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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL EU KIDS ACT - 'EU Keeping Internet Digital Spaces Accountable and Trustworthy' *- Progress report*

1. INTRODUCTION

Background

The proposal for the EU KIDS ACT – 'EU Keeping Internet Digital Spaces Accountable and Trustworthy' – was developed in response to widespread concern at the negative impact of social media and the harmful design of online platforms on children and young people.

In the past number of years, a large number of EU Member States have considered adopting rules restricting children's access to social media. At the same time, the majority of Member States have also called for a common EU approach to tackle this issue. In October 2025, Ministers from 25 Member States signed the Jutland declaration, supporting effective and privacy-preserving age verification and calling for further assessment of a digital majority age. In October 2025 and March 2026, the European Council in its conclusions stressed the importance of protecting minors in the digital sphere including through promoting a digital age of majority for accessing social media, while preserving the privacy of users and respecting national competences.

In April 2026, a discussion on the protection of minors online at an informal meeting of EU Telecoms Ministers under the Cypriot Presidency of the Council of the EU noted the broad interest among delegations in exploring coordinated solutions at European level, while maintaining an appropriate balance between regulatory action, the protection of fundamental rights and the functioning of the internal market. In September 2026, as part of Ireland’s EU Presidency Conference on Online Safety, Ministers and Heads of Delegation convened to discuss the protection of minors with the Irish Presidency noting that the positions of Member States have converged around legislating for stronger protection of minors online at European level. In October 2026, the European Council called for the development of an effective and proportionate EU framework that strengthens the responsibility of online platforms while preserving the privacy of users and respecting national competences, taking note of the proposal for the EU KIDS Act and inviting the co-legislators to examine it swiftly.

The European Parliament has also been active in producing a resolution[1] on 26 November 2025 and own-initiative report[2] on the protection of minors online. The resolution calls for a harmonised European digital age limit of 16 years for access to social media, video-sharing platforms and AI companions, and of 13 years for access to social media with parental consent. It also highlights the importance of age-appropriate design and safety by design and by default to ensure a safe online environment for minors, calling on the Commission to propose legislation. Further, the European Parliament also notes the existing national fragmentation around age assurance and calls for a European approach providing legal certainty.

Commission proposal EU KIDS ACT and Staff Working Document

Following the publication of the Report of the Co-Chairs of the Special Panel on Child Safety Online[3], the key recommendations of which are summarised in Annex I to this report, Commission President responded in her State of the European Union Address 2026, by announcing the proposal for the EU KIDS Act which was published on 17 September.

As part of the development of the proposal, the European Commission drew up a staff working document[4] that sets out the existing applicable European Regulatory Framework, draws on evidence from the Report of Co-Chairs of the Special Panel and examines the public health, fundamental rights and economic impacts of the proposal. It concludes that the proposed Regulation will avoid a patchwork of national rules and will prevent exposure to the most harmful design features during the critical phase of adolescent development.

1 OJ C, C/2026/1708, 24.4.2026
2 Texts adopted - Impact of social media and the online environment on young people - Thursday, 17 September 2026
3 Report of the Co-Chairs of the Special Panel on Child Safety Online
4 EUR-Lex - 52026SC0681 - EN - EUR-Lex

The following main issues are addressed in the proposed regulation:

1. **Delayed access to social media accounts for children** by gradually introducing access from age 13 only, with an EU-wide minimum age of 15 for minors to create autonomous accounts and provision for guardians to set up “mini-accounts” (accounts set up by guardians for minors from the age of 13 years and below the age of 15 years with limited features) to access the service, and continued safety by design obligations up to age 18.

2. **Safety-by-design** obligations that shift the burden of proof to providers of online social networking services, video-sharing platform services, AI companions and general conversational chatbots, online games, and specific obligations on software application stores providing for a legally binding standard on providers to design for children. These include specific restrictions on features that are considered high-risk for children such as social comparison features, infinite scroll, autoplay, push notifications, livestreaming and variable reward systems. Effective time-management tools that protect core sleep hours and school time of minors would also be required for certain services.

3. **Age Assurance, including Age Verification** solutions for services and systems in scope for the proposed Act, with such solutions providing a high level of accuracy, reliability, security, robustness, non-intrusiveness, privacy, data protection and non-discrimination. The proposal also requires Member States to take the necessary measures to ensure the availability of different means of obtaining a proof of age attestation to verify the minimum age of the user and to make available at least one age verification solution.

4. **Enforcement and platform obligations** is modelled on the Digital Services Act for most platforms and services, with the AI Act mechanisms to be followed for AI chatbots and companions. There are also proposed obligations on the Member States to prepare and support minors as part of the implementation of the Regulation including national strategies to support parents and minors in accessing information and support to deal with harms experienced online.

