

Draft

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

The Nationalrat has passed the following resolution:

Article 1

Amendment to the Audiovisual Media Services Act

The Audiovisual Media Services Act – AMD-G, Federal Law Gazette I no. 84/2001, as last amended by the Federal Act published in Federal Law Gazette I no. 20/2026, is amended as follows:

1. *In § 2, the former subparagraph 1 is renumbered ‘1a’ and the following subparagraph 1 is inserted:*
‘1. Age predicate: information on reaching a specified age or on exceeding or falling below a specified age limit;’
2. *The following subparagraph 26c shall be inserted in Section 2 after subparagraph 26b:*
‘26c. Presentation component: a feature of an age verification method used to verify age information on a video-sharing platform;’
3. *The following subparagraph 28c shall be inserted in Section 2 after subparagraph 28b:*
‘28c. Registration component: a feature of an age verification method that serves to determine the age of a user;’
4. *In Section 54c, the following (1a) and (1b) are inserted after (1):*
‘(1a) The provisions in this paragraph are applicable according to the criteria embodied in Sections 54i and 54j for specific individual measures regarding video-sharing platforms (VSPs) that are aimed at users within Austria and offered by a platform provider established in another EU member state’.
‘(1b) Furthermore, the provisions in this paragraph also apply to VSPs that are aimed at users within Austria by a platform provider established outside of the European Union.’
5. *In Section 54e(3), the following subparagraph 5 shall be added:*
‘5. Access to VSPs for minors under 14 years of age must be blocked using age verification, if, due to specific features, it cannot be guaranteed that these minors are protected from contents having a negative impact on their physical, intellectual or moral development. This protection is in any case not guaranteed if the platform provider makes use of one of the following features:
 - a) a recommendation system aimed either in general or specifically at the age group in question, which – with the exception of the display and prioritisation of search results based on a user’s own search query – results in more than a third of the content suggested or displayed not originating from the user’s own selected contacts;
 - b) on the home page or in a overview of posts, content is played automatically, repeated indefinitely, continuously replaced with new content, or reloaded continuously when the user reaches the bottom of the page or the end of the overview of posts, until the user actively stops it;

- c) the user is offered benefits or other incentives to increase the number of interactions they have with the video-sharing platform or with other users' content;
- d) the user is shown notifications on the terminal device that encourage increased or renewed use of the video-sharing platform, except notifications about personal communication with self-selected contacts, explicitly subscribed content or the security of the user's account;
- e) the video-sharing platform enables content to be shared by direct transmission with users with whom there is no reciprocal contact relationship'.

6. *In Section 54e, the following paragraphs (3a) and (3b) shall be inserted after paragraph (3):*

'(3a) In fulfilling its obligation to ensure effective access control pursuant to paragraph (3) subparagraphs (2) and (5), the platform provider must use an age verification method which respects data minimisation to the maximum extent possible in light of the current state of the technology. The age verification method shall consist of a registration component and a presentation component. The registration component shall receive information on age using a method referred to in paragraph (3b), convert it into the necessary age predicates in accordance with the following requirements and make it available to the presentation component. The presentation component must be used to verify age for a video-sharing platform. The age verification method and its registration and presentation components must, in particular, meet the following requirements, and compliance with these must be documented by the provider of the age verification method:

1. Absence of connection between the platform provider and the provider of an age verification method;
2. Presentation of age verifications is not observable or traceable;
3. Collusion resistance regarding the video-sharing platform;
4. User transparency and user-controlled sharing;
5. Data minimisation and selective disclosure;
6. Exclusion of central usage logging;
7. Interoperability through open standards and standardised age predicates.

If access to the video-sharing platform is via an individual user account, then the account holder's age need only be verified once, unless the platform provider has concrete evidence that the user account has changed hands or is being used by more than one person.

(3b) Age verification methods within the meaning of paragraph (3a) must reliably determine the age of users by applying a standard of accuracy that specifically meets the requirements for identification of individuals set out in Section 6(1)(1), paragraph (2)(1) and paragraph (4) of the Financial Markets Money Laundering Act [FM-GwG], Federal Law Gazette I no. 118/2016, and the Online Identification Regulation (Online-IDV), II no. 5/2017 as amended by the Regulation published in Federal Law Gazette II no. 470/2022, or equivalent to those methods'.

