

Online Age Controls - Navigating Global Regulatory Requirements

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23 April 2026

Commission preliminarily finds TikTok's addictive design in breach of the Digital Services Act



AUSTRALIA'S UNDER-16 SOCIAL MEDIA BAN (2025)

World's first nationwide age-restricted access • Starts Dec 2025

WHY THE BAN?

- 🙄 Cyberbullying
- 😞 Mental Health
- 😫 Addiction

CHALLENGES

- 🇮🇳 Privacy
- 🛡️ DPDP: Parental Consent
- 📄 IT Rules 2021

DIGITAL SAFETY SHIELD

Goal: Safe • Healthy Responsible Digital Childhood

RULES

- ✅ Age Check
- ✅ Under-16 Block

GLOBAL MOVES

- 🇬🇧 UK Age Rules
- 🇪🇺 EU Safety Framework
- 🇲🇾 Malaysia 2026



Social media bans and digital curfews to be trialled on UK teenagers

24 March 2026



Meta and YouTube Found Negligent in Landmark Social Media Addiction Case

A jury found the companies harmed a young user with design features that were addictive and led to her mental health distress.



Meta Ordered to Pay \$375 Million Over Child Safety Violations

In one of the company's first major losses, New Mexico jurors found that it had misled consumers about the safety of its platforms, enabling sexual exploitation of young users.

China Wants Children to Spend Less Time on Their Smartphones

A proposal from the country's internet regulator would require app developers and device makers to adopt a "minor mode" to limit screen time and content for young people.

Online Age Controls

1. **Introduction** – Jaap Tempelman, Partner, Amsterdam
2. **United Kingdom** – Natasha Sheppard, Supervising Associate, London
3. **European Union** – Alysia Hogaarts, Associate, Amsterdam
4. **Germany** – Paul Brandl, Associate, Munich
5. **France** – Georgie Courtois, Partner, Paris
6. **Italy** – Matteo Susta, Counsel, Milan
7. **United Arab Emirates** – Vishal Patel, Supervising Associate, Dubai
8. **China** – Jingyuan Shi, Partner, Hong Kong/Shenzhen

UK

Age Assurance – Regulatory Landscape

- **Age assurance:** Methods to estimate or verify user age online
- **Key frameworks:** Online Safety Act (OSA) & UK data protection law (UK GDPR, DPA 2018)
- **Ofcom & ICO joint statement (March 2026):** Coordinated expectations for services likely to be accessed by children

UK

Regulatory Expectations & Practical Steps

- Self-declaration alone is not sufficient – robust, highly effective age assurance required
- OSA: “Highly effective age assurance” (HEAA) needed to prevent child access to harmful/adult content
- Data protection: Age assurance must be necessary, proportionate and transparent
- If minimum age is set, effective age gates must prevent underage access
- Ongoing review and improvement of age assurance processes

EU

- **Key legal frameworks:** Digital Services Act (Regulation (EU) 2022/2065) and the Audiovisual Media Services Directive (2010/13/EU)
- **DSA:** online platforms (social media, games, video-sharing)
- **AVMSD:** audiovisual media services and video-sharing platforms / streaming services
- **Age assurance:** (1) self declaration, (2) age estimation, (3) age verification
- EU age verification app

Determining which age assurance methods to use

Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Digital Services Act

Age verification	Age estimation
Legal minimum age (e.g., alcohol, tobacco, pornography)	
Terms and conditions require a minimum age above 18	Terms and conditions require a minimum age under 18
High risk to minors' privacy, safety, or security (e.g. arising from features as live chat, image/video sharing anonymous messaging)	Medium risk to minors' privacy, safety, or security

Germany

Differentiate between:

Relatively prohibited Content	Content Harmful to the Development of Minors
Includes highly sensitive content (e.g. violence or pornography)	Content may be lawful, but must not usually be perceived by minors ➤ Providers must implement effective protection measures
Access permitted only, if strictly limited to adults ➤ Requires a closed user group	Options include: <ul style="list-style-type: none">• Technical or other access restrictions• Time-based access limitations
No exhaustive list of compliant solutions	<ul style="list-style-type: none">• Responsibility for effectiveness lies with the provider• <u>But</u>: Technical measures may be voluntarily assessed under frameworks defined by the Commission for the Protection of Minors in the Media (KJM)• No exhaustive list of compliant solutions

