

ACT COMMENTS ON THE DRAFT DSA GUIDELINES ON THE PROTECTION OF MINORS

The Association of Commercial Television and Video on Demand in Europe ([ACT](#)) welcomes the Commission’s DSA guidelines on protecting minors, as they provide essential clarity and concrete measures to drive meaningful change and hold platforms accountable for creating a safer online environment for minors. However, we believe that further clarification and strengthening of certain areas would be beneficial to ensure robust implementation and legal coherence.

DIFFERENTIATING REGULATED ENVIRONMENTS

It is essential to reiterate the clear distinctions between Audiovisual Media Services (AVMS), including VoD services regulated under the AVMS Directive (AVMSD), and online platforms governed by the DSA.

AVMS providers operate within a comprehensive regulatory framework under the AVMSD, encompassing stringent content curation, PIN protections, content bans, warnings for harmful content, and advertising restrictions to protect minors. These measures are further reinforced by national regulations and self- or co-regulatory initiatives under Article 4 AVMSD. Consequently, AVMS providers function within a highly regulated, low-risk environment characterised by ex-ante measures and ex-post oversight by regulators.

In contrast, Video-sharing Platforms (VSPs) and other online platforms under the DSA are subject to less stringent obligations, requiring only “appropriate measures” under Article 28b AVMSD and “appropriate and proportionate measures” under the DSA. Although Article 28b AVMSD offers more comprehensive guidance, its flexibility results in inconsistent consumer protection across jurisdictions¹.

Therefore, ACT calls on the Commission to ensure that the guidelines are not viewed as a universal standard for protecting minors online and that their scope remains limited to platforms regulated under the DSA. Under no circumstances should the guidelines be extended to include other online services, such as VoD services, given the significant differences in regulatory frameworks and content delivery mechanisms².

ALIGNMENT WITH AVMSD

To address gaps related to online platforms and VSPs and to align with the AVMSD framework, we recommend that the guidelines incorporate certain measures listed in Article 28b(3) of the AVMSD and make them mandatory for online platforms that are also VSPs.

Examples of measures currently absent in the guidelines include:

- *Commercial communications* (AVMSD Art. 28b(3)(c)): Mandate clear mechanisms for users to declare commercial communications, supported by enforceable monitoring and reporting guidelines. This would address the transparency gap, increase minors’ protection,

¹ EAO [report](#) on the protection of minors on VSPs

² For instance, VoD services implement recommender systems tailored to user preferences within controlled content environments. In contrast, VSPs rely on algorithmic amplification driven by engagement metrics, potentially exposing minors to harmful content prioritised by virality over safety considerations.

and potentially mitigate issues related to influencers without requiring additional legislative measures

- *Rating system* (AVMSD Art. 28b(3)(g)): While traditional content rating systems (e.g. for VoD and TV programmes) may not be feasible given the volume of user-generated content, platforms should at least implement basic rating mechanisms that enable users and guardians to assess content based on age-appropriateness

AGE VERIFICATION

We welcome the guidelines' adoption of a risk-based approach to determining appropriate levels of age verification. However, we are concerned about the lack of accountability demonstrated by platforms (specifically VSPs) in key areas related to consumer protection and beyond, including:

- Inconsistent implementation of AVMSD Article 28b, leading to significant gaps that the DSA guidelines could potentially overcome
- Non-compliance with the CoC on Disinformation, with commitments remaining largely unfulfilled
- Failure by VLOPs to address media freedom and pluralism in systemic risk assessments, as mandated by DSA Article 34(1b)

Given these shortcomings, we strongly recommend that the Commission prioritise VSPs by adopting mandatory, standardised age verification measures across all such platforms, as they represent the most problematic environment for minors.

We however urge strong caution against proposals advanced by certain players (e.g. by Meta, Snapchat, and other platforms) to implement mandatory age verification solutions at the app store or device level. These measures might suit their platform but would likely unnecessarily impair the consumer experience on our services. Indeed, this approach could not only weaken age verification processes, but may have unintended consequences for services with a much lower risk-profile and different architecture, such as VoD platforms. The latter, in fact, usually allow for the creation of multiple viewer profiles ("multi-user services"), and are conceived to be accessed from different devices (e.g. a tablet or a smart TV).

One size fit-all app-store/device level verification would likely unnecessarily impair the consumer experience on ACT members' services and may weaken the effectiveness of investments that VOD app developers make in age assurance, parental controls and compliant experiences for children.

Depending on its exact configuration, the Meta proposal may thus be duplicative or even weaken the granular controls that responsible VOD provider have built within their services. Furthermore, it could concentrate a key responsibility on players – often also gatekeepers - who lack a proven track record of successful self-regulation in protecting minors.

Therefore, we strongly advise against proposals that would result in one-size-fits-all obligations. It is crucial to maintain a nuanced approach that recognises the specificities of services, their existing safeguards for minors and their legal obligations. The different levels of risk resulting from the curation of our services and editorial liability also justify the need for a differentiated risk-based approach.