excerpts of legal measures	Link
may have a negative impact on the development of minors in the individual age categories (*Rozporządzenie Krajowej Rady Radiofonii i Telewizji*)	2) the graphic symbols for indicating, on video-sharing platforms, the rating of programmes, user-generated videos and other broadcasts as being suitable for a given age category. Paragraph 2. 1. The following age categories are established: 1) category I – no age restrictions; 2) category II – for minors aged over 12; 3) category III – for minors aged over 16; 4) category IV – for persons aged over 18. 2. Video-sharing platform providers shall make it possible for video-sharing platform users to rate programmes, user-generated videos and other broadcasts as being suitable for the appropriate age category, applying the criteria laid down in Annex 1 to this Regulation.	

4.23.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Poland but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

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4.23.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[123]
BanBye	Entertainment	Poland
Cda.pl	Entertainment	Poland
Demotywatory.pl	Entertainment	Poland
Hopaj.pl	Entertainment	Poland
Hrabi.tv	Entertainment	Poland
JBZD	Entertainment	Poland
Joemonster.org	Entertainment	Poland
Kawusia.pl	Entertainment	Poland
Kwejk	Entertainment	Poland
Mklr.pl	Entertainment	Poland
SADISTIC	Entertainment	Poland
Vider.info	Other/Not identified	Poland
Vider.love	Other/Not identified	Poland
Wgrane.pl	Generalist	Poland
WIOCHA.PL	Entertainment	Poland
Zaq2.pl	Entertainment	Poland

4.23.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in the country is self-declaration of age.

4.23.6. Additional rules referring especially to influencers

In terms of the protection of minors, Polish media law does not contain specific provisions targeting influencers. The current regulatory focus, primarily driven by the Office of Competition and Consumer Protection, concentrates on ensuring appropriate labelling of commercial communications by influencers and dealing with violations related to advertising restrictions (such as those pertaining to alcohol). While these proceedings rely more on unfair competition regulations than on media law, awareness-building campaigns also form part of the strategy. If an influencer's content poses potential harm to minors – for example, through the dissemination of harmful material referred to as "patostreaming" – the primary legal framework is within the scope of criminal law. This encompasses legislation against the propagation of pornography, incitement of hate or discrimination, and the humiliation of minors or seniors, among other things.

[123] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.24. PT – Portugal[124]

4.24.1. Key findings

In Portugal, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) has been transposed with amendments into the Television Law. VSPs are legally required to safeguard children and young people from user-generated content and audiovisual commercial communications that could negatively affect their physical, mental, or moral development. In addition to this, VSPs should include in their terms and conditions that users must respect these regulations and disclose any commercial communications in their videos. As per Article 69-C, to ensure compliance, VSPs should adopt certain compulsory functionalities like terms of use, commercial communication declarations, age verification systems, and parental control options.

The national media regulatory authority, the Regulatory Authority for the Media (ERC), is tasked with evaluating the effectiveness of these measures and promoting self- and co-regulatory mechanisms. The 2021 regulatory report[125] indicated that the challenges presented by the Television Act regarding VSP regulation prompted the creation of an internal working group, aiming to examine specific issues related to platform regulation.

4.24.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Television Law No. 27/2007 of 30 July (Article 69-B, added by Law No. 74/2020 of 19 November)	Article 69-B, number 1 VSPs shall ensure that audiovisual commercial communications marketed, sold or organised by them are easily recognisable as such and that they are not: j) likely to cause physical, mental or moral harm to children and young people, namely:	Legislation

[124] The summary on Portugal incorporates feedback received from Joana Duarte, expert of the Surpervision Department of the Portuguese Regulatory Authority for the Media (ERC), during the checking round with the national regulatory authorities.