Germany

Judicial Standards and Enforcement Problems

No clear judicial standards on age verification

- Only case-by-case assessments
- However: Two-step approach increasingly recommended by experts to be compliant:
 - initial age identification (one-off personal age check) plus
 - authentication (ensuring only the verified user can access the service each time)
- Red Line: Self-declarations and tick-boxes are insufficient

Enforcement Problems

1. EU Country of Origin Principle
 - Operators and providers are subject to the laws and supervision of the EU member state where they are established
 - Many website operators and hosting providers operate from EU member states with less stringent age-verification laws
2. Cross-Border Enforcement Gap
 - Even if a claim exists: no international enforcement treaties for youth protection orders

France

The Legal Framework for Age Verification of Pornographic Content

Core legal foundations

French Criminal Code – Article 227-24 : Prohibits making pornographic content accessible to minors, including where access is based solely on a self-declaration of age.

Law of 30 July 2020 : Establishes a specific enforcement mechanism, giving Arcom (the Audiovisual and Digital Communication Regulatory Authority) powers to issue formal notices and seek site blocking.

Development of technical requirements

Decree of 7 October 2021 : Requires the use of a « reliable technical age-verification process » (subject to litigation before the Conseil d'Etat and the CJEU).

Law of 21 May 2024 (SREN) : Amends the LCEN and mandates Arcom to adopt a technical standard ensuring both effective age verification and respect for privacy

Operational framework :

Arcom Technical Reference Framework (October 2024) : Sets minimum technical requirements for age-verification systems applicable to pornographic editorial sites and video-sharing platforms.

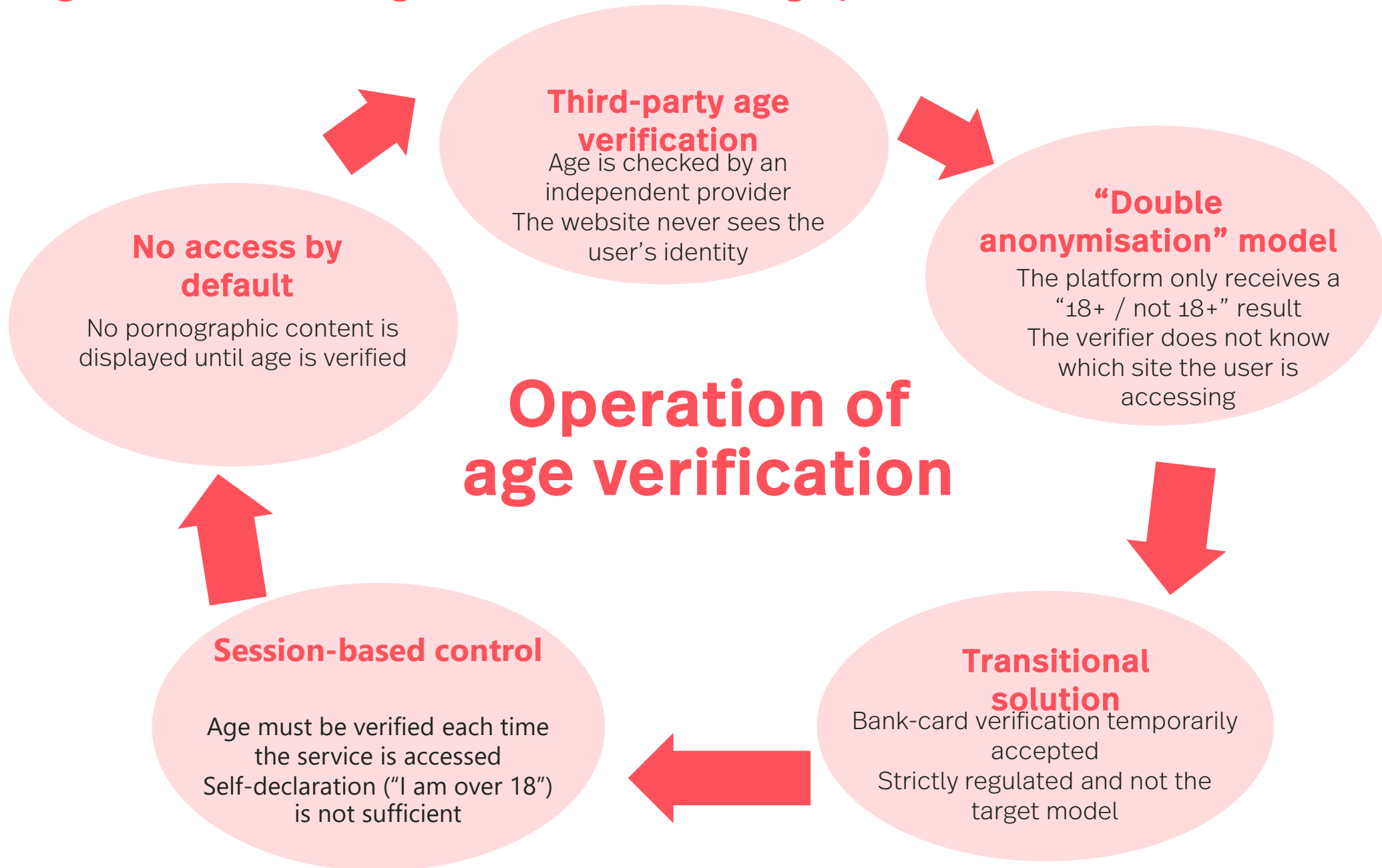
Interministerial Order of 26 February 2025 : Extends the SREN framework to 17 EU-based pornographic platforms following notification to the European Commission.

