Comments from Video Games Europe, the professional association representing video game publishers in Europe, on the French draft law on the protection of minors from risks arising from the use of social networks. As a preliminary remark, Video Games Europe wishes to underline that not all video game services would fall within the scope of the notified draft law, as not all video games include social features or qualify as a platform.

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Video Games Europe, and more broadly, the video game industry welcome the goals underlying the French draft law as the industry has a longstanding commitment to minor protection. In 2003, in response to a call from the European Commission and the Council of the European Union for a harmonised age rating framework, the industry created the PEGI system[1], a hugely successful and best-in-class self- and co-regulatory system aimed at informing consumers and guiding the industry, used by 38 countries in Europe. The system is also evolving to adapt to changes in games and player behaviour. In recent years, PEGI has introduced a number of adaptations to address emerging practices and risks. From June 2026 onwards, newly submitted games will be classified based on a broader set of criteria relating to both content and functionalities, including in-game purchases, paid random items, communication features, and mechanics designed to encourage continued play. Through these additional criteria, PEGI will be able to assess the extent to which the presence of such elements in a game justifies a higher age rating. This substantial change will help strengthen online safety and address parents' concerns and questions. In addition, many video game services provide robust parental control tools, enabling parents to manage gameplay, communication features, screen time and spending according to the age and unique needs of their children.

In light of this longstanding engagement with issues relating to the protection of minors, Video Games Europe shares and supports the objective of enhancing the online safety of children. Nevertheless, the mechanism envisaged by the notified draft law raises significant concerns as regards the risk of fragmentation within the internal market and its compatibility with existing EU law, on which Video Games Europe wishes to provide the following observations. By departing from the risk-based approach at the heart of the DSA and mandating the systematic implementation of age verification and parental control mechanisms without regard to the level of risk, it especially jeopardises the current careful balance between the protection of minors' online safety and respect for their fundamental rights.

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I. OVERVIEW OF THE NOTIFIED DRAFT LAW

Article 1 of the notified draft law introduces a differentiated regulatory regime governing minors' access to "*services provided by online platforms incorporating the functionalities of an online social networking service*" (hereinafter "in-scope services"). The scope of the proposed text is strikingly broad, potentially capturing any operator that qualifies as an online platform under the DSA[2] and that integrates social features into its service.

The notified draft law prohibits minors under the age of fifteen from accessing in-scope services designated by the French Digital Services Coordinator[3] as likely to be harmful to the physical, mental or moral development of minors due to the nature of their content or the recommendation systems they employ (designated in-scope services). In addition, it follows from the draft text that access by minors to **all other in-scope services** – i.e., services not designated as likely to be harmful to the development of minors – is conditional upon the prior express consent of at least one legal guardian (non-designated in-scope services). Upon providing consent, legal guardians must be afforded the opportunity to specify particular conditions and limitations governing the access of the minor, in particular the nature of accessible content, the maximum daily duration of use, and authorised time periods for use.

There is little doubt that the effects of these measures amounts to a twofold technical mandate: on the one hand, a **general mandate** for the systematic implementation of age verification solutions concerning all social networking services (blacklisted or not) and on the other hand, a **general mandate** for the systematic implementation of parental control devices for the non-blacklisted social networking services. These mandates will apply, **regardless of the actual risk level** as determined by an ad hoc risk assessment.

II. RISK OF FRAGMENTATION WITHIN THE INTERNAL MARKET IN THE CONTEXT OF ONGOING EUROPEAN-LEVEL WORK ON DIGITAL MAJORITY

The first issue on which Video Games Europe wishes to draw the attention of the Commission concerns the risk of fragmentation within the internal market resulting from the multiplication of national measures relating to digital majority. The passage of the French notified draft law would be likely to encourage other Member States that are already considering measures in this area, including Greece, Spain, Denmark, Austria, Italy and Slovenia, to pursue or accelerate similar national initiatives, leading to the emergence of divergent and non-harmonised regulatory frameworks across the Union. More fundamentally, national measures such as the one contemplated by France raise concerns regarding their interaction with ongoing EU-level initiatives pursuing the same objective of strengthening the protection of minors online. The approach adopted by France to date, as evidenced in the notified draft, especially encompasses measures that include **the outright blacklisting of certain online platforms**. Such measures are wholly absent from work currently under way at Commission level, thereby creating a demonstrable risk of substantial divergence from anticipated policy options, in addition to incompatibility with existing Union law (see below III. and IV.).

It should be noted that President von der Leyen has mandated an expert panel to examine key issues relating to the online safety of children, including the possible establishment of a harmonised EU-wide age threshold for access to social networking services[4], the implementation of protections tailored to age and risk profiles, and educational measures aimed at promoting responsible online behaviour. The expert panel is expected to present its recommendations by the summer 2026[5], on the basis of which the Commission will determine the appropriate legislative or non-legislative measures to be taken. In this context, it is worth highlighting that President von der Leyen stated on 12 May 2026 that the Commission should "consider a social media delay" and indicated that, depending on the panel's conclusions, a legislative proposal could be presented as early as this summer[6].