7. *In Section 54f(1), the word 'and' at the end of subparagraph 1 is replaced by a comma; a comma is inserted at the end of subparagraph 2; and the following subparagraphs 3 and 4 are inserted:*

'(3) the possibility for users under 14 years of age to have access to a video-sharing platform with specific features, in breach of § 54e(3)(5), and

(4) non-compliance with the age verification systems used with the requirements of Section 54e(3a)'

8. *In Section 54 g(1)(4) the words 'or inadequate design' shall be inserted in letter (b) after the word 'effectiveness'. The words in brackets '(Section 54e(3)(2))' shall be replaced by the words '(Section 54e(3) subparagraphs (2) and (5) in conjunction with Paragraph 3a) or'. The following letter (c) is inserted:*

'(c) granting access to the video-sharing platform with specific features for users under 14 years of age, in breach of Section 54e(3)(5)'.

9. *After Section 54(1)(3), the following subparagraphs (3a) and (3b) are inserted:*

'(3a) in breach of Section 54e(3)(5), fails to carry out effective access control using age verification to block access of minors under 14 to its video-sharing platform with specific features;

(3b) in breach of Section 54e(3a), uses an age verification system that does not meet the requirements set out therein;

10. *The following Paragraph (2a) is inserted after Section 54h(2):*

‘(2a) Where the platform provider is designated as the operator of a very large online platform pursuant to Article 33(4) of Regulation (EU) no. 2022/2065 on a single market for digital services, which amends Directive 2000/31/EC (Digital Services Act), OJ No. L 277, of 27 October 2022, p. 1, the regulatory authority may impose fines of up to 6 per cent of the platform provider’s global annual turnover’.

11. *After Section 54h, the following Sections 54i and 54j, including their headings, are inserted:*

‘Individual measures against platform providers from other Member States’

Section 54i. (1) If the regulatory authority has reasonable grounds to suspect that a platform provider established in another Member State of the European Union is undermining the protection of minors in Austria, it shall initiate a determination procedure associated with a possible petition to take appropriate measures pursuant to paragraph (3). In any case, the protection of minors is jeopardised if a video-sharing platform aimed at users in Austria has content within the meaning of Section 54e(3)(2) or features within the meaning of Section 54e(3)(5) and is not subject to effective access control by means of age verification within the meaning of Section 54e(3a). After having obtained the result of its assessment, the regulatory authority shall act in accordance with the following provisions.

(2) The regulatory authority must announce its intention to issue a decision on appropriate measures pursuant to paragraph (1)

1. to the platform provider concerned according to the criteria of Section 54j, while also providing the opportunity to submit a statement, and
2. must notify the European Commission and the competent authority of the other Member State. It shall also request that the competent authority adopt measures against the platform provider, within the framework of the procedure laid down in Article 15 of Regulation (EU) No. 2024/1083 establishing a common framework for media services in the internal market (European Media Freedom Act), OJ L of 17 April 2024.

(3) Appropriate measures,

1. except in the cases referred to in subparagraph 2, to request that the platform provider arrange a situation compliant with Section 54e(3) and (3a) and take effective measures to prevent future damaging effects; the platform provider must comply with this decision within the time limit set by the regulatory authority, which shall not exceed 30 days, and must report on this to the regulatory authority;
2. in cases where a decision pursuant to Paragraph 1 has already been issued against a platform provider on more than one occasion, or where the platform provider fails to comply with a decision pursuant to 1, a fine shall be imposed in proceedings pursuant to Section 54h.

(4) The regulatory authority may issue a decision on appropriate measures only if the competent body of the other Member State has not complied with the request pursuant to Paragraph 2 subparagraph 2 within 30 calendar days or if the measures taken by the competent body are insufficient, in the opinion of the regulatory authority, to prevent negative effects on the protection of minors.

Enforcement against platform providers from other Member States

Section 54j. (1) The regulatory authority shall arrange for issuing of decisions pursuant to § 54i as well as related official documents to the central electronic contact point of the service provider pursuant to Article 11(1) of the Digital Services Act.

(2) If the platform provider refuses to accept official documents at the central electronic contact point pursuant to Article 11(1) of the Digital Services Act, and if it transpires that the legally valid service of official documents abroad is not feasible or cannot be carried out within a reasonable time, then such documents must be deposited at the premises of the regulatory authority. The platform provider shall be notified of the deposit of the documents on the regulatory authority’s website. The notification must indicate the start and the duration of the pickup period and the legal effect of the deposit (paragraph 3).

(3) The deposited documents must be kept available for pickup for at least two weeks. This period shall begin with the date of publication of notification on the website. Documents deposited shall be deemed to have been served on the first day of that period.

