

Message 001

Communication from the Commission - TRIS/(2026) 1611

Directive (EU) 2015/1535

Notification: 2026/0303/PL

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 jiftaħ 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: 20261611.EN

1. MSG 001 IND 2026 0303 PL EN 17-06-2026 PL NOTIF

2. Poland

3A. Ministerstwo Rozwoju i Technologii, Departament Obrotu Towarami Wrażliwymi i Bezpieczeństwa Technicznego,
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3B. Ministerstwo Cyfryzacji, Departament Telekomunikacji, ul. Królewska 27, 00-060 Warszawa, e-mail: sekretariat.DT@cyfra.gov.pl

4. 2026/0303/PL - SERV60 - Internet services

5. Act on the Protection of Minors from Access to Pornographic Content on the Internet

6. Information Society services.

The draft bill sets out the obligations of providers of electronic services regarding the protection of minors from pornographic content offered by the service provider in connection with the provision of electronic services

7.

8. The purpose of the law is to protect minors from accessing pornographic content online. Service providers (electronic services) providing access to pornographic content will be required to apply an age verification mechanism and to prevent access to such content by minors. A user's self-declaration of their age will not be considered a sufficient form of verification. The Act does not impose any specific age verification technology, but indicates that the use of an age-verification attribute within the European Digital Identity Wallet is the preferred option. Age verification mechanisms should also comply with the general rules on the protection of personal data. The President of the Office of Electronic Communications will keep a register of domains providing pornography without appropriate age verification. Domains may be entered into the register either ex officio or on the basis of applications from members of the public or other organisations, as well as from the Chair of the National Broadcasting Council (in the case of entities providing on-demand audiovisual media services or video-sharing platform providers). When assessing applications, the President of the Office of Electronic Communications will draw on the opinion of the Scientific and Academic Computer Network – National Research Institute. Before the entry is made, the domain owner will be notified and given the opportunity to provide explanations. If the infringements are rectified or effective measures to protect minors are put in place, no entry will be made in the register. Internet providers will be obliged to block access to domains listed in the register. A user attempting to access a blocked page will be redirected to the relevant message. The domain owner will be able to object to the entry in the register. If the objection is not accepted, a complaint may be lodged with an administrative court. The President of the Office of Electronic Communications will be granted control powers over service providers and Internet providers. Financial penalties ranging from PLN 10,000 to PLN 1,000,000 for service providers and up to PLN 250,000 for Internet service providers are imposed for breaches of these obligations. The Act will apply to both domestic entities and foreign entities providing services to users located in Poland. The Act will enter into force 12 months after its publication.

9. Access to pornographic content on the Internet should be restricted to adults only. However, minors are able to access pornographic content online without adequate controls, as the age verification mechanisms currently in use (based on self-declaration) are not effective. Minors' access to such content is often accidental, and this content has a highly negative impact on their psychological, emotional and social development; moreover, exposure to it is being observed among increasingly younger children. Despite the educational and awareness-raising initiatives currently underway, a significant proportion of children still gain access to pornographic content online, which justifies the introduction of legislative measures.

9a. The draft bill addresses a real and well-documented social problem, namely the widespread access of minors to pornographic content on the Internet. According to the research cited in the Impact Assessment carried out for the bill, 73% of children and 71.1% of young people indicate that it is very easy to access such content.

The average age of first contact with pornography is less than 11 years, with almost one in five children coming into contact with pornography before the age of 10. At the same time, around 80% of children report that they do not have any parental control tools on the devices used (data from research carried out by the Scientific and Academic Computer Network – National Research Institute, 'Adolescents against digital pornography'. Usage trajectories. ('National Survey Report' and 'Teenagers 3.0: Report on a National Survey of School Pupils').

The negative impact of premature exposure to pornography on children's emotional, social and psychophysical development has been noted in numerous studies and in the positions taken by public bodies, including as part of the 'Better Internet for Kids' strategy. These risks include, but are not limited to, disorders in the development of healthy interpersonal relationships, increased susceptibility to behavioural addictions, disorders of concentration, reduced mental well-being, and the perpetuation of abnormal patterns of sexual behaviour.

