

EN
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Answer given by Mr Fitto
on behalf of the European Commission
(15.1.2025)

According to the information received by the Spanish Authorities, OneToro is the beneficiary of a loan convertible into shares granted by a financial instrument set up by the region of Andalusia and supported from the European Regional Development Fund. The loan amounts to around EUR 2.5 million of which around EUR 1.9 million of public contribution.

The rights of the child are enshrined in Article 24 of the EU Charter of Fundamental Rights¹. EU-funded projects shall comply with applicable EU and national law. Moreover, Member States have the responsibility to ensure that fundamental rights are effectively respected and protected according to their national legislation and international human rights obligations, including the UNCRC².

The Audiovisual Media Services Directive³ (AVMSD) includes minimum coordination provisions to ensure the protection of minors from potentially harmful content. According to Article 6a of the AVMSD, Member States must take appropriate measures to ensure that minors are not exposed to programmes which may impair their development, including via video sharing platforms. It is for Member States to determine to what extent certain programmes may impair the development of minors and decide what measures to take according to the AVMSD. On the other hand, the Digital Service Act⁴, in particular its Article 28, also contains obligations on online platforms providers regarding the online protection of minors. Should a Member State fail to abide by its obligations under AVMSD, the Commission may decide to open an infringement procedure pursuant to Article 258 Treaty on the Functioning of the European Union and Article 97(1)(d) of Regulation 2021/1060⁵, which may lead to the recovery of EU funding amounts unduly paid.

¹ These include the right to such protection and care as is necessary for their well-being as well as that child's best interests must be a primary consideration in all actions relating to children, whether taken by public authorities or private institutions.

² UN Convention on the rights of the child.

³ Directive 2010/13/EU on audiovisual media services (Audiovisual Media Services Directive) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.303.01.0069.01.ENG&toc=OJ.L:2018:303:TOC

⁴ Regulation (EU) 2022/2065 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act) https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=oj:JOL_2022_277_R_0001

⁵ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32021R1060>