[125] https://www.erc.pt/download.php?fd=12855&l=pt&key=bc4ddcc6d69ae573d5f148d6c3659094

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Title and type of legislation	Key excerpts of legal measures	Link
	i) directly encouraging them to buy or rent products or services, taking advantage of their inexperience or credulity; ii) directly encouraging them to persuade their parents or others to purchase products or services; iii) taking advantage of the special trust that children and young people place in their parents, teachers or other people; and iv) showing, without justifiable reason, children and young people in dangerous situations. Article 69-B, number 2 VSPs shall take adequate measures to ensure that audiovisual commercial communications broadcast through their services and that are not promoted, sold or organised by them, comply with number 1 e. They shall include in the terms and conditions of use of their services the obligation of users to: a) respect existing rules applicable to commercial communications, namely the previous number 1; b) declare the inclusion of audiovisual commercial communications in the videos they generate. ... Article 69-C VSPs must: a) include in the terms and conditions of use of their services the restrictions referred to in Article 69-A and in paragraph 1 of Article 69-B, ensuring their application; b) provide functionalities that allow users who upload videos to declare whether they contain audiovisual commercial communications, in so far as they may know or reasonably be expected to know; c) create and use transparent and easy-to-use mechanisms that allow the VSP's audience to	

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Title and type of legislation	Key excerpts of legal measures	Link
	communicate or signal, as well as classify the contents referred to in Article 69-A and paragraph 1 of Article 69-B; d) create and manage systems through which to explain to the VSP's audience the follow-up given to the communication or signalling referred to in the previous paragraph; e) contribute to the protection of children and young people in relation to content that may harm their physical, mental or moral development, creating and managing age verification systems for users and the VSP's audience; f) provide parental control systems that are under the control of end users with regard to content likely to harm the physical, mental or moral development of children and young people; ...	

4.24.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Portugal but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

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4.24.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[126]
MEO Kanal	Generalist	Portugal
Sapo Videos	Generalist	Portugal
TUKIF	Adult	Pan-European

4.24.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in Portugal is self-declaration of age. However, the Portuguese regulatory authority does not accept this as sufficient for ones under its jurisdiction.

Tukif, which is an adult VSP under the jurisdiction of Portugal, features an age verification system that provides three alternative methods: the use of a national identification card, a selfie or a credit card. The registration of Tukif took place following an intervention by the ERC, after the French regulator signalled the platform as being under the national jurisdiction of Portugal.[127]

4.24.6. Additional rules referring especially to influencers

N/A

[126] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.
[127] https://www.erc.pt/download.php?fd=13092&l=pt&key=dd5cd9a3436e416d786e79a946653f2a

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4.25. RO – Romania[128]

4.25.1. Key findings

In Romania, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed with the amendments into Law No. 504/2002 (the Audiovisual Law). This law emphasises the need for co-regulatory and self-regulatory measures, including those stipulated in EU codes of conduct. While no such code had been implemented at the time of writing, they were in development.

According to the Audiovisual Law, the national media regulatory authority, the National Audiovisual Council (NAC), has to ensure that Romanian VSP providers have adopted appropriate measures to protect minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development. The law mandates that VSP providers must implement and maintain an age verification system in line with the provisions of the AVMSD. In the event that no other efficient means exist to enforce these provisions and avert serious harm to public collective interests or an individual's legitimate interests, the NAC can intervene with various requirements to remove or restrict access to content and/or users. Actions may include instructing VSP providers to remove or limit access to illegal content, issuing a user warning upon accessing such content, or disabling the user's account for up to 12 months.

According to Romania's Law on Preventing and Combatting Pornography (Law No. 196/2003), adult VSPs registered in Romania must implement password protection and access to these platforms must be granted only upon payment of a usage fee per minute, which must be declared to tax authorities. VSP providers are required to clearly display the number of visits to comply with the law's tax obligations. Further stipulations under Article 11 highlight the National Authority for Administration and Regulation in Communications (ANCOM) as the body responsible for receiving notifications regarding non-compliance. Upon reviewing the platform content, ANCOM may request that access to non-compliant websites be blocked. Internet service providers failing to block access within 48 hours of receiving a directive from ANCOM are liable to a fine.

[128] The summary on Romania incorporates feedback received from Ruxandra Minea-Cristea, Chief of Regulatory and European Relations Office, at the National Audiovisual Council (CNA), during the checking round with the national regulatory authorities.

