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Protecting children online: response to the draft guidance

Executive summary

DIGITALEUROPE welcomes the European Commission's draft guidelines on the protection of minors online under Art. 28 of the Digital Services Act (DSA).[1] The draft provides an important opportunity to reinforce a harmonised and proportionate approach to child safety across Europe, clarifying the expectations for platforms whilst avoiding a fragmented regulatory landscape.

We strongly support the draft's emphasis on risk-based, flexible measures, and its recognition that protection does not mean exclusion. Children must be empowered to access digital opportunities in age-appropriate, safe environments. However, to ensure the guidelines are clear, effective and proportionate across the wide variety of online platforms to which they are meant to apply, several elements would benefit from clarification and adjustment.

In particular, we highlight the need for:

▶▶ Clearer guidance on the criteria for assessing 'accessibility to minors', including a working definition that reflects actual use and service design;

▶▶ Greater legal certainty on how the guidelines interact with existing EU legislation;

▶▶ A flexible approach to age assurance that maintains privacy and inclusivity;

▶▶ Flexibility for platforms to tailor measures based on service-specific risks and capabilities;

▶▶ Recognition that existing risk assessments by very large online platforms (VLOPs) should be considered sufficient to meet the guidelines' expectations, provided they adequately address risks to minors, avoiding unnecessary duplication.

Adopting these improvements will help ensure that platforms can effectively implement safeguards without undermining innovation, inclusiveness, or user trust.

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[1] Regulation (EU) 2022/2065.

Table of contents

Reinforcing the single market

We welcome the guidelines as a tool to reinforce the single market and prevent a patchwork of national child safety rules for online platforms. This is especially important given the emergence of divergent national proposals and overlapping EU-level initiatives, such as those under the proposed Digital Fairness Act.[2] Fragmentation creates legal uncertainty, imposes disproportionate compliance burdens on providers and ultimately undermines child protection. We also highlight the continued fragmentation in the area of child safety beyond online platforms. Whilst these divergences fall outside the scope of the guidelines, they should be addressed in parallel.

To further reinforce harmonisation, we encourage the Commission to specify how the guidelines should be applied in the context of Member States introducing their own measures. Strong, clear EU-level guidance is essential to discourage national deviations and support a consistent child safety framework across the EU.

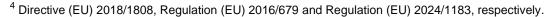## Definitions and interaction with other legislation

The guidelines would benefit from greater clarity around key terms, especially 'accessible to minors', given the wide variety of online platforms. This concept is fundamental to determining the scope of Art. 28 obligations, yet it remains undefined in the current draft. We recommend that the Commission provide a working definition that considers actual usage patterns, service design, and the likelihood of minor users accessing the service.[3] Without such clarification, platforms may be left uncertain about their compliance responsibilities, potentially leading to inconsistent implementation. It would also be helpful for the Commission to include concrete examples of services considered outside the scope of Art. 28.

We appreciate the draft guidelines' recognition that platforms need legal clarity and consistency. However, the guidelines should go further in clarifying the relationship between the DSA and other EU legislation, including the Audiovisual Media Services Directive (AVMSD), the General Data Protection Regulation (GDPR), and the upcoming eIDAS framework.[4] Clearer guidance is needed to help platforms reconcile different obligations in areas such as age verification, parental controls, and data minimisation.

Risk reviews

DIGITALEUROPE supports the use of risk reviews as a foundation for implementing proportionate safeguards, which aligns with the spirit of the DSA. However, it is important that the guidelines avoid creating additional burdens or duplicating efforts, both for VLOPs, which are already subject to detailed risk

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[2] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13413-Digital-fairness-fitness-check-on-EU-consumer-law_en

[3] We would welcome greater alignment with the United Kingdom's approach, particularly as set out in the Online Safety Act and the Age-Appropriate Design Code. Both frameworks use the concept of "likely to be accessed by a child" as the key threshold for applying child-specific safety and privacy obligations. By adopting a harmonised standard such as "likely to be accessed by a child", platforms operating across jurisdictions could conduct a single, comprehensive risk assessment of their services.

[4] Directive (EU) 2018/1808, Regulation (EU) 2016/679 and Regulation (EU) 2024/1183, respectively.

assessment obligations under the DSA, and for Digital Services Coordinators, who cannot reasonably be expected to assess the risks and mitigation measures of each individual online platform.

The final guidelines should clearly state that existing DSA-mandated risk assessments, especially those addressing risks to minors, should be considered sufficient, provided they address the relevant areas of concern. Platforms should not be expected to conduct new or separate assessments solely for Art. 28 compliance where existing processes already address these requirements. This approach will reduce administrative burden and ensure resources are directed to effective risk mitigation.

Moreover, platforms should be permitted to focus their risk assessments on the high-risk features of their services, applying targeted mitigation measures where appropriate. Lower-risk components should be allowed to operate without further intervention, ensuring proportionality in implementation. Platforms should be allowed to leverage existing assessments conducted under comparable regulations, such as the UK's Online Safety Act, where relevant and applicable.[5]

The guidelines should also clarify that child-specific risk assessments are not required under the DSA. Whilst such tools may be helpful in shaping safeguards, they should not be mandatory, made public, or expected in duplicate form where relevant risks have already been addressed through existing mechanisms. The results of risk reviews often contain sensitive information and should primarily be shared with competent regulators and vetted researchers, not made publicly available, to prevent misuse.
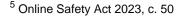
Service design

Age assurance

We support a risk-based, interoperable, and privacy-preserving framework for age assurance. We welcome the draft guidelines' recognition of a spectrum of age assurance methods.