For these reasons, and depending on the exact timetable for its decision on the matter covered by the notified draft, the Commission should give careful consideration to issuing a blocking decision postponing adoption of the measure contemplated by the French legislator[7].

III. ADDITIONAL TECHNICAL OBLIGATIONS: INCOMPATIBILITY WITH THE FULL HARMONISATION EFFECT AND THE RISK-BASED APPROACH OF THE DSA

As an extension of the concerns outlined above, **the risk of fragmentation also raises significant issues in light of Regulation (EU) 2022/2065 (the Digital Services Act, hereinafter the "DSA")[8] insofar as it conflicts with the DSA's full harmonisation effect.**

Further to its Guidelines adopted pursuant to Article 28(4) of the DSA[9], the Commission recently reiterated in clear terms that while Member States may introduce national laws which, in compliance with Union law, prescribe a minimum age to access certain products or services offered and/or displayed in any way on an online platform, such national measures cannot impose additional obligations on online platforms, **including age verification obligations**, as it would undermine the full harmonisation effect of the DSA, given that the objectives of such measures would overlap with those already pursued by that Regulation[10].

With respect to the measures contemplated by France, it should be noted that, under the notified draft law, all in-scope services would be required to implement age verification measures. Furthermore, non-designated in-scope services - i.e., services not considered likely to harm the development of minors - would additionally be required to implement parental control mechanisms. The imposition of such additional technical obligations therefore appears to be difficult to reconcile with the Commission's interpretation of the DSA and, more generally, with the DSA's objective of ensuring a fully harmonised framework.

Moreover, **the introduction of such additional technical obligations also appears to conflict with the risk-based approach and the proportionality principle resulting from the DSA[11] and the Guidelines adopted pursuant to Article 28(4) of the DSA**. Video Games Europe particularly favours this risk-based framework, which ensures that protective measures may be adapted to the actual level of risk associated with a given service while preserving the rights and freedoms of users, including minors.

In this respect, the Commission has expressly clarified that providers should, before implementing access restrictions based on age or age assurance measures, assess whether

such measures are appropriate and proportionate, or whether such a high level of protection may be achieved already by relying on other less far-reaching measures[12]. In this context, the Commission requires providers of online platforms, to ensure that any restriction on the exercise of the fundamental rights and freedoms of recipients of the service, in particular minors, is **proportionate**[13].

In these circumstances, Video Games Europe questions whether the broad and systematic obligations contemplated by the notified draft law, applicable irrespective of the actual level of risk associated with the relevant services, are consistent with the risk-based approach underpinning the DSA framework. Furthermore, in the absence of a sufficiently differentiated assessment of the actual risks associated with the relevant services, Video Games Europe is also concerned that the notified draft law – insofar as it establishes a general prohibition on unconditional access to in-scope services by minors - may result in disproportionate interferences with the rights and freedoms of minors, in particular their freedom of expression and, as regards video games, their right to play and recreational activities appropriate to their age, as recognised in Article 31 of the UN Convention on the Rights of the Child..

IV. ADDITIONAL PERSONAL DATA PROCESSING: INCOMPATIBILITY WITH ARTICLE 28 OF THE DSA AND THE GDPR PRINCIPLE OF DATA MINIMISATION

Finally, Video Games Europe wishes to draw the Commission's attention to the fact that the measures envisaged under the notified draft law will necessarily require all concerned services to **organise the large-scale collection of directly identifiable personal data** relating to any user, whether adult or minor, seeking access to any covered service, as well as to the legal guardians of identified minors seeking access to non-designated in-scope services, including proof that the adult concerned holds parental responsibility.

Against this background, the processing of such additional personal data appears directly at odds with Article 28 of the DSA, which expressly provides that the implementation of appropriate and proportionate measures to ensure a high level of privacy, safety and security of minors shall **not** oblige providers of online platforms to process **additional** personal data in order to assess whether the recipient of the service is a minor[14].

Moreover, the processing of such additional personal data by all in-scope services, irrespective of the actual level of risk they present, also appears to be incompatible with the GDPR principles of **proportionality and data minimisation**[15]. These principles require controllers to limit the collection of personal data to what is directly relevant and necessary for the purposes pursued. This appears all the more questionable in relation to non-designated in-scope services - i.e., services not considered likely to harm the development of minors - which would nevertheless be required to collect significant amounts of particularly intrusive personal data.

About Video Games Europe

Since 1998, Video Games Europe has ensured that the voice of a responsible video games ecosystem is heard and understood. Its mission is to support and celebrate the sector's creative and economic potential and to ensure that players around the world enjoy the benefits of great video game playing experiences. Europe's video games sector is worth €26.8bn and accounts for 116,419 jobs. 54% of Europeans are video game players. We publish a yearly Key Facts report with the latest data on Europe's video games sector.

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