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4.25.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Law No. 504/2002 of 11 July 2002 (the Audiovisual Law) Consolidated 3 July 2022 (Article 42, paragraph 7)	VSP providers shall take appropriate measures to protect: Article 42, paragraph 7 (a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development, and in particular from programmes containing gratuitous violence and pornography, in accordance with Article 39 (1); Article 39 (1): Audiovisual media services provided by audiovisual media service providers under the jurisdiction of Romania which may impair the physical, mental or moral development of minors shall be made available only in such a way as to ensure that minors will not normally hear or see them. ...	Legislation
Law No. 196/2003 on Preventing and Combatting Pornography (Article 7)	Article 7 (1) Persons who create pornographic sites are obliged to restrict access to them via password, and access to them will be allowed only after paying a fee per minute of use, established by the creator of the site and declared to the tax authorities. (2) Persons who create or administer websites must clearly highlight the number of times the respective website has been accessed, in order to comply with the fiscal obligations provided by law. (3) It is forbidden to create and manage websites with a paedophile, zoophile or necrophile character. Article 11 Law No. 196/2003 on Preventing and Combatting Pornography: (1) The National Regulatory Authority in Communications and Information Technology [now ANCOM] receives notifications regarding non-compliance with the provisions of Article 7. (2) In the case of receiving a notification and verifying the content of the website, the National Regulatory Authority in Communications and Information Technology [ANCOM] requests Internet service providers to block access to the website in question. ...	Legislation

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4.25.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Romania but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.25.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

4.25.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in Romania is self-declaration of age. Romania's Law on Preventing and Combatting Pornography (see subsection 2.1) applies only to adult VSPs registered in Romania. At the time of the national expert's verification, there were no adult VSPs under Romanian jurisdiction. Should a VSP provider established in another member state fail to adhere to the regulations, the NAC can bring the case to the attention of the corresponding regulatory body.

4.25.6. Additional rules referring especially to influencers

The Audiovisual Law applies to influencers "who upload and generate videos on a sharing platform". The NAC can decide on sanctions if they break the provisions of the law.

According to the Audiovisual Law (Article 42, paragraph 9, (5)), as part of its control and supervision work, the NAC shall request the National Institute for Research and Development in IT (ICI) of Bucharest, in the case of .ro domains, to provide it with data or information that can help to identify persons who provide an audiovisual media service or

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a VSP service or who upload and generate videos on a sharing platform. The requested data shall be sent to the NAC without delay, in accordance with the data protection legislation. The full mechanisms for the implementing measures shall be laid down by the NAC. Those mechanisms should be easy to access, user-friendly and allow for the submission of notices by electronic means.

At the time of the national expert's verification, the mechanism had not yet been adopted. The NAC's 2022 reports indicated that the NAC intends to pay more attention to influencers, who are supposed to be treated as VOD.

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4.26. SE – Sweden[129]

4.26.1. Key findings

In Sweden, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed into the Swedish Radio and Television Act. According to Chapter 9 a (section 1), VSP providers are obliged to take appropriate measures to ensure that "user-generated videos, television programmes and audiovisual commercial communications involving realistic and detailed depictions of violence or pornographic images are not provided in such a way that there is a significant risk of children being able to watch them, unless this is nevertheless justifiable for particular reasons." Such measures may include establishing age verification systems or parental control systems and establishing and operating mechanisms for users of the platform to report or flag explicit or illegal content.

The national media regulatory authority, the Swedish Press and Broadcasting Authority holds the power to issue necessary injunctions, on a case-by-case basis. The objective of these injunctions is to ensure that VSP providers adhere to regulations pertaining to appropriate measures.

