

Message 001

Communication from the Commission - TRIS/(2026) 2050

Directive (EU) 2015/1535

Notification: 2026/0405/AT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20262050.EN

1. MSG 001 IND 2026 0405 AT EN 28-07-2026 AT NOTIF

2. Austria

3A. Bundesministerium für Wirtschaft, Energie und Tourismus
Abteilung II/8
A-1010 Wien, Stubenring 1
Telefon +43-1/71100-808805
E-Mail: not9834@bmwet.gv.at

3B. Bundesministerium für Wohnen, Kunst, Kultur, Medien und Sport
Abteilung I/10 - Medienangelegenheiten

4. 2026/0405/AT - SERV30 - Media

5. Federal Act amending the Audiovisual Media Services Act and the KommAustria Act

6. Video-sharing platform services

7.

8. The present draft establishes the following provisions:

- Introduction of an age limit of 14 years for the use of video-sharing platforms with certain features that impair development and promote the confrontation of young people with harmful content and the development of harmful behaviour
- Creation of an obligation to implement an effective age-verification system for these video-sharing platforms, as well as for video-sharing platforms that must be kept inaccessible to all minors due to pornographic or violent content
- Requirements for the application and enforcement of these provisions in the context of individual, concrete measures against platform providers established abroad using the procedure provided for in Article 3(4) of the E-Commerce Directive 2000/31
- Entrusting the media regulatory authority KommAustria with the implementation of these provisions and the enforcement of any sanctions

9. Since the adoption of the legal measures transposing the AVMSD 2018/1808 in 2020, which did not yet refer to specific details of the age verification provided for in Article 28b(3)(f) of the Directive, it has become apparent that the potential risk posed by video-sharing platforms for children and adolescents has increased dramatically. Non-transparent recommender systems and addictive features of some video-sharing platforms mean that young people are increasingly confronted with harmful content, fall into what are known as “rabbit holes” and develop harmful behaviour, especially excessive and age-inappropriate use of video-sharing platforms. For this reason, the current draft essentially provides for an age limit of 14 years for the use of video-sharing platforms with certain features identified as harmful on the basis of scientific evidence. It should also be noted that providers of video-sharing platforms featuring the most harmful content, such as pornography or gratuitous violence, fail to implement any age verification methods or implement only inadequate ones despite being obliged to do so, in order to prevent minors from accessing content on the platform that is harmful to their development. The aim of this draft is to address this serious shortcoming by introducing provisions to ensure these platforms comply effectively with their obligation to carry out age verification.

9a. The risk lies in the effect that impairs development that certain video-sharing platforms can have on children under the age of 14. This is clearly demonstrated by the European Parliament’s report of 4 November 2025, which states that 97 % of young people use the Internet every day, a significant proportion exhibit problematic usage behaviour and that algorithmic recommendation systems, autoplay, infinite scroll and reward mechanisms can encourage addictive behaviour, prolonged usage and exposure to harmful content. In this regard, reference should be made to the findings of the ADDICT project, which were carried out by the Austrian Chamber of Labour and are cited in the accompanying explanatory notes. As a result, such addiction-promoting mechanisms can lead to compulsive and addiction-like patterns of use that have a negative impact on the health, productivity and general quality of life of users.

The measure applies directly to these features: Platforms that use such features and thereby promote or condone minors’ exposure to harmful content and the development of harmful behaviour must implement effective age verification and block access for under-14s. This protects precisely that age group which, due to its stage of development, its general lack of experience and its gullibility, does not yet possess the skills required to engage with digital media in an informed, respectful and safe manner or to make responsible and independent use of the vast array of user-generated content.

This objective is pursued consistently and systematically, as the measure builds on the existing youth protection provisions of the AMD-G, which are based on EU law, and specifically on Article 28b of the AVMD Directive; it covers only those features that have been proved to pose a particular risk and, in the interests of targeted precision and proportionality, does not in any way impair age-appropriate or functionally restricted services. Extending the scope to include platform providers from other Member States, through specific case-by-case measures where their services are aimed at users in Austria, also helps ensure comprehensive and effective coverage of relevant services, preventing gaps in protection.

9b. The measure may constitute a restriction on the internal market because, following an individual assessment by the regulatory authority, certain platforms based in other Member States that target the Austrian market must implement technical access controls based on an individual determination by the regulatory authority if they contain content or features that impair development. However, the effect remains limited: Following an individual assessment by the regulatory authority, only video-sharing platforms (VSPs) with specific functions or content are covered, and only insofar as they are aimed at users in Austria. In the case of suppliers from other EU Member States, the procedure set out in Article 3(4) of the E-Commerce Directive 2000/31 applies.