The legal basis for the proposal is Article 114 of the Treaty on the Functioning of the European Union (TFEU) related to the functioning of the internal market. The proposal does not contain an impact assessment.

European Parliament and other EU bodies

On 6 October 2026, the European Parliament held a plenary debate on the proposed EU KIDS ACT. There was broad political agreement across most groups that children face increasing risks online, including addictive platform design, cyberbullying, grooming, harmful content, AI chatbots, deepfakes and wider impacts on mental health and wellbeing.

In the European Parliament, IMCO is the committee responsible for leading on the file, with SANT, ITRE, CULT, JURI and LIBE designated as committees for opinion.

Pursuant to Article 114 TFEU, the European Economic and Social Committee (EESC) must be consulted, and therefore the consultation process has been launched.

On 21 October 2026, and on the basis of Articles 307 TFEU and 19(7)(h) of the Council Rules of Procedure, the Committee of Permanent Representatives (COREPER) decided to consult the Committee of the Regions (CoR).

The opinions of EESC and the Committee of the Regions are expected in Q1 2027.

2. THE COUNCIL´S WORK UNDER THE IRISH PRESIDENCY

1. Presentation of the file

Following its publication on 17 September, the EU KIDS ACT was presented to the following Council preparatory bodies.

23 September: COREPER I

2 October:

- Audiovisual and Media Working Party
- Telecommunications and Information Society Working Party
- Youth Working Party

9 October 2026

- Competitiveness and Growth (Internal Market) Working Party
- Education Committee

2. Examination of the file

The Audiovisual and Media Working Party, with an open invitation to Telecommunications and Internal Market Working Parties to attend, is examining the proposal for the EU KIDS ACT.

Between 6 October and 11 November, 8 full day meetings of the AVMWP have been dedicated to the examination of the file. To date, a first examination of Chapters I - VI and related recitals has been completed.

3. MAIN POINTS DISCUSSED AT WORKING PARTY LEVEL

While many Member States maintain general or specific scrutiny reservations in respect of the file, the majority of Member States have also submitted general high-level comments on the proposal and specific drafting suggestions on Chapter III and related definitions and recitals. Overall reactions to the various aspects of the proposal have been largely positive, with many delegations emphasising the urgent need for action and harmonisation at EU level on the matter of online safety for children.

Noting the scrutiny reservations in place, the main comments and concerns raised so far can be grouped around the following points:

Definitions

Minor vs Child

Delegations expressed a clear preference for a single term, either minor or child, to be used throughout the Regulation.

Online games

The treatment and definitions of online games, videogames and videogaming platforms in the Regulation was questioned by several delegations. Clarification was sought on the distinction between the services within the definitions and how the Regulation applies different rules to different services within the gaming sector.

Guardians and Family

The definition provided by the Regulation for guardian raised some issues with consensus emerging on the need for natural and legal persons to be specified and for consideration to be given to complex caring arrangements, for example where there is shared custody or institutional guardianship structures in place.

Age thresholds

While most delegations are in favour of the introduction of an EU-wide minimum age for social media and video-sharing platforms, delegations' views differ on the specific minimum ages and the scope of services covered.

Many delegations broadly welcomed the proposal's focus on age assurance and age-based protections, however a number of delegations highlighted challenges that may arise from proposed differing national approaches where the minimum age of access is set higher than 13.

Scope of safety by design obligations on providers of services

Services in scope

Several delegations questioned why search engines are not included in the scope of services proposed for safety by design obligations, with some noting that certain AI chatbots are designated as Very Large Online Search Engines (VLOSEs) under the Digital Services Act (DSA).

Delegations called for clarity on the application of the rules to services used while logged out or accessed without accounts.

AI chatbots are not proposed for inclusion in the proposed age-based restricted services, whereas in some national legislation they are subject to age limits.

Several delegations raised concerns over the treatment of Micro, Small and Medium-sized enterprises. One issue raised was that by creating additional burdens for the provision of services to some age categories, micro and small providers may choose to restrict their services to all minors or exit the EU market.

Videogames

Several delegations noted that the videogames industry should be able to develop without overburdensome restrictions. At the same time, concerns were expressed that videogames are not subject to the same requirements as social media and video-sharing platforms services, particularly with regard to economic transactions, addictive design features and time limits.

Treatment of Hybrid services

A number of delegations questioned how the treatment of hybrid and embedded services under the Regulation would work, especially where parts of a service are subject to different provisions, e.g. AI companions within videogames where AI companions are subject to time limits and the game itself is not.

Circumvention

There were some concerns that the Regulation does not go far enough to address circumvention risks through the use of e.g. VPNs, fake accounts.