The draft measure consists in imposing an obligation on service providers to apply effective mechanisms of age verification and preventing access to pornographic content by minors. This measure is directly linked to the problem identified, as it addresses the root cause of the current situation – the lack of effective safeguards on the part of content providers. Current solutions based solely on age self-declaration are not a real barrier for minors.

The solution adopted is also consistent with the objective of the regulation. The draft bill does not prohibit the distribution of legal pornographic content, nor does it restrict adults' ability to access it. It merely introduces an obligation to effectively verify that the user is of legal age before granting access to such material. The measure has been designed with the protection of minors in mind, whilst remaining proportionate to the risk and serving an important public interest, namely the protection of children's health, safety and proper development.

9b. The proposed bill affects the functioning of the digital services market by imposing an obligation on service providers offering access to pornographic content to implement age verification mechanisms. In the case of entities that fail to comply with their statutory obligations, measures may be taken in the form of entering the domain name in a register maintained by the President of the Office of Electronic Communications and blocking access to such domains by Internet service providers. Before such an entry is made, it will be possible to provide clarifications to the President of the Office of Electronic Communications and, in the event of an entry being made, to lodge an objection and lodge a complaint with an administrative court.

Despite its potential impact on the provision of cross-border services, given that it imposes obligations on service providers established outside Poland as well, the measure must be regarded as necessary. The measures in place to date have proved insufficient to achieve the intended level of protection for minors. Educational initiatives, awareness campaigns and parental control tools remain an important part of public policy, but their effectiveness has proved limited – over half of teenagers say they have no rules at all regarding Internet use set by their parents or carers. Alternative solutions such as leaving protection solely to the self-regulatory mechanisms of the market, conducting educational campaigns or basing the system solely on the responsibility of guardians do not guarantee a universal level of protection and do not eliminate the risk of accidental contact of children with pornographic content. Their effectiveness depends on the activity of end-users, the level of digital competence of parents and individual decisions by households. The draft bill adopts the least restrictive approach that will achieve the intended objective. No single specific age verification mechanism is imposed, leaving service providers free to choose their own technological solutions. This limits interference in economic activity to the extent necessary to ensure the effective protection of minors.

9c. The draft bill has been structured in such a way as to ensure the right balance is struck between the protection of the public interest and the restrictions imposed on participants in the internal market, whilst also

taking into account safeguards for the right to privacy and the protection of personal data. Limitations arising from

the provisions of the draft bill apply exclusively to entities providing access to pornographic content and are limited to the obligation to implement an effective age verification mechanism. It does not prohibit business activities in this area, does not restrict adults' access to legal pornographic content, and does not impose any single specific technical solution.

At the same time, the public interest protected under the draft bill is of particular importance, as it concerns the protection of children against the harmful effects of premature exposure to pornography. The scale of the problem has been confirmed by research indicating that minors are frequently exposed to this type of content and that the age at which they are first exposed is getting younger. Failure to intervene would further perpetuate the phenomenon and increase the risk of social and health damage.

The draft bill also provides for a number of mechanisms designed to limit the risk of excessive interference in the activities of service providers. Before entering a domain name into the register, the President of the Office of Electronic Communications verifies the application and obtains an opinion from the Scientific and Academic Computer Network – State Research Institute, or relies on the opinion provided by the Chair of the National Broadcasting Council. The domain holder will be notified of the intention to enter the domain in the register and will be given the opportunity to provide explanations. It also provides for the possibility of raising an objection against the entry and then bringing an action before an administrative court. These arrangements exclude the risk of arbitrary or unjustifiable restrictions on economic activity. In addition, should service providers implement an age verification mechanism, they will be required to comply with the applicable general data protection regulations, including, in particular, the obligation to minimise the amount of data processed. Adopting the solution set out in the draft bill as the preferred option – which involves verifying age via the European Digital Identity Portfolio – will ensure both the effectiveness of age verification and the protection of service users' privacy, thanks to the use of zero-knowledge proof technology.

The protection of the health and rights of children, a particularly vulnerable social group, justifies imposing the organisational and technical obligations indicated in the project on those benefiting from the sharing of pornographic content. The harm resulting from the failure to achieve the public objective is far more serious than the potential disruption to the provision of the services covered by the project; moreover, the identified risks to public health and safety are continuing to grow.

10. References to basic texts: No basic texts available

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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