4.26.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Swedish Radio and Television Act (Chapter 9 a section 1, 3 and Chapter 17, Section 11 a)	Chapter 9 a section 1 1. A video-sharing platform provider shall take appropriate measures to ensure that user-generated videos, television programmes and audiovisual commercial communications involving realistic and detailed depictions of violence or pornographic images are not provided in such a way that there is a significant risk of children being able to watch them, unless this is nevertheless justifiable for particular reasons. Chapter 9 a section 3	Legislation

[129] The summary on Sweden incorporates feedback from Johannes Wik from the Swedish Press and Broadcasting Authority (MPRT), during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
	3. A video-sharing platform provider shall take appropriate measures to ensure that user generated videos, television programmes and audiovisual commercial communications on the platform do not contain the content referred to in the provisions on: 1. unlawful threats in Chapter 4, Section 5 of the Swedish Criminal Code; 2. inciting crime in Chapter 16, Section 5 of the Swedish Criminal Code; 3. agitation against a population group in Chapter 16, Section 8 of the Swedish Criminal Code, 4. child pornography offences in Chapter 16, Section 10a of the Swedish Criminal Code; 5. unlawful depiction of violence in Chapter 16, Section 10c of the Swedish Criminal Code; or 6. public incitement to terrorism or particularly serious crime in section 7 of the Terrorist Offences Act. Chapter 17, Section 11 a The Press and Broadcasting Authority may issue such injunctions as are necessary in individual cases to ensure that a video sharing platform provider complies with the provisions on appropriate measures [...]	

4.26.3. Types of measures put in place by VSPs

All larger VSPs featured in this report, which includes many not under the jurisdiction of Sweden but that can be accessed, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verifications by credit card, uploading of photos with ID, or use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this

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report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.26.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[130]
SwebbTube	Entertainment	Sweden

4.26.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs which can be accessed in Sweden is self-declaration of age.

At the time of the national expert's verification, there was an ongoing political debate in Sweden over the possibility of requiring this category of platforms to implement BankID, a Swedish electronic identification system, to validate users' ages. Despite the discussions, there is no indication that legislation enforcing such a requirement will be introduced soon.

4.26.6. Additional rules referring especially to influencers

A (v)blogger who is promoting goods or services on behalf of a company (influencer marketing) must comply with the Swedish Marketing Practices Act and other applicable marketing rules. This means, among other things, that it must be clearly stated that marketing is involved.

[130] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.27. SI – Slovenia[131]

4.27.1. Key findings

In Slovenia, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) has been transposed into the Audiovisual Media Services Act. According to the legal requirements, VSP providers under the jurisdiction of the Republic of Slovenia shall take appropriate measures to protect children from programmes, videos and audiovisual commercial communications that may impair their physical, mental or moral development. Elements indicating potentially "harmful content" are set forth in the General Act on the Protection of Children in Audiovisual Media Services. Although this act only applies to audiovisual media services, its definitions are referred to as there is no place where "harmful content" is legally defined specifically for VSPs.

4.27.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Audiovisual Media Services Act (*ZAvMS*) consolidated 15 December 2021 (Article 38b (1))	AVMS Act, Article 38b (1) Video-sharing platform providers under the jurisdiction of the Republic of Slovenia shall take appropriate measures to protect: – children from programmes, videos and audiovisual commercial communications that may impair their physical, mental or moral development. Programmes that may impair children's physical, mental or moral development are defined by the General Act on the Protection of Children in Audiovisual Media Services (2022). The whole act (9 Articles) applies.	Legislation
General Act on the Protection of Children in	... (2) Providers of audiovisual media services must categorise programme content that could harm	Legislation

[131] The summary on Slovenia incorporates feedback received from Igor Žabjek, head of the monitoring department at the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS), during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
Audiovisual Media Services (Article 3)	children's development according to the presence of all the following elements: a) violence and its consequences; b) dangerous behaviour; c) frightening content; d) tobacco products, drugs, alcohol and other health-hazardous substances; e) inappropriate language; f) nudity; g) sexuality; h) discrimination. ...	

4.27.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Slovenia but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.27.4. VSPs under the jurisdiction of the national regulatory media authority

N/A

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4.27.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in Slovenia is self-declaration of age. OnlyFans was identified as one that requires submission of official documents, such as ID or a credit card scan. Fansly requires users, who must be over 18 years of age, to provide government-issued ID. In a second photo, users of Fansly need to hold a handwritten sign with their legal name, the date of applying, and the phrase "For Fansly". Users will also have to submit a video of them holding their ID and the verification sign to confirm their identity. Pornhub, Youjizz and Xvideo were found to require only self-declaration but also to provide advice to parents directing them to tools from their browsers or operating systems, and one included a link to Parental Control Bar,[132] which is "a free public service that helps concerned parents prevent their children from accessing adult-oriented websites". Parents can activate child-mode and the toolbar blocks access to adult-oriented websites.

