Joint paper by the Netherlands and Spain on a European minimum age requirement for social media

The protection of minors in the online environment is an issue of high priority for the Netherlands and Spain. The digital environment offers children many opportunities and they must be empowered to benefit from these in a safe and secure way.

Although we recognise the steps that have already been taken to promote a safer online environment, social media and other digital services continue to pose significant risks to and harm the health and safe development of children. Further efforts in terms of regulation and enforcement are needed in order to adequately safeguard children's wellbeing online. We are convinced that the introduction of a minimum age for social media is a measure that must necessarily be added to existing and upcoming legal frameworks such as the Digital Services Act (DSA) and the Digital Fairness Act (DFA).

The Netherlands and Spain strongly support the introduction of a Europe-wide legal minimum age for social media, as long as social media are not safe enough for children. For this reason, the Netherlands and Spain welcome the initiative by the European Commission to investigate a minimum age for social media, as well as the recommendations of the Special Panel of experts on child safety online initiated by President Ursula von der Leyen.

The Netherlands and Spain support the following key policy recommendations for introducing a European minimum age requirement for social media:

1. Ensure that the introduction of a minimum age requirement for social media is proportionate and respects fundamental rights.
2. Aim for a minimum age measure that is risk-based and future proof.
3. Ensure that a minimum age requirement is enforceable by establishing clear rules and preventing fragmentation among member states.
4. Ensure effective and privacy-friendly age verification.
5. A minimum age for social media should be one element in a package of EU policy

1. Ensure that the introduction of a minimum age for social media is proportionate and respects fundamental rights

In the view of the Netherlands and Spain it is imperative that the introduction and implementation of a legal European minimum age for social media is grounded in the protection of fundamental rights, as described in the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights and the UN Convention on the Rights of the Child. The introduction of a minimum age for social media and mandatory age verification entails a risk of interference with fundamental rights of all users, such as freedom of expression and information and the protection of personal data. None of the fundamental rights concerned must be disproportionately restricted, and all must be assessed as legitimate. In this regard, we point to research carried out at the University of Amsterdam, which focuses particular attention on various legislative scenarios for a minimum age in relation to the constitutional framework.[1]

To ensure that the requisite conditions are met, we strongly recommend that a comprehensive *ex ante* human and fundamental rights impact assessment be carried out. This impact assessment should identify the applicable fundamental rights, the degree of interference and the reasoning behind the necessity and proportionality of interference. The impact assessment should also take into account the expected effectiveness of the proposed measure, as well as any other policy options or mitigating measures that could affect the necessity, feasibility, effectiveness or proportionality of the minimum age requirement. In this regard, the recommendations below include measures for minimising restrictions on fundamental rights. Particular attention should be given to age verification methods for the purpose of implementing age restrictions.

Proposed action:

- Conduct a comprehensive *ex ante* human and fundamental rights impact assessment.

[1] Paddy Leerssen & Joris van Hoboken, *A Minimum Age for Social Media: A Legal Exploration* (University of Amsterdam, Faculty of Law, Institute for Information Law (IViR), June 2026).

2. Aim for a minimum age measure that is risk-based and future proof

Scope of social media

The Netherlands and Spain acknowledge that not only social media, but also other digital services such as video games and AI companions can pose risks to minors. We therefore support action at EU level against addictive algorithms and harmful design techniques in all digital services.[2] Given the risks to minors and the need for futureproof measures, the Netherlands and Spain understand the reasoning of the Special Panel of experts on child safety online in proposing a 'social media+' approach.[3]

At the same time, it is essential to acknowledge that the potential risks associated with social media may differ, in nature and extent, from those of other digital services. It is important to consider that broadening the scope of the minimum age measure could expand the degree of interference with fundamental rights, in the event of a further restriction of access for children to the internet and more instances of age verification for adults. In this context, we emphasise the importance of assessing the necessity and proportionality of a broader scope for a minimum age measure, as compared to the existing risk-based framework of the DSA and the measures that may be announced in the Digital Fairness Act (DFA) and the future proposal for a review of the Audiovisual Media Services Directive (AVMSD).

If the scope of an age restricting measure will be broader than social media, it is important that that scope is clearly defined in order to ensure enforceability. The Netherlands and Spain recommend using a risk-based approach with a clear assessment framework for identifying and designating where an age limit is required in online services other than social media.