(4) Decisions by the regulatory authority imposing fines pursuant to Section 54i(3)(2) may also be enforced by means of a decision prohibiting known debtors of the platform provider and its affiliated undertakings (paragraph 5 and Section 2(35a)) from making payments to the platform provider or to any of its affiliated undertakings. The regulatory authority shall make use of this possibility if the decision imposing fines has become final and the platform provider has not paid the fine within the time limit or there are reasonable grounds to suspect that the final fine will not be paid. For the purposes of the first clause, ‘debtors’ are defined as undertakings which have a regular business relationship with the platform provider or with an undertaking affiliated with it (Paragraph 5 and Section 2 subparagraph(35a)) for the purposes of marketing or selling commercial communication services in Austria. A pecuniary claim thus subject to a prohibition on payment shall be remitted to the regulatory authority with the effect that the debtor is exempt from payment vis-à-vis the platform provider or the associated undertaking concerned. The amounts thus received must be recorded in a separate account. If the sum of the amounts collected exceeds the amount of the enforceable fine, then the remaining amount shall be transferred to the platform provider or the associated undertaking.

(5) Any undertaking that carries out regular business activities within the country – that is to say, has a stable and effective link with the domestic economy – and is in such a business relationship with a platform provider or an undertaking affiliated with it, in particular by marketing or selling commercial communications for publication on the video-sharing platform, shall also be deemed to be affiliated with a platform provider’.

12. *The following Paragraph 12 is added to Section 67:*

‘(12). The Federal Act amending the Audiovisual Media Services Act and the KommAustria Act, Federal Law Gazette I no. xxx/2026, was notified in compliance with EU Directive 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules for information society services, OJ L 241, of 17 September 2015, p. 1 (Notification no. 2026/007/xx).’

13. *After § 67, § 67a including the heading, is inserted as follows:*

‘Evaluation

Section 67a. (1) By the end of 30 June 2028, the Federal Minister for Housing, Arts, Culture, Media and Sport, in agreement with the Federal Chancellor and the Federal Minister for Justice,

1. must conduct an assessment of the appropriateness of the statutory requirements on the basis of a report drawn up by the regulatory authority on the application of Sections 54c(1a), 54i and 54j, and, where appropriate, to submit proposals for amending the statutory provisions, and,
2. on the basis of a report submitted by the data protection authority on the application of Section 54e(3a) and (3b), carry out an assessment of the provisions on age verification, taking particular account of developments at European level.

(2) The two assessments mentioned in paragraph 1 shall be brought to the attention of the Federal Government and submitted to the Nationalrat and the Bundesrat.”

14. *The following Paragraph 18 is added to Section 69:*

‘(18). Section 2 subparagraphs (1), (26c) and (28c); Section 54c(1a) and (1b); Section 54e(3)(5), paragraphs (3a) and (3b); Section 54f(1); Section 54g(1)(4)(b) and (c); Section 54h(1), subparagraphs (3a) and (3b) and paragraph (2a); Sections 54i and 54j together with their headings; Section 67(12); and Section 67a together with its heading, as amended by the Federal Act published in the Federal Law Gazette I No. xxx/2026 shall enter into force on 1 January 2027. Platform providers must ensure that the age verification requirements set out in Section 54e(3) subparagraphs (2) and (5) are met by 31 March 2027 at the latest. Section 54h(1) subparagraphs (3a) and (3b), as well as paragraph (2a), and Section 54i shall apply only to circumstances arising after 31 March 2027.’

Article 2

Amendment to the KommAustria Act

KommAustria Act [KOG], Federal Law Gazette I no. 32/2001, as last amended by the Federal Act published in Federal Law Gazette I no. xxx/2026, is amended as follows:

1. *Section 13(4)(1) letter L reads as follows:*

‘1) Obligations pursuant to Section 9b of the AMD-G with the exception of individual measures and enforcement, pursuant to Sections 54i and 54j of the AMD-G, and conducting of any administrative criminal proceedings relating to platform-providers from other Member States pursuant to Section 54h of the AMD-G;’-

2. *In Section 35, the following paragraph (1i) is inserted before paragraph (2):*

“(1i) The costs incurred by KommAustria in carrying out the obligations set out in Sections 54e to 54j of the AMD-G in connection with checking and enforcing age verification, and the costs incurred by RTR-GmbH in carrying out its obligations of supporting KommAustria in these matters, shall be financed from the funds transferred from the federal budget pursuant to Section 35a.”

3. *In Section 39(1)(3), after the paragraph designation ‘27b’, the following words are inserted: ‘Section 54g (2)(1), – insofar as the decision refers to a breach of Sections 54e, paragraph (3) subparagraphs (2) or (5) in conjunction with paragraph (3a), and Section 54i(1) in conjunction with Paragraph 3(1)’.*

4. *The following paragraph 41 is added to Section 44:*

‘(41) Section 13(4)(1)(l), Section 35(1i) and Section 39(1)(3) as amended by the Federal Act published in the Federal Law Gazette (BGBl) I no. xxx/2026 enters into force on 1 January 2027.’