June 2026

DOT Europe contribution

Notification 2026/0185/FR under the TRIS process

DOT Europe welcomes the opportunity to contribute to the TRIS notification of the French Proposition de Loi visant à protéger les mineurs des risques auxquels les expose l'utilisation des réseaux sociaux (hereinafter, the bill), as notified by the French Government in 2026.

The bill seeks to prohibit minors under the age of 15 from accessing social media platforms whose content or recommendation systems are liable to harm their physical, mental, or moral development, and to require parental authorisation for those under 15 to access other social media services.

DOT Europe shares the fundamental objective of protecting minors in online environments. However, we are deeply concerned that this bill, as currently drafted, is conceptually flawed and incompatible with EU law, undermines the integrity of the Digital Single Market, and duplicates regulatory work already underway at the European level. We urge the European Commission to issue a detailed opinion as foreseen in the TRIS instrument to formally request that the French Government bring the bill into conformity with EU law before it proceeds.

Social media bans are not supported by evidence and risk displacing minors to less safe environments

While DOT Europe fully shares the fundamental goal of enhancing minor safety online, and recognises the significant political momentum to better protect minors online, the evidence base for blanket bans to access social media remains thin and contested. A growing body of research, including from academic institutions, NGOs, and child safety organisations, cautions against the assumption that restricting access to mainstream, regulated platforms will reduce harm.

On the contrary, such initiatives risk displacing minors from services subject to significant EU and national regulatory obligations, including the Digital Services Act (DSA), the General Data Protection Regulation (GDPR), and the Audiovisual Media Services Directive (AVMSD), towards non-compliant, harder-to-monitor spaces, which would increase minors' exposure to harmful content and malicious actors. This concern was recently echoed by the UN High Commissioner for Human Rights. In that sense, the Australian example is instructive, but as a reference point for what to refine, rather than a blueprint to replicate.

DOT Europe believes that effective protection of minors online requires targeted, evidence and risk-based, and enforceable measures that regulate specific features on services assessed as harmful, instead of broad blanket bans that both generate legal uncertainty and create a false sense of security for parents and policymakers alike. Additionally, an EU-level solution would be preferable to 27 different national frameworks.

Incompatibility and overlap with the Digital Services Act

Avenue Marnix 17, 1000
Brussels, Belgium
Tel: +32 (0) 472 26 83 02

WWW.DOTEUROPE.EU
Transparency Register: 53905947933-43

The DSA is a Regulation of maximum harmonisation that establishes a comprehensive and directly applicable framework governing online intermediary services across the EU. It explicitly provides for the protection of minors online, including through:

- Article 28, which imposes specific obligations on platforms likely to be accessed by minors to ensure a high level of privacy, safety, and security for those users;
- Articles 34 and 35, which require Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) to identify systemic risks, including harms to children's rights and wellbeing, and to implement proportionate mitigation measures, such as age assurance and parental controls.

The French bill introduces obligations on a sub-category of online platforms that duplicate and, in several respects, go beyond those already established in the DSA. Recital 2 of the DSA explicitly cautions that diverging national laws "negatively affect the internal market" and Recital 9 prohibits Member States from introducing national laws on the matters covered by this Regulation. The DSA does not establish any national exceptions in the field of minor protection: this was a deliberate legislative choice.

Although Article 28 Guidelines contemplate that national law, in compliance with EU law, may prescribe a minimum age to access certain online platforms, the bill's requirements that a regulatory authority maintain blocklists of prohibited services, and that specific age verification and parental consent mechanisms are implemented introduce a French national model overstepping the EU's harmonised framework and risks fragmenting the regulatory landscape for digital services across Europe.

Article 6-9(I) of the bill targets platforms offering the 'functionalities of an online social networking service', but does not provide sufficiently clear criteria for determining which functionalities trigger its application. This creates significant legal uncertainty as to which services fall within scope. In practice, the provision could apply to a vast and unpredictable range of online platforms that share some, but not all, characteristics of a traditional social network. A list of banned services does not solve this problem as it will not be exhaustive and will change over time. The market will also evolve – the 2020 DSA impact assessment[1] noted that 10,000 online platforms were established in the EU. The result is a two-track system whose boundaries are undefined, creating an uneven playing field between operators offering comparable services and leaving both businesses and families without the legal clarity they need.

The bill's blocklist mechanism, whereby ARCOM identifies and publishes a list of platforms deemed harmful to minors, is a clear inversion of the risk management framework already established by the DSA. Under Articles 28, 34 and 35, the assessment of risks to minors and the determination of appropriate responses are fully harmonised at EU level: it is for platforms to conduct risk assessments and implement proportionate mitigation measures, in line with the Article 28 Guidelines and Articles 34 and 35 DSA, under the oversight of the Commission and the Digital Services Coordinator of establishment. By empowering a national regulator to unilaterally designate services as harmful and impose blanket access bans, the bill substitutes a national blocklist for this provider-led, EU-supervised

[1] IMPACT ASSESSMENT Accompanying the document PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC

process, bypassing the very framework the DSA was designed to establish and replacing a consistent EU-wide standard with a unilateral national judgement. This is not a neutral minimum-age rule but a substantive risk classification exercise at national level that duplicates and conflicts with the DSA framework.

Beyond access restrictions, the bill introduces new and highly specific operational obligations on a sub-category of online platforms. The parental consent mechanism required under Article 6-9(I bis) is not a simple yes/no authorisation: parents must specify the nature of the content their child may access, the maximum daily usage time, and the permitted hours of use. Meeting these requirements will, in practice, force platforms to build bespoke technical infrastructure to collect, store, and enforce granular parental instructions, obligations that go well beyond anything currently required under the DSA or any other EU instrument, and that have not been subject to any EU-level impact assessment or standardisation process.