It is positive that the guidelines do not recommend age-based bans for children on social media. This is the correct approach. We are concerned by the trend in some Member States to push for such restrictions. Ensuring safety online should not be about blocking access, but about enabling access with appropriate safeguards. Children have a right to access information, to learn, discover and participate online. The internet is a central part of everyday life and plays a vital role in education, communication and inclusion. Excluding children outright undermines their fundamental rights.

We emphasise the importance of preserving inclusive access and a fluid user experience. Many young users lack formal ID or are reluctant to share sensitive documents online. Age assurance mechanisms must allow for anonymous or pseudonymous use and avoid intrusive data collection. We welcome the draft's endorsement of privacy-preserving tools and recommend that any expectations around technical implementation be tested with stakeholders before adoption.

In addition, we support the development of EU-wide solutions, such as the EU's Digital Identity Wallet, provided they remain optional, interoperable, and grounded in user trust.[6]

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[5] Online Safety Act 2023, c. 50

[6] Regulation (EU) 2024/1183

Default settings

We support the principle that default settings should maximise safety and privacy for children. However, platforms should be granted the flexibility to tailor experiences based on the age, maturity of the child and the inherent risk profile of their service. For example, a 17-year-old may require and expect more interactive and customisable features than a 13-year-old. A one-size-fits-all approach could risk undermining usability and user autonomy for older children. The guidelines should explicitly acknowledge the possibility for age-sensitive differentiation.

We caution against overly prescriptive language in the guidelines on default settings. They should offer a menu of best practices, not prescriptive requirements. Services must retain flexibility to design settings appropriate to their product environment, risk level and user needs. For instance, in the case of messaging functionality, children should be able to receive notifications from known contacts by default. This is essential to support day-to-day communications with trusted adults such as parents or carers, and blanket restrictions on notifications could inadvertently undermine the safety and wellbeing of the child.

Promoting healthy usage habits

We support discussions on promoting healthy usage habits and remain open to exploring best practices that empower users. We agree that screen time tools can support healthy digital habits and are already widely implemented across many services. These include screen time reminders, notification controls, autoplay settings and read receipt options. The guidelines rightly position these as optional features that support digital wellbeing, rather than mandated solutions.

However, it is important to avoid setting de facto requirements that may not be appropriate across all service types or age groups. We encourage the Commission to clearly state that platforms should be free to design and implement screen time features in a manner consistent with their risk profile and technical design, rather than applying prescriptive expectations.

The suggestion to introduce 'friction' to discourage users from certain actions risks conflicting with other provisions of the DSA. For example, the guidelines suggest that providers should consider allowing minors to change their default settings only temporarily. However, Recital 67 DSA states that making default settings very difficult to change constitutes a dark pattern. The guidelines should instead promote neutral design choices that enable informed user decisions.

Recommender systems

Recommender systems help users navigate vast amounts of information and can promote access to high-quality, trustworthy, and age-appropriate content. The current draft focuses too narrowly on risks. The guidelines should also acknowledge the benefits of well-designed recommender systems and the role of behavioural data, used with strong privacy safeguards.

Importantly, not all recommender systems carry the same risk. Content and product recommendations differ significantly, and the mitigations suggested in the guidelines should not be applied uniformly. Instead, platforms should assess the specific risks of their recommender systems and apply proportionate, targeted measures.

Parental controls

We support the role of parental controls as complementary tools that can empower families to tailor online experiences to children's needs. The draft guidelines strike the right tone by stressing that these tools should not replace platform-level safeguards or override children's rights to participation and autonomy.

Any parental controls introduced must respect privacy, transparency, and consent.[7] We appreciate that the draft encourages safeguards against misuse, and that it recognises the need for these tools to be age-appropriate, easy to use, and compatible across devices.

We recommend adding further clarification on how platforms can meet these goals in practice, particularly in cross-device environments or where third-party controls are used. The Commission could consider creating a unified EU framework for parental control systems to help prevent market fragmentation, ensure consistent child protection, and foster interoperability and innovation.

Governance

DIGITALEUROPE supports the draft guidelines' emphasis on internal governance measures to ensure child safety is embedded within platform operations. The appointment of responsible teams or individuals, regular staff training, and top-level oversight are all appropriate tools for strengthening institutional accountability.

Nevertheless, governance requirements, including any accompanying transparency reporting, must remain proportionate and adaptable to the nature, size, and structure of the platform. Smaller providers or those with fewer child users should retain flexibility in how they operationalise governance commitments.

The guidelines also highlight the importance of transparency and participation, including engaging with children. Whilst we support meaningful user engagement, the guidelines should acknowledge that engaging children in governance processes requires specialist knowledge and safeguards and should not be seen as a one-size-fits-all obligation.

We further encourage the Commission to clarify that public reporting and documentation of governance structures should be focused on demonstrating good-faith compliance and continuous improvement, not on meeting rigid procedural checklists. Platforms should be empowered to use formats and communication tools that best reach their audiences whilst avoiding duplication of other legal transparency obligations.

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[7] Sept 2024, *Protecting children online: response to the call for evidence,* available at
https://www.digitaleurope.org/resources/protecting-children-online-response-to-the-call-for-evidence/

About DIGITALEUROPE

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