ACT POSITION PAPER ON THE EU KIDS ACT

ABOUT THE ACT

The Association of Commercial Television and Video on Demand Services in Europe (ACT) is the voice of commercial television and video on demand services in Brussels. We directly represent commercial broadcasters and their video on demand services operating across the European Union and beyond. Our members finance, produce, promote, and distribute content and services that reach millions of Europeans across all platforms. They provide European citizens with high-quality, trusted news and information that supports democratic engagement. They also curate a rich audiovisual experience reflecting Europe's cultural and linguistic diversity.

INTRODUCTION

Millions of European families rely on commercial broadcasters and their on demand services for trusted, age-appropriate content, from children's programming to family entertainment. Earning and keeping this trust depends on robust protection of minors, which our members treat as a fundamental part of their activities. ACT fully supports the EU's objective of providing children with a safer online environment.

The audiovisual sector already operates within the minor protection regulatory framework consisting of the Audiovisual Media Services Directive (AVMSD), complemented by national regulation and self- or co-regulatory initiatives. This framework reflects the specificities of audiovisual media services (AVMS), notably their editorial responsibility, resulting in a highly regulated environment with robust safeguards for the protection of minors and clearaccountability for every programme.

ACT therefore welcomes the EU KIDS Act's targeted approach. It rightly focuses on high-risk services only, not responsible audiovisual media, and is without prejudice to the AVMSD. However, to ensure this distinction holds in practice, some adjustments are needed. Furthermore, ACT supports the anti-circumvention provision in Article 4 and its robust interpretation and enforcement, so that the safeguards applicable to the services covered by the Regulation are effective in practice.

This paper sets out ACT's recommendations to (i) preserve the targeted scope of the proposal, (ii) prevent app-store obligations under Article 16 from creating indirect requirements for AVMS apps; and (iii) ensure that EU-level codes of conduct under Article 17 build on, rather than duplicate, established classification frameworks.

MAINTAIN THE PROPOSED SCOPE

The EU KIDS Act rightly follows a risk-based approach. It introduces obligations targeting services whose design and business models create identified risks for minors: user-generated content without editorial oversight, engagement-maximizing features like infinite scroll, monetization through loot boxes, contacts with strangers, AI-generated direct messaging between users, public profiles for children, exposure to cyberbullying and harassment.

This important distinction reflects real differences. AVMS offer content produced, acquired and curated under the editorial responsibility and liability of a media service provider. They host no

user-generated content, enable no contacts with strangers and their content is classified and regulated under national rules. Robust features ensuring the protection of minors, such as PIN codes, dedicated children's profiles and content labelling, are already standard.

Some tools used by AVMS may have the same names as platform features but serve a fundamentally different purpose and do not give rise to the same risks. Automatically starting an episode, or suggesting programmes from a curated catalogue, helps viewers navigate content and are a way media service providers exercise editorial judgement. These tools are not designed to maximize time spent or exploit children's vulnerabilities. The proposed measures should therefore remain targeted at the high-risk services and practices outlined in the EU KIDS Act.

ACT therefore recommends that:

- The exclusion of AVMS from the scope of the EU KIDS Act be maintained through the legislative process, in line with Article 2(7)
- Consistency be ensured with the Digital Fairness Act and the AVMSD review, so that concepts developed under the EU KIDS Act, such as autoplay or recommender systems, are not transferred to AVMS without considering their function, risk profile and sector-specific framework that already applies

PREVENT APP-STORE FROM OVERRIDING AUDIOVISUAL CLASSIFICATIONS

Article 16 of the EU KIDS Act requires app stores to use age ratings for applications and restrict access by minors to apps that "are subject to or primarily consist of" age-restricted content.

Although AVMS fall outside the proposal, Article 16 would in practice determine the conditions under which their services reach viewers on mobiles, smart-TVs and set-top boxes. This means app-stores and operating systems would decide how, and to whom, regulated media services are accessible, despite being neither subject to audiovisual rules nor accountable for the content concerned. This is deeply problematic.

For AVMS, an app-level rating is at the wrong level. A single catalogue may offer children's programmes, news, sport and adult drama, each classified individually by the media service provider under national rules. Access is then controlled within the service, through age labels, parental controls, dedicated children's profiles and, for linear services, scheduling.

A single app rating cannot reflect this. It would either cut children off from content made for them, and often paid for by their parents, or give parents a misleading picture of the service. In both cases, an app-store level rating would duplicate or contradict the classification carried out by a media service provider under national law and regulatory oversight. Parents would face a second, potentially inconsistent set of controls, and adults could be required to verify their age simply to download a media app, without any additional benefits for minors.

ACT therefore recommends that:

- AVMS apps be exempted from app-store age-verification requirements
- The age-rating obligation under Article 16 be considered fulfilled for AVMS apps where content is classified and access controlled within the service in accordance with the European and national rules
- App stores be forbidden from applying their own age ratings, access restrictions or age-

verification requirements to AVMS apps, which should be exempted from additional app-store requirements as sectoral safeguard already apply

PRESERVE EXISITING AUDIVISUAL AGE-CLASSIFICATION FRAMEWORKS

Article 17 provides for the development of EU-level codes of conduct on age-rating. These codes would set common criteria, methodologies and labels for age-rating systems.

Although it is thought of for in-scope services, Article 17 explicitly refers to "providers of digital content", a category that would include AVMS. However, in the audiovisual sector, content classification and child-protection are already organized at national level, largely through self- and co-regulatory systems reflecting national audiences and cultural sensitivities. This model has proven its effectiveness in the audiovisual sector. EU-level Codes setting criteria, methodologies and labels would inevitably interfere with these systems, and through Article 16, would shape how app stores rate AVMS apps. There is also a risk that EU-level codes initially designed for in-scope services would, in practice, create a parallel standard for audiovisual services.

Parents across Europe know and trust their national audiovisual labels and age categories. The proposal itself recognizes PEGI as a benchmark for the video games sector. National audiovisual age-rating systems deserve the same recognition, rather than being superseded with EU-level criteria designed for different services.

To avoid such issues, ACT recommends that:

- Codes of Conduct under Article 17 should not apply to audiovisual content provided by AVMS, in line with Recital 10 of the proposal and AVMSD rules
- National audiovisual age-classification systems - including self- and co-regulatory schemes - be recognized and preserved as the proposal does for PEGI for the video game sector
- The reference to "providers of digital content" in Article 17(1) be clarified so as not to extend the codes to AVMS