



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0531/ES (Spain)

## Draft Organic Law for the Protection of Minors in Digital Environments

Date received : 20/09/2024

End of Standstill : 23/12/2024 (23/01/2025)

### Message

Message 001

Communication from the Commission - TRIS/(2024) 2542

Directive (EU) 2015/1535

Notification: 2024/0531/ES

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 - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai 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: 20242542.EN

1. MSG 001 IND 2024 0531 ES EN 20-09-2024 ES NOTIF

2. Spain

3A. SG de Asuntos Industriales Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente  
Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias  
Secretaría de Estado para la Unión Europea  
Ministerio de Asuntos Exteriores, Unión Europea y Cooperación

3B. Secretaría General Técnica-Secretariado del Gobierno  
Ministerio de la Presidencia, Justicia y Relaciones con las Cortes  
Complejo de la Moncloa  
Avda. Puerta de Hierro, s/n, 28071, Madrid

4. 2024/0531/ES - SERV60 - Internet services

5. Draft Organic Law for the Protection of Minors in Digital Environments

6. Data terminal equipment with internet connection; consumer-user contracts; audiovisual media service and video-



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sharing platform service providers.

7.

### Information society

The requirements, if any, that could be notified under the Services Directive would be those set out in Article 4 of the standard (Obligations of manufacturers of data terminal equipment with an internet connection). That is to say, the imposition on manufacturers of data terminal equipment with an internet connection of information obligations and the establishment of parental control mechanisms.

The conditions laid down are not discriminatory, either directly or indirectly, on the basis of nationality or, as regards companies, the registered office.

No distinction is made in the preliminary draft with regard to the place of establishment, nationality, residence or registered office of undertakings.

The requirements are clearly justified by overriding reasons in the public interest.

In particular, consumer protection and, more specifically, the protection of public order. It should be recalled that the concept of 'public policy', as interpreted by the Court of Justice of the European Union, may include the protection of minors.

The requirements are appropriate to ensure the attainment of the objective pursued, and do not go beyond what is necessary to achieve that objective.

Efforts have been made to ensure that the scope and content of the obligations imposed on manufacturers of data terminal equipment with an internet connection is essential to ensure the protection of minors. It is considered that the expected direct benefits on the protection of children and adolescents justify the approval of the measures included in the project. No other less restrictive alternative has been identified to achieve the same result.

Directive (EC) No 2006/123 on services in the internal market

8. This preliminary draft organic law aims to establish measures with the aim of guaranteeing the protection of minors in digital environments.

In detail:

1) Manufacturers of data terminal equipment with an internet connection are required to provide information and establish parental control mechanisms.

2) Access to random reward mechanisms or their activation by minors is restricted.

3) It promotes training on the proper use of digital media in schools and the regulation of their use within them.

4) The adoption of preventive measures and specialised care by health administrations is promoted.

5) Participation, information and awareness-raising measures on safe digital environments are envisaged, as well as the adoption of a National Strategy on the Protection of Children and Adolescents in the Digital Environment.

6) It is promoted that providers of Internet access service from a fixed location approve a code of conduct that establishes the mechanisms and parameters of secure configuration that they undertake to apply in providing their



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services in places of public access where public services are provided, to avoid minors accessing inappropriate content.

7) Criminal protection measures are taken.

8) Emphasis is placed on the economic operator's obligation to ensure the age of majority of the consumer and user prior to contracting goods or services intended for adults, either because of their sexual, violent content or because they pose a risk to physical health or personality development.

9) The minimum age for consent to the processing of personal data is raised from 14 to 16 years.

10) Various measures for the protection of minors are adopted in the field of audiovisual media services: (i) on their corporate websites, audiovisual media service providers and video-sharing platform service providers shall include an easily recognisable and accessible link to the website of the audiovisual supervisory authority; (ii) the age verification systems to be established by video-sharing platform service providers should be operated by default, and aligned with the technical specifications that serve as the basis for the implementation of the European Digital Identity Wallet (EUDI Wallet); (iii) these same providers must establish systems of parental control due to defects; (iv) new obligations are imposed on users of particular relevance aimed at reducing the exposure of users of video-sharing platform services to harmful or harmful content; and (v) supervisory and sanctioning measures against non-compliances are strengthened.

9. The development and widespread use of digital technologies has an significant value for the purposes of information and communication processes, cultural dissemination, learning, social integration and economic development. However, it has also been found that the inappropriate use of digital media and devices also entails certain risks, which particularly affect minors.

Among the consequences of improper use are recognised health issues (including physical and mental, cognitive and emotional development, difficulties of social interaction), safety (acts of violence, cyberbullying or exploitation and abuse of minors) and others related to the use of data and privacy.

The proposed regulation assumes the need to adopt measures to mitigate the risks that the use of digital media potentially entails for the health, safety and privacy of minors.

10. References to basic texts: There are no basic texts

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

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