4.27.6. Additional rules referring especially to influencers

N/A.

[132] https://www.parentalcontrolbar.org/

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4.28. SK – Slovakia[133]

4.28.1. Key findings

In Slovakia, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed into the Media Services Act. Article 48(1)(a) of the Media Services Act imposes an obligation on the VSP provider to take appropriate measures to protect minors from programmes, user-generated videos, and commercial media communications that may impair their physical, mental, or moral development, in accordance with the conditions set out in Article 62(1). Additionally, the provider must take measures to protect the public from programmes, user-generated videos, and commercial media communications that contain the promotion of violence or incite violence or hatred on various grounds, including gender, race, religion, and sexual orientation. The provider must also take measures to protect the public from programmes, user-generated content and commercial media communications that contain elements of child pornography, incite terrorism, endorse terrorism, or contain elements of crimes against humanity, extremism, or war crimes.

Article 49 of the Media Services Act specifies the measures that a VSP provider must take in order to protect minors and the public from harmful content. Such measures may include, amongst others, the provision of a user-controlled parental control system and the establishment and operation of an age verification system. The measures taken by the platform must be appropriate and practicable, taking into consideration the nature of the content provided, the potential harm caused by such content, the group of persons to be protected, the rights and interests of the platform provider and users, and the general public interest.

4.28.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Act No. 264/2022 on Media Services and on Amendments to Certain Acts (Media Services Act)	Article 48 (1) Obligation to take measures to protect the public.	Legislation

[133] The summary on Slovakia incorporates the feedback received from the Office of the Slovak Council for Media Services during the checking round with the national regulatory authorities.

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Title and type of legislation	Key excerpts of legal measures	Link
Article 48 (1) a), b), c) Article 49 (1) h), i); (2) a), b), c), d), e) (*ZÁKON z 22. júna 2022* *o mediálnych službách a o zmene a doplnení niektorých zákonov (zákon o mediálnych službách)*)	(1) The provider of a video-sharing platform must take appropriate measures to protect: (a) minors from programmes, user-generated videos and commercial media communications that may impair the physical, mental or moral development of minors in accordance with the conditions set out in section 62(1); (b) the public from programmes, user-generated videos and commercial media communications which contain the promotion of violence or which, in an overt or covert manner, incite violence or hatred, disparage or denigrate on the grounds of gender, race, colour, language, religion or belief, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic characteristics, nationality, or membership of a national or ethnic group; (c) the public from programmes, user-generated videos and commercial media communications that 1. contain elements of the criminal offence of distributing child pornography, 2. publicly incite the commission of any criminal acts of terrorism or publicly approve any criminal acts of terrorism, 3. contain signs of the factual nature of any crimes against humanity, crimes of extremism or war crimes. ... Article 49 (1) Measures under section 48 may include, as the case may be: ... (h) the provision of a user-controlled parental control system for the control of content which may impair the physical, mental or moral development of minors, (i) the establishment and operation of a system to verify the age of users in relation to content which may impair the physical, mental or moral development of minors. ...	

4.28.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Slovakia but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

4.28.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[134]
Niké Fond pre budúcnosť športu	Sport	Slovakia

4.28.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in Slovakia is self-declaration of age. OnlyFans was identified as one that requires submission of official documents, such as ID or a credit card scan.

