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**NOTE**

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From: General Secretariat of the Council  
To: Audiovisual and Media Working Party

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Subject: Protection of minors under the AVMSD and the DSA - Presidency background note with guiding questions

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In preparation for the meeting of the Audiovisual and Media Working Party on 20 February 2026, delegations will find attached the abovementioned document.

## Audiovisual and Media Working Party

20 February 2026

### Presidency background note

#### Protection of minors under the AVMSD and the DSA

##### 1. Introduction

The protection of minors in the digital environment has become a central concern both in terms of media content but also platform regulation. Children increasingly consume audiovisual content and interact with online platforms in ways that expose them to risks ranging from harmful content to manipulative design and data-driven advertising. Over the years, the EU has developed a layered regulatory framework, most notably through the **Audiovisual Media Services Directive (AVMSD)** and the **Digital Services Act (DSA)**.

The two instruments pursue the protection of minors, differing significantly in scope, regulatory logic, and enforcement mechanisms while remaining complementary. This discussion paper examines how the AVMSD and the DSA foresee the protection of minors, compares their respective approaches, and assesses how they interact within the broader EU digital regulatory landscape.

##### 2. Legislative Framework

###### 2.1 Protection of minors under the AVMSD

The AVMSD applies specifically to **audiovisual media services**, including linear television broadcasting and on-demand audiovisual services, and to **video-sharing platform services**. The Directive is a **content-based instrument**, focusing on the nature of audiovisual material and, if potentially harmful for minors, its potential impact.

The AVMSD defines harmful content for minors as content that may **impair** the physical, mental, or moral development of minors (Examples of the most harmful content provided in the Directive are pornography and gratuitous violence). Such harmful content must not be made accessible to minors by broadcasting services, on-demand services and video-sharing platforms.

This approach reflects a long-standing media law tradition of graduated protection based on the severity of harm.

For broadcasters and on-demand services, the measures to be adopted to avoid that minors see or hear harmful content must be proportionate to the potential harm of the programme. Examples of such measures are time-based scheduling restrictions, content classification and ratings, acoustic or visual warnings.

An important milestone was the 2018 revision of the AVMSD, which significantly expanded its reach by including video-sharing platforms services. Video-sharing platforms are required to protect minors from harmful content by adopting **appropriate and proportionate measures among those listed in the Directive**, which may include:

- Inclusion of EU content standards in their terms and conditions and enforcing them consistently
- Age-verification mechanisms
- Parental control systems

However, the AVMSD does not mandate specific technologies, leaving discretion to Member States and providers. This flexibility, while allowing contextual adaptation, has resulted in uneven implementation across the EU.

Importantly, platforms are not subject to general monitoring obligations, reflecting concerns over freedom of expression and feasibility. Moreover, the issue of accountability and responsibility of platforms often arises when discussing the current legislative framework.

## 2.2 Protection of Minors under the DSA

The DSA on the other hand applies horizontally to **all intermediary services**, including online platforms, such as social networks, marketplaces, and app stores. Unlike the AVMSD, it is “content agnostic”, and instead is based on processes, adopting a **systemic risk-based approach for the largest platforms**, and focusing on platform design, governance, and operational processes rather than specific content categories.

The DSA explicitly requires online platforms to ensure a **high level of privacy, safety, and security of minors**, and the Commission has issued interpretative guidelines in this respect. This obligation cuts across multiple areas of the regulation and applies irrespective of the type of content involved. In addition, **the DSA prohibits targeted advertising based on profiling of minors**. This rule addresses commercial exploitation and aligns closely with children’s rights principles, particularly those relating to vulnerability and informed consent.

Moreover, designated Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) must:

- Diligently identify systemic risks, including in relation to the protection of minors and to minors’ mental and physical well-being
- Assess exposure to harmful or illegal content
- Examine the effects of recommender systems, including their potential addictive design (as has recently been demonstrated by the Commission’s preliminary findings against TikTok).

They are then required to implement effective **risk mitigation measures**, such as adjustments to algorithms, enhanced content moderation and improved safeguards for child users.

The DSA also addresses choice architecture, prohibiting the use of manipulative or deceptive design practices (dark patterns), particularly where these exploit minors’ cognitive vulnerabilities. This marks a shift from content regulation to design-based child protection. Enforcement under the DSA is notably stronger than under the AVMSD, especially for large platforms. It includes:

- EU-level supervision for VLOPs and VLOSEs

- Mandatory transparency reporting
- Independent audits
- Significant administrative fines

### 3. Comparative Analysis

Overall, the AVMSD and the DSA pursue the same overarching objective but through different regulatory strategies:

- The **AVMSD** focuses on *what minors can see*, emphasizing content classification and access restrictions within a sector-specific framework.
- The **DSA** focuses on *how platforms function*, emphasizing systemic risk management, platform design, and economic incentives.

Importantly, the instruments are **complementary rather than redundant**. Audiovisual platforms may be subject to both regimes simultaneously, with the AVMSD governing content-related obligations and the DSA addressing broader structural and behavioral risks. The Commission has analyzed this relationship recently, in its Report published on 17 November 2025 on the interaction of the DSA with other legal acts.

The protection of minors under EU law has evolved from a primarily content-based model to a more holistic framework that addresses systemic, design, and commercial risks. Together, the two instruments form a layered regulatory approach that reflects the complexity of minors' online experiences.

It is also noted that the European Commission adopted its Strategy for a Better Internet for Kids (BIK+) in 2022, as well as in July 2025 it adopted new guidelines on the protection of minors under DSA Article 28(1), which clarify how platforms must take appropriate and proportionate measures to ensure a high level of privacy, safety, and security for minors, in particular by addressing the risks related to age-inappropriate content and harmful designs.

#### **State of play**

As a follow up to the Polish Presidency, during which we had the opportunity to discuss council conclusions on the assessment of the legal framework for services providing access to audiovisual content and an analysis of the interplay between the AVMSD and the DSA rules was foreseen, the Danish Presidency continued with the discussion of how issues involving the protection of minors relate to the AVMSD and how protection of minors online could be strengthened as a whole.

Future challenges will lie in ensuring consistent enforcement, avoiding regulatory fragmentation, and assessing whether existing measures adequately address emerging risks such as immersive environments and AI-driven content recommendation.

#### **Guiding questions**

In view of the AVMSD formally scheduled for a revision in the third quarter of 2026, the Presidency would like to have an exchange of views on matters of protection of minors and ideally

structure the discussion on the following questions, while still allowing for an unhindered flow of discussion on any other aspect the Member States wish to focus on:

1. How can the EU ensure more consistent implementation of AVMSD measures across Member States regarding the protection of minors?
2. Where do you consider current laws fail to address platform-based harms?
3. How would you consider that responsibility should be allocated between platforms, service providers, and users, also from a national perspective?