

EN

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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(27.3.2025)

The Commission is committed to foster the protection of minors online. Under Article 28 of the Digital Services Act (DSA)¹, providers of online platforms accessible to minors must ensure a high level of privacy, safety and security of minors. Online advertisements based on profiling of minors using personal data are banned.

In addition, providers of very large online platforms and very large search engines are required to conduct risk assessments and put in place effective mitigation measures for any actual or foreseeable negative effects in relation to the protection of minors, taking into account the design of recommender systems and algorithmic systems for selecting and presenting advertising. The Commission is developing guidelines to aid platforms' compliance with the DSA on the protection of minors online².

The Commission has opened formal proceedings³ against the providers of TikTok, Facebook and Instagram, including in relation to the protection of minors and recommender systems. The proceedings are ongoing and findings remain confidential until publicly communicated.

The Commission aims to propose a Digital Fairness Act (DFA)⁴ in 2026 to address identified consumer protection gaps, focusing on issues such as influencer marketing transparency. The outcomes of the 2024 Commission fitness check of consumer legislation will feed into the preparation of the DFA⁵.

Under Article 32 of the General Data Protection Regulation (GDPR)⁶, the platforms are obliged to implement measures to ensure a level of security appropriate to risk. If a personal data breach occurs, unless it is unlikely to create risks, it should be notified to the supervisory authority and the data subject in accordance with Articles 33 and 34 of the GDPR.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065>

² <https://digital-strategy.ec.europa.eu/en/news/commission-launches-call-evidence-guidelines-protection-minors-online-under-digital-services-act>

³ <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses#ecl-inpage-tiktok>

⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4901

⁵ https://commission.europa.eu/law/law-topic/consumer-protection-law/review-eu-consumer-law_en

⁶ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A310401_2