4.28.6. Additional rules referring especially to influencers

(V)blogs are not explicitly defined in the Media Services Act. However, according to the wording of the law, a (v)blog falls into the category of user-created video. Additionally, according to Article 174 (2) dealing with the authorisation of audiovisual media services, (v)blogs could be considered as an on-demand audiovisual media service if they fulfil the conditions from the definition. In order to provide an on-demand audiovisual media service, it is necessary to have an authorisation granted, and this obligation also applies to legal

[134] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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entities providing audiovisual media services on a video-sharing platform (e.g. influencers). Natural persons providing an on-demand audiovisual media service on a video-sharing platform only have a reporting obligation to the national media regulatory authority, the Council for Media Services (CMS). Therefore, provisions applying to audiovisual media services could be applied to some of the influencers on top of any measures applied directly by the VSP as outlined above.

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4.29. UK – United Kingdom[135]

4.29.1. Key findings

In the UK, Article 28b (1) of the Audiovisual Media Services Directive is transposed by the Audiovisual Media Services Regulations 2020, which amended the Communications Act 2003 to provide for regulation of VSPs (as set out in Part 4B). Only VSPs that have the required connection with the UK are subject to UK VSP regulation. There are specific legal criteria which determine whether a service has the required connection with the UK. Where a service meets the criteria, they must notify the UK communications regulator, Ofcom. Ofcom keeps a list of notified UK-regulated VSPs.

UK-regulated VSP providers have to take appropriate measures to protect the general public and under-18s from harmful videos, by having in place and implementing certain measures such as terms and conditions; establishing and operating flagging, and reporting mechanisms, age assurance systems, viewer rating systems and easy-to-access complaints procedures; and the provision of parental control systems.

Ofcom has produced guidance for UK regulated VSPs[136] - "Video Sharing Platform Guidance: Guidance for providers on measures to protect users from harmful material." The Guidance gives details for the VSP providers on the implementation of Sections 368Z(5)(e) and 368Z1(5) cited in the table below.

The VSP Guidance requires providers to take appropriate measures to protect the general public from "relevant harmful material," which is defined as "refers to any material likely to incite violence or hatred against a group of persons or a member of a group of persons based on particular grounds. It also refers to material the inclusion of which would be a criminal offence under laws relating to terrorism; child sexual abuse material; and racism and xenophobia."[137]

According to the Guidance, VSPs must take measures to protect users who are under 18 from videos and adverts that contain "restricted material," which it defines as videos which have or would be likely to be given an R18 certificate, or which have been or would likely be refused a certificate. It also includes other material that might impair the physical, mental or moral development of under-18s.

For material that might impair the physical, mental or moral development of under-18s, Ofcom Guidance requires material that has the most potential to harm to be subject to

[135] The summary on the United Kingdom incorporates the feedback received from Ofcom, during the checking round with the national regulatory authorities.
[136] https://www.ofcom.org.uk/__data/assets/pdf_file/0015/226302/vsp-harms-guidance.pdf
[137] Section 2.28 of the Guidance

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the strictest access control measures.[138] In considering material that might impair the physical, mental and moral development of under-18s, VSPs are advised to take account of the different cognitive abilities of children and young people under the age of 18, who are more vulnerable than adults and may require distinct protections by age range.

According to the Guidance, in instances where a platform allows material that may not be suitable for all age groups, providers should consider implementing measures that provide an age-appropriate user experience, particularly aimed at protecting those most at risk. For example, content that might harm the physical, mental, or moral development of younger users may not carry the same risk for older teenagers.

Providers may restrict access to certain content based on age-ratings. Where VSP providers are not implementing their own ratings systems, they may wish to incorporate established classification frameworks such as the BBFC's age-based classification guidelines.[139]

In the future, UK VSPs will have to follow the same rules as other online services under the UK Online Safety Act, which received Royal Assent and became law on 26 October 2023.[140] The Online Safety Act repeals Part 4B of the Communications Act, which had implemented the VSP provision of the AVMSD. Ofcom is therefore no longer accepting notification of new VSPs. The existing rules will continue to apply to currently regulated VSPs for a transitional period, which is expected to last until the financial year 2025-26.[141] The Online Safety Act applies to a much wider range of online services, including services which are not based in the UK. It applies a duty of care approach aimed at addressing the policy aims contained in the AVMSD's Article 28b as well as preventing many other types of online harms.