The measure is in line with the country of origin principle set out in Article 3(1) of the AVMSD: Whilst the application of the proposed rules may result in audiovisual media services (AVMS) from other Member States being indirectly restricted through access control imposed on the VSPs distributing the AVMS or their programmes, Article 3(1) of the AVMS Directive merely precludes a second form of content-based control of the AVMS in the Member State of destination. A rule which merely concerns the arrangements governing the otherwise unrestricted redistribution of audiovisual media services does not fall within the scope of this provision (ECJ C-622/17, *Baltic Media Alliance*, para. 70 et seq.). This line of reasoning can be applied to the specific obligations imposed on providers of VSPs: They relate to the terms and conditions governing access to the infrastructure created by the platform for the retransmission (including) of audiovisual media services, but do not prevent their retransmission as such.

Existing regulations are not sufficient. Article 28 of Regulation (EU) 2022/2065 on a Single Market for Digital Services (in short: DSA) contains only general obligations to ensure protection and does not specify a minimum age; the relevant guidelines are not legally binding, but they do give Member States the discretion to set a minimum age at national level. The same applies to Articles 34 and 35 DSA. The exclusive transfer of responsibility to the instrument of parental control is not an adequate alternative. In the opinion of experts in the field of education, it is practically insufficient. Furthermore, the rules previously laid down in the AMD-G and in other Member States on the basis of the AVMD Directive (version 2018/1808) regarding age verification in relation to harmful content have so far proved largely ineffective in protecting against content that falls below the threshold of pornography and gratuitous violence. There are still countless services that accept a simple self-declaration as proof of age.

The tested alternatives included parental control systems, age verification at the operating system or device level, and voluntary measures by providers. General design requirements for social networks were also considered. They were rejected because they are either not reliable or cannot be enforced across the board; because they are not currently required under EU law or would require a clear and unambiguous legal basis at EU level (which is not yet in sight), or because they would shift responsibility onto a group of people who did not themselves create the risk in question.

The chosen measure is the least restrictive because it does not impose a blanket ban on social media, affects only VSPs with features that have been shown to increase the risk of exposure to harmful content and the development of harmful behaviour. Only children under the age of 14 will be subject to the new

functional access restrictions, whilst access to child-friendly content and interpersonal communication services will not be affected in any way. In addition, the use of the most data-efficient method available as regards age verification will be made mandatory.

9c. The restrictions satisfy to the proportionality test because they are proportionate to the importance of the objective pursued. The measure is designed to protect children under the age of 14 from features on video-sharing platforms that may impair their development, from designs that encourage addictive behaviour and from the resulting increased exposure to harmful content. The aim is therefore to protect an age group that, according to the findings of various studies, is particularly vulnerable in a number of respects and to address a risk that, according to the studies and reports consulted, is not merely hypothetical.

The interference with the internal market remains limited and within the framework provided for by EU law. The provision does not cover all online services or all social networks, but it rather, because audiovisual content is a particularly influential form of media, focuses on video-sharing platforms that are aimed at users in Austria and utilise certain functions that are harmful to young people. Furthermore, in the case of providers from other Member States, it is applied only in accordance with the procedure set out in Article 3(4) of the E-Commerce Directive. The measure therefore does not apply indiscriminately or across the board, but is linked to a specific threatening situation and has a sufficient domestic connection.

The restriction on children's freedom of expression and freedom of information is also proportionate. While video-sharing platforms can be spaces of democratic participation and information gathering, the measure does not result in a general exclusion of information on the Internet. Children under the age of 14 continue to have access to other sources of information, communication services, journalistic offers, age-appropriate platforms and targeted searchable content. In addition, the intervention is limited in time because it applies only until the specified age limit is reached.

The key point is that the measure is not linked to specific content or opinions, but to the organisation of the service, for which the provider is responsible. It therefore imposes no obligation to carry out general content monitoring or to use upload filters. Such interference can be avoided or reduced by platform providers offering an age-appropriate or publicly accessible section that does not include features that may hinder development.

The protection of children and young people, which is in the public interest, therefore outweighs the restrictive effects. Without this measure, a particularly vulnerable age group would remain exposed to platform environments, the features of which are designed to encourage intensive use, user retention and algorithmic exposure to third-party content. In contrast, the burden on platform providers essentially consists of establishing an effective, data-efficient and technical neutrally designed access control system, which is already provided for in Article 28b(3) of the AVMSD by EU law, and thus in limiting an internally created risk.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu