

(English version)

Question for written answer E-002670/25
to the Commission
Dan-Ștefan Motreanu (PPE)
(1 July 2025)

Subject: Ensuring GDPR compliance in the protection of minors online

The European Data Protection Board (EDPB) welcomed the Commission's draft guidelines on the protection of minors online, but raised significant concerns regarding their alignment with the General Data Protection Regulation (GDPR). In particular, the EDPB warns that following the guidelines does not automatically guarantee GDPR compliance, especially in relation to age verification mechanisms.

The Board criticises algorithmic age estimation methods for their high error rates and their potential infringement on users' fundamental rights to data protection. It also highlights the importance of safeguarding minors' rights to access digital spaces and of ensuring that any third-party software used by platforms is compliant and effective.

Given these concerns:

1. What concrete measures does the Commission plan to take to ensure that the final version of the guidelines fully upholds the principles of the GDPR?
2. How will the Commission guarantee that online platforms, particularly those relying on third-party tools, implement age verification methods that are both effective and respectful of fundamental rights?

Submitted: 1.7.2025

Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(12 August 2025)

The guidelines on protection of minors ⁽¹⁾ aim to assist providers of online platforms accessible to minors to comply with Article 28(1) of the Digital Service Act (DSA) ⁽²⁾ by describing measures that the Commission considers that such providers should take to ensure a high level of privacy, safety and security of minors on their services.

As also recalled in the guidelines, as per Article 2(4) DSA, the DSA is without prejudice to rules laid down by other EU legal acts, in particular those provided by the General Data Protection Regulation (GDPR) ⁽³⁾. Further, the Commission recalls that monitoring compliance with the GDPR is entrusted to national data protection authorities.

The guidelines clearly mention that 'adopting and implementing any of the measures set out in these guidelines does not entail compliance with the GDPR or any other applicable data protection law'.

Additionally, the guidelines encourage authorities responsible for Article 28 of the DSA to cooperate with data protection authorities. Moreover, the guidelines do not preclude the need for other measures for compliance with other legislation such as the GDPR.

The Commission has liaised with the European Data Protection Board (EDPB) throughout the development of the guidelines, carefully considering the feedback received, notably via the targeted public consultation.

References to GDPR and EDPB documents have accordingly been included. For example, the guidelines clearly state that age assurance measures cannot be deemed to be appropriate and proportionate if they do not achieve a set of criteria, including non-intrusiveness, which explicitly refers to the right to privacy, data protection and freedom of expression and includes references to the EDPB statement 1/2025 on Age Assurance ⁽⁴⁾.

⁽¹⁾ <https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-protection-minors>.

⁽²⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC, OJ L 277, 27.10.2022, p. 1-102.

⁽³⁾ <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>.

⁽⁴⁾ https://www.edpb.europa.eu/our-work-tools/our-documents/statements/statement-12025-age-assurance_en.