We believe that online providers should only be allowed to offer their online services to children if these services meet sufficient safety standards

The Netherlands and Spain consider it important that the online environment in which children participate is safe. The burden of proof for the safety of online services must rest with the online providers, with the final decision handled by a new or existing independent EU-level body. To achieve this, a European designation framework needs to be developed based on insights from experts from diverse backgrounds to enable an assessment of whether an online service is sufficiently safe for children. There should be a possibility for online providers to obtain an exemption from the age requirement if they can demonstrate that their service is sufficiently safe. We believe that such a risk-based approach will contribute to the proportionality of the minimum age measure, as children will not be unnecessarily hindered in participating in safe online environments. However, further elaboration of the risk-based approach is needed, including the enforceability and additional administrative burdens.

The Child Rights Impact Assessment (CRIA)[4] tool, developed by the Netherlands and included in the DSA guidelines on the protection of minors online, could serve as a starting point for developing a designation framework. The CRIA assesses the safety of digital services for children by identifying and mapping risks to children's rights and wellbeing.

Proposed actions:

- Take into account the impact on fundamental rights when considering a broader scope for the introduction of a minimum age measure.
- Develop a European designation framework and assign a new or existing independent EU-level body to examine the safety of a digital service based on insights from experts with different backgrounds.

[2] https://www.rijksoverheid.nl/documenten/2025/11/12/non-paper-digital-fairness-act.
[3] *Social media+* refers to digital services accessible to minors that may include age-inappropriate or risky features (e.g. addictive design, harmful content) or facilitate harmful interactions. These include social media, app stores, AI systems (e.g. AI companions, risky games) and video-sharing platforms. Source: *Child Safety Online: Protecting and Empowering Minors in a Digital World*, Report by the Co-Chairs of the Special Panel on child safety online (Prof. Dr. Jörg M. Fegert and Dr. Maria Melchior), 10 July 2026.
[4] Government of the Netherlands.

3. Ensure that a minimum age requirement is enforceable by establishing clear rules and preventing fragmentation among member states

Ensure regulation and enforcement at EU level
Given the cross-border nature of social media and other digital services, harmonisation is necessary to ensure the effectiveness of both the measure and enforcement. We therefore suggest incorporating a minimum age requirement into an EU Regulation and avoiding introducing national derogations as much as possible. Similarly, we prefer enforcement to be organised at European level and in coherence with the existing enforcement framework under the DSA. We call upon the Commission to actively stimulate effective EU-wide enforcement.

A cautious approach to allowing parental consent as a mitigating measure
Effective enforcement is most successful when it is supported by clear legal norms. Clear standards on an appropriate age for social media use, with limited and justified exceptions, can help establish a norm and thus provide clarity for children, parents, child-focused professionals, businesses and enforcement authorities.

We therefore call on the Commission to exercise restraint in allowing parental consent as a mitigating measure to the minimum age requirement. Doing so would create ambiguity regarding the minimum age, and could additionally cause inequality between minors with parents who are actively involved and those without.[5] Parental consent would also be potentially difficult to implement (for example, in terms of supervision and enforcement) and could introduce additional privacy risks. Even so, parents do have a role to play in their children's social media use, and we promote tools that will help them guide their children in the digital environment. For example, the Netherlands is currently collaborating with the Netherlands Institute for the Classification of Audiovisual Media (NICAM) to create a platform-based age rating system for audiovisual content (*Kijkwijzer*).[6]

Ensure effectiveness by monitoring the impact of age requirements
Monitoring and evaluation should be carried out to assess the impact and effectiveness of an EU-wide legal minimum age measure. A baseline assessment is needed to measure the current situation and to assess the impact of the minimum age (including age verification) on users over time. This should include identifying what is currently considered as a potential harmful risk for children and determining the level of risk reduction that a minimum age requirement would be intended to achieve. The behaviour of online providers, and their implementation of the minimum age measure, should also be monitored to ensure that the introduction of a minimum age measure does not reduce providers' commitment to their obligation to make their services safer for children.

Proposed actions:
- Ensure full harmonisation across the EU by means of a Regulation.Ensure supervision and enforcement at EU level.
- Exercise restraint in allowing parental consent as a mitigating measure.
- Perform a baseline assessment and establish continuous monitoring to assess the effects of the minimum age measure and make adjustments where necessary.

