

WE ARE SHAPING THE INTERNET.
YESTERDAY. TODAY. BEYOND TOMORROW.



Additional Contribution to the Targeted Public Consultation on the Guidelines for the Protection of Minors under the Digital Services Act (DSA)

Cologne/Berlin, 10 June 2025

In addition to the provided answers in the online questionnaire, eco would like to emphasize the following key points as they are of particular importance for providers of online platform:

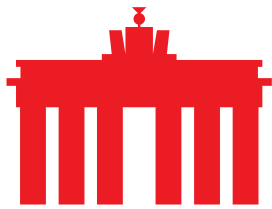
1. Guidelines are guidance, not new obligations

The guidelines must remain clearly identifiable as such and must not effectively introduce new legal obligations that were deliberately excluded during the legislative process of the DSA. It should be reiterated that these are not binding rules but supportive guidance by best practises to assist in the implementation and enforcement of existing obligations. It is important that companies are given sufficient flexibility in the implementation of recommended measures. To effectively mitigate risks, it is essential to strike a balance between providing clear guidance and allowing for flexibility in implementation. A technology-neutral approach is key. This would enable services to develop tailored and practicable solutions that account for their unique product designs, and functionalities.

2. Preserving the relationship between Article 28 and Articles 34 and following of the DSA

It must be ensured that the guidelines do not disproportionately extend or duplicate the measures for minors' safety provided for in Article 28 of the DSA and the complementary risk-based obligations set out in Articles 34 and following of the DSA. In the context of Article 28 DSA and the corresponding guidelines particular account must be taken of the fact that Articles 34 and 35 DSA contain additional obligations for VLOPS. The proposed measures are far-reaching in many areas which leads to uncertainties what additional measures VLOPs could implement.

The need for VLOSE-specific considerations should be taken into account, as general guidelines, while potentially inspiring, are not directly applicable due to their broad scope and the diverse nature of search engines.



3. Avoidance of contradictions and regulatory conflicts with other EU regulations

The guidelines do not address the lack of clarity for online service providers regarding the interfaces and interplay between the DSA and existing EU legal acts, in particular:

- the Audiovisual Media Services Directive (AVMSD),
- the General Data Protection Regulation (GDPR), and
- the AI Act.

The guidelines should be designed to avoid contradictions with these regulations and clearly delineate the existing obligations from one another to prevent legal uncertainty for providers.

4. Age verification systems as one building block, not a cure-all:

Age verification systems can make an important contribution to protecting minors, especially regarding access to age-inappropriate content. However, they represent only one of several possible measures and are not sufficient on their own to address all the risks minors face online.

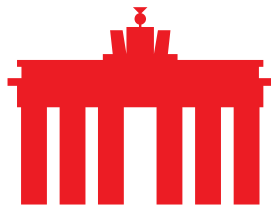
It should be kept in mind that there are already a number of different age verification and age assurance solutions which have proven to be effective, accurate and reliable. Providers of online platforms should not be hindered to continue using these technologies.

We like to point out that age estimation systems already can achieve a very high level of accuracy and reliability. In case of high accuracy and reliability, they should also be deemed as sufficient age assurance measures for 18+ content.

Depending on the specific service and its identified risks, there should still be room for age assurance by self-declaration in combination with additional AI applications to compare the alleged age with the typical online behaviour, style of writing, interests etc. of the relevant age group.

New options such as age verification apps and digital identity wallets should be seen as additional options and not as solutions that necessarily replace existing ones.

On another note, the use of age verification systems must not be extended to the point where it fundamentally restricts the anonymous use of lawful services or undermines the right to anonymous communication on the internet. A proper balance between protection and informational self-determination must be maintained.



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About eco: With approximately 1,000 member companies, eco (international.eco.de) is the leading Association of the Internet Industry in Europe. Since 1995, eco has been highly instrumental in shaping the Internet, fostering new technologies, forming framework conditions, and representing the interests of its members in politics and international forums. eco has offices based in Cologne, Berlin and Brussels. In its work, eco primarily advocates for a high-performance, reliable and trustworthy ecosystem of digital infrastructures and services. In addition, eco is operating a hotline (eco Complaints Office) for receiving reports of illegal focusing on content harmful to minors, incl. child sexual abuse material (CSAM), for more than 25 years and is an INHOPE founding member.