4.29.2. National transposition of Article 28b (1) AVMSD

Title and type of the legislation	Key excerpts of legal measures	Link
Audiovisual Media Services Regulations 2020 (SI 2020/1062)	Part 4B includes: Section 368Z1(1):	Legislation

[138] Section 3.14 of the VSP Guidance
[139] https://www.bbfc.co.uk/about-classification/classification-guidelines
[140] the Online Safety Act 2023 Legislation.gov.uk/ukpga/2023/50/introduction/enacted. See Schedule 17 for the provisions on the transition for VSPs.
[141] Find more information on the repeal of the VSP regime on this page: Repeal of the VSP regime: what you need to know.

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Title and type of the legislation	Key excerpts of legal measures	Link
amended the UK Communications Act 2003 Part 4B)	'A person who provides a video-sharing platform service must, in relation to that service, take such of the measures set out in Schedule 15A as are appropriate for the purposes of— (a) protecting persons under the age of 18 from videos and audiovisual commercial communications containing restricted material; [Add in text– see comment] Section 368Z(5)(e) Audiovisual commercial communications in video sharing platforms: must not…cause physical, mental or moral development to persons under the age of 18. Section 368Z1(5) "When determining whether a measure is appropriate for the purpose mentioned in subsection (1)(a), the principle that restricted material that has the most potential to harm the physical, mental or moral development of persons under the age of 18 must be subject to the strictest access control measures must be applied" Schedule 15A	
Online Safety Act 2023	Schedule 17A	

4.29.3. Types of measures put in place by VSPs

All larger VSPs featured in this report, and this includes many which are not under the jurisdiction of the United Kingdom but that can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems

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mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verifications by credit card, uploading of photos with ID, or use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors.

According to the list of VSPs notified to Ofcom as of 16 November 2023, there were 21 VSP providers notified in the UK, including BitChute, OnlyFans, TikTok, Twitch and Vimeo.com[142]. Of these, Ofcom considers OnlyFans, AdmireMe, Fanzworld, PocketMe, RevealMe and Xpanded to be adult VSPs, suitable only for users over age 18.

4.29.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries[143]
AdmireMe.vip	Adult	Pan-European
BitChute	Generalist	Pan-European
Fansify	Adult	United Kingdom
Fanzworld	Adult	United Kingdom
fruitlab	Entertainment	Pan-European
Lemon8	Lifestyle/Leisure/Health/Travel	Pan-European
MintStars	Other/Not identified	Pan-European
OneVSP	News/Business	Pan-European
OnlyFans	Generalist	Pan-European
PocketStars	Adult	Pan-European
Recast	Sport	United Kingdom
RevealMe	Adult	Pan-European
Snapchat	Generalist	Pan-European
The Sponsor Hub	Sport	Pan-European
Thomas Cook	Lifestyle/Leisure/Health/Travel	United Kingdom
TikTok (UK)	Entertainment	United Kingdom
Twitch	Generalist	Pan-European
Vimeo.com	Generalist	Pan-European
Xpanded.com	Adult	United Kingdom

[142] https://www.ofcom.org.uk/online-safety/information-for-industry/vsp-regulation/notified-video-sharing-platforms

[143] Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

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4.29.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs accessible in the UK is self-declaration of age.

As per OnlyFans' policy, all users must be over 18 years of age. Ofcom's research found OnlyFans to be using "relatively robust" ways of conducting age verification that involves multiple steps and the use of both Yoti and Ondato technology, one of which conducts age estimation based on an image and the other of which relies on a legal identification document. A more involved process was found to be in place for users wanting to create content for the platform that used a third-party service to verify age based on a self-with an idea cross checked with other id databases.[144] The five other adult VSPs notified in the UK are subscriber services and were found to not have sufficient age assurances in place in 2022. These overly relied on the use of credit cards as a means for identifying as an adult.[145] Their practices may have improved since then but this was not observed by the national expert.

4.29.6. Additional rules referring especially to influencers

N/A

[144] See Section 13 of Ofcom's first year of regulating VSPs" https://www.ofcom.org.uk/online-safety/information-for-industry/vsp-regulation/first-year-report

[145] Ibid Section 14.

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