4. Ensure effective and privacy-friendly age verification

Age assurance measures are vital for the implementation of a minimum age requirement. However, such instruments can be highly intrusive and can impact all users of social media, as virtually all methods require users to share personal data, identity documents or other sensitive information. This can pose risks relating to fundamental rights, data security and unintended exclusion. For example, people with limited digital skills or no valid ID may struggle to verify their age. Therefore, the choice and impact of an age assurance mechanism must be weighed carefully in any impact assessment by the Commission. The Netherlands and Spain emphasise that age verification should be strictly limited to determining whether a person meets the age threshold, and that it must not be used for the purposes of broader identification or permanent monitoring of users.

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[5] For example included in the research study of Gui, M., Respi, C., Abbiati, G., Paladini, C., Ercolanoni, S., Milzani, F., Pirola, T., & Vezzoli, G. (2026). *Longitudinal effect of early social media use on standardized learning outcomes during school career*. *Nature Human Behaviour*.
[6] See also NICAM (2026) *Van Kijkwijzer naar Digitale Kijkwijzer*. Retrieved via: https://nicam.nl/nieuws/van-kijkwijzer-naar-de-digitale-kijkwijzer (in Dutch).

At present, we consider age verification as the preferred method of enforcing the European minimum age for social media. However, the impact assessment should specify the circumstances under which age verification may be qualified as a necessary, proportionate measure that respects fundamental rights. The use of privacy-enhancing technologies such as zero knowledge proof is strongly preferred to ensure compliance with the most stringent requirements for privacy, reliability, cybersecurity and accountability. Other age verification methods, such as age assurance, pose greater privacy risks due to behavioural and algorithmic monitoring.

We believe that common European standards for age verification instruments, the provision of a legal basis for age verification for social media, and interoperability between member states will contribute to the effectiveness of age verification instruments. Therefore, the Netherlands and Spain advocate the use of the European common framework for age verification.[7]

Additionally, a broad range of options for age verification should be made available to users, and users should have the freedom to choose their preferred method, as long as this method meets the requirements of the EU Age Verification Scheme. A publicly managed mechanism based on European digital identity infrastructure offers a controlled and reliable way to prove age with minimal data exchange and ensures the protection of public values. At the same time, recognised private third parties may offer similar services provided they meet established requirements. Explicit attention must be given to accessibility and the voluntary nature of the European Digital Identity Wallet, as well as to the risk of age verification systems being circumvented. This will require reliable, secure and regularly evaluated techniques, as well as the avoidance of disproportionate data collection and extensive monitoring of users.

Proposed actions:

- Introduce an age verification requirement (not other age assurance methods) based on the EU age verification framework in order to implement a minimum age for social media.
- Ensure respect for fundamental rights and the highest standards for the protection of privacy.
- Foster a market for age verification technologies by developing and harmonising common and interoperable European standards; and provide a legal basis for age verification for social media.

5. A minimum age for social media should be one element in a package of EU policy instruments

On its own, a minimum age requirement for social media is not enough to protect and empower children participating in the digital environment. Therefore, it needs to be one element in a package of policy instruments. The Netherlands and Spain continue to support the Commission in its efforts to ensure safety in the digital environment, for example by strengthening digital skills. In addition, the Commission could play an important role in encouraging online service providers to develop and roll out safe alternatives for the online environment. The availability of other forms of safe online entertainment could have a positive effect on the proportionality and future-proofness of the introduction of a minimum age requirement.

The protection of minors online is a global priority. The Netherlands and Spain call upon the Commission to include the protection of minors online in relevant bilateral and multilateral EU dialogues. International cooperation is necessary in order to incentivise online providers to incorporate safety by design and age-appropriate safeguards into their services, and for fostering compliance with a minimum age measure for social media. In these dialogues, the Commission should explore potential collaborative opportunities, for example for developing shared understanding of potentially harmful content and for strengthening supervision and enforcement capabilities.

Proposed actions:

- Encourage online providers to develop and roll out safe and secure alternatives to the online environment that children can make use of.
- Include the protection of minors in the online environment in the EU dialogue, and explore potential collaborative opportunities involving other countries and multilateral organisations.

[7] Commission Recommendation (EU) 2026/1035 of 29 April 2026 on establishing a common framework for EU wide Age Verification technologies C/2026/4225.