Balance of Rights

Children's Rights

There were some concerns raised over the lack of a formal impact assessment for the file, and the importance of ensuring children's rights are respected in the implementation of the Regulation. Delegations also noted the right for children to participate in the development of legislation that impacts them.

The rights of children to privacy, access to online education, health, and communication services were highlighted, particularly for children with additional needs and where online tools can aid accessibility and social connection.

E-privacy and GDPR concerns

Delegations raised concerns on the processing and sharing of data by private third-party entities, e.g. app stores, platforms and age verification solution providers.

Some delegations referenced data minimisation and the potential negative impacts on privacy for individuals, both minors and adults, inherent in the introduction of additional layers of age assurance and age verification required by the Regulation.

Roles and Responsibilities

The legislative framework

Delegations raised questions on the interaction between the proposed Regulation and the wider legislative framework, including the DSA and its guidelines, the Audiovisual and Medica Services Directive (AVMSD), the upcoming Digital Fairness Act (DFA), the General Data Protection Regulation (GDPR), the ePrivacy Directive, the AI Act, the Directive on Copyright in the Digital Single Market, the Directive on combating child sexual abuse, and the Services Directive.

The role of platforms

There was widespread support for the principle of safety by design and for shifting greater responsibility and the burden of proof onto platforms to demonstrate that their services are safe.

A number of delegations noted concerns that reporting tools and information provided by the platforms should be available in all languages as well as in accessible language.

The role of the European Commission

There were questions on the respective role of the European Commission and the Member States in supervision and enforcement.

The proposed assignment of powers to the European Commission to introduce delegated acts and codes of conduct under certain provisions was also questioned, with several delegations welcoming those provisions and several indicating concerns. However, delegations also underlined the need for the Regulation to be future-proofed to allow for swift regulation in response to future technological developments.

The role of the Member States and National Regulatory Authorities

Several delegations raised questions regarding the interaction of the proposal with existing national legislation and the role of national regulatory authorities.

Measures around digital literacy were noted as an important feature of the overall landscape and delegations were keen to stress that the new Regulation should not be seen as replacing the need for digital and media literacy.

The role of guardians

While delegations widely supported the role of parental controls and parental supervision mechanisms as complementary safeguards, they also underscored the primary requirement for platforms to provide a safe default environment for all children, regardless of the level of involvement by and digital literacy of their guardians.

Some delegations also oppose the inclusion of opt-ins for guardians below the minimum age thresholds set out in their national legislative proposals.

There was a call for the Regulation to more clearly recognise and value the specific nature and role of the family.

Technical Concerns

Age Assurance and Age Verification

Zero- knowledge proof was highlighted as a key technical requirement for Age Verification mechanisms.

Given the timeline outlined in the Regulation, some delegations expressed scepticism that all delegations would have their national Age verification solutions developed in time for the application of the Regulation.

Guardian Tools and Verification

Some delegations questioned how parental relationships could be verified in practice and cautioned against creating overly burdensome verification requirements for both service providers and parents.

A number of delegations questioned how "mini-accounts" (accounts set up by guardians on behalf of the minor with aged between 13 and 15 with limited features) would work in practice, especially with regard to the specific guardian control features and guardians' access to the minor's personal communications.

4. NEXT STEPS

The Audiovisual and Media Working Party will complete a first reading of the file in early December. The Irish Presidency also intends to present a compromise text on chapter III in December.

ANNEX

Report of the Co-Chairs of the Special Panel on Child Safety Online

In her 2025 State of the European Union address, European Commission President von der Leyen announced that she would convene a panel of experts to advise her on the best approach for Europe on child safety online including potential age restrictions for access to social media and provide for recommendations to further strengthen the protection of minors online.

Following a series of meetings that took place in the first half of 2026, the Co-Chairs of the Special Panel on Child Safety Online, Prof. Dr. Jörg M. Fegert and Dr. Maria Melchior, presented their Report on 13 July 2026. The report[5] sets out the available evidence of the benefits and harms that derive from young people's engagement with the online world.

Main Recommendations

- Harmonised EU-wide access restriction to social media and other digital services, including AI companions, for children under 13.
- The implementation of effective and privacy-preserving age-assurance, including age-verification systems.
- A call to extend and harmonise rules on key safety features in the design of social media and other digital services.
- Shift the burden of proof to providers of social media and other digital services to demonstrate their services are safe-by-design and strengthen the mechanisms and consumer rights for children and adolescents.

5 Child safety online protecting and empowering minors in a digital world

- Member States and local authorities should invest in safe, inclusive and age-appropriate environments offline where minors can connect, learn, play and build positive relationships within their communities, e.g. libraries, youth, arts and sports clubs.

- Additional digital and media literacy programmes for minors, parents and caregivers, teachers and educators.