Risks to EU regulatory coherence

Moreover, the French bill duplicates and pre-empts regulatory work already underway at EU level, including:

- The European Commission's guidelines on Article 28 DSA on the protection of minors online, adopted in 2025 and under upcoming review in 2026;
- The Special Panel on child safety online, convened by Commission President U. von der Leyen in March 2026, which aims at delivering recommendations on potential age-based restrictions by summer 2026.
- The Task Force on Age Verification, composed of Member State Digital Services Coordinators, ERGA, and the EDPB.

Proceeding with national age verification and access restriction requirements at this stage would directly undermine the ongoing EU-level process and risk locking in incompatible national approaches before a common framework has been established.

The bill creates a territorially fragmented user experience, whereby minors under the age of 15 residing in France would be subject to access restrictions and parental consent requirements that do not apply to their counterparts in other Member States, thereby introducing a two-tier regime for the exercise of minors' digital rights within the European Union that is incompatible with the principle of equal treatment underpinning the Single Market.

Risks of incompatibility with data protection law

The bill raises data protection questions that merit careful consideration alongside its compatibility with EU law. Implementing the parental consent mechanism as drafted would, in practice, likely require platforms to collect and process directly identifiable personal data across their user base, not only for minors seeking access, but for all users, given that age verification necessarily applies across the board. It could further entail the collection of sensitive information, including data evidencing the parent-child relationship and the identity of adults holding parental responsibility, categories of data whose large-scale processing raises questions of proportionality and data minimisation under the GDPR that the bill does not appear to address.

These questions are particularly worth examining in the French context. Recent cybersecurity incidents involving sensitive public-sector data, including reported vulnerabilities around France Titres and the confirmed ÉduConnect incident affecting student records serve as a reminder that the security of large-scale personal data processing cannot be taken as given, and that the creation of new centralised data flows carries inherent risks that should be carefully assessed before being mandated by law.

In this respect, the bill also warrants scrutiny against Article 28 of the DSA, which expressly provides that platforms should not be required to process additional personal data in order to determine whether a user is a minor, suggesting that the approach taken in the bill may not be the most proportionate path available to policymakers.

Breach of the Country-of-Origin principle and the free movement of services

The Country-of-Origin (CoO) principle, enshrined in the e-Commerce Directive and upheld in the DSA, ensures that online service providers are primarily regulated in their Member State of establishment. It is a foundational principle of the Digital Single Market, enabling services to operate across the EU without being subject to 27 diverging sets of national rules.

The French bill imposes obligations on platforms regardless of where they are established. While the bill makes reference to DSA Chapter IV enforcement mechanisms, this does not remedy the underlying conflict: the CoO principle is not merely a procedural requirement but a substantive constraint on the ability of Member States to impose general legislative obligations on services established elsewhere.

This point has been significantly clarified by recent case law. In his Opinion in Joined Cases C-188/24 and C-190/24 (18 September 2025), Advocate General Szpunar confirmed that national obligations requiring online service providers to implement technical measures preventing minors from accessing certain content constitute restrictions on the freedom to provide information society services under Article 3(2) of the e-Commerce Directive. Critically, the AG held that general and abstract national measures, precisely the type of measure introduced by the French bill, cannot be classified as measures "taken against a given information society service" within the meaning of Article 3(4). This means the derogation procedure on which Member States might otherwise rely is simply unavailable for legislative measures of general application such as this bill. This reasoning is further reinforced by the CJEU's judgment in Google Ireland (C-376/22), which confirmed that the Article 3(4) derogation mechanism presupposes individually identifiable providers and cannot be relied upon to justify general legislative measures.

The proportionality of the bill must also be assessed against the UN Convention on the Rights of the Child (UNCRC), to which France is a party and which the European Commission has explicitly referenced in its own Article 28 DSA Guidelines. Articles 13, 16 and 17 UNCRC protect children's rights to freedom of expression, privacy, and access to information from a diversity of sources. Article 3 establishes the best interests of the child as a primary consideration, while the principle of evolving capacities recognises that children's rights to autonomy and access to information must be respected in a manner commensurate with their developing maturity. A blanket prohibition on under-15s accessing entire categories of digital services, with no mechanism to account for a child's evolving capacities, sits uneasily with these obligations. The French bill does not demonstrate that less

restrictive measures were considered and found inadequate, a requirement that both EU proportionality analysis and the UNCRC framework would demand.

Conclusion

The French bill reflects a genuine and legitimate concern about child wellbeing online. DOT Europe shares that concern. However, the proposed measures are incompatible with EU law, cut across EU laws, in particular DSA and AVMSD, duplicate work already underway at the European level, and risk fragmenting the Digital Single Market.

This initiative is, moreover, not an isolated case. Similar legislation is under discussion in several other Member States. If each adopts its own national framework for minor protection online, age verification, and social media access restrictions, the result will be a patchwork of incompatible national rules that is unworkable for services operating across borders, fragments the EU internal market against the clear objectives of the EU legislators, and is also ultimately harmful to the coherent protection of children across Europe.

DOT Europe therefore urges:

- The Commission to formally request that the French Government revise the notified draft law to ensure compliance with the DSA, GDPR and the CoO principle, and postpone its adoption pursuant to Articles 6(3) to 6(5) of Directive (EU) 2015/1535 for at least 12 months pending the maturation of the EU-level framework, given that there is work underway in this field;
- The Commission to intensify scrutiny of national initiatives in the sphere of minor protection and age verification to prevent fragmentation of the Single Market;
- All stakeholders to await the EU-level special panel's recommendations before introducing technical standards, including for age assurance, or access restriction mechanisms.