Judicial validation:

Conseil d'Etat decision, 15 July 2025, (no. 505472) : **Confirms** the immediate application of the framework, emphasizing the overriding public interest in protecting minors

Together, these sources establish a binding, operational and enforceable framework for age verification of online pornographic content in France

The Legal Framework for Age Verification of Pornographic Content



Minors' access to social networks

**Law of 7 July
2023 (never
implemen-ted)**

Intended to prohibit self-registration under 15 and requires age verification + parental consent, but blocked (no decree, incompatibilities with the DSA).

**New law
under
adoption
(2025-
2026)**

- On December 31, 2025, France announced plans to ban social media for under-15s, targeting September 2026.
- Both chambers passed different versions: the Assembly requires deleting all under-15 accounts, while the Senate proposes a two-tier platform system.
- The government targets September 1, 2026 for entry into force, applying to all new accounts created after promulgation.

Italy - AV in the context of social media

Legislative Developments

- Several bills on age verification (AV) for social media have been proposed in Parliament since 2024.
- The Government has recently supported a 2024 proposal, streamlining its content.

Key Provisions of the Supported Proposal

Minimum Age Requirement:

- Minors may only activate accounts on social networks and video-sharing platforms after turning 15.

Age Verification Mechanism:

- Until uniform EU technical standards are in place, service providers must verify users' ages using a national "mini-wallet".
- The mini-wallet will implement the EU age verification solution, as specified by the Communications Authority. The mini-wallet must be operational by 30 June 2026.

Italy - - AV in the context of social media

Validity of Existing Contracts and Supervision

Contracts for accounts already created by minors under 15 remain valid only if the minor is at least 15 when the law comes into force.

- In all other cases, such contracts are void and cannot serve as a legal basis for processing personal data under the GDPR.
- The Data Protection Authority may take action against providers in case of violations, in accordance with the GDPR.

Consent of Minors

- Amendment to the Privacy Code: the age for valid consent under the Data Protection Code is raised from 14 to 16. Specific provisions are introduced for minors aged between 15 and 16.

Italy

Italian AI Law – similar approach, yet to be coordinated

L. 132/2025 – Italian AI Law

Parental Consent Required:

- Minors under 14 years old may only access artificial intelligence technologies and have their personal data processed with the consent of those holding parental responsibility.
- Minors aged 14 to 18 may provide their own consent for the processing of personal data related to the use of AI systems. This differs from the current proposal, which would raise the threshold for self-consent from 14 to 16 years old.
- Indirect obligation to implement AV.

Italy

Italian requirements pending the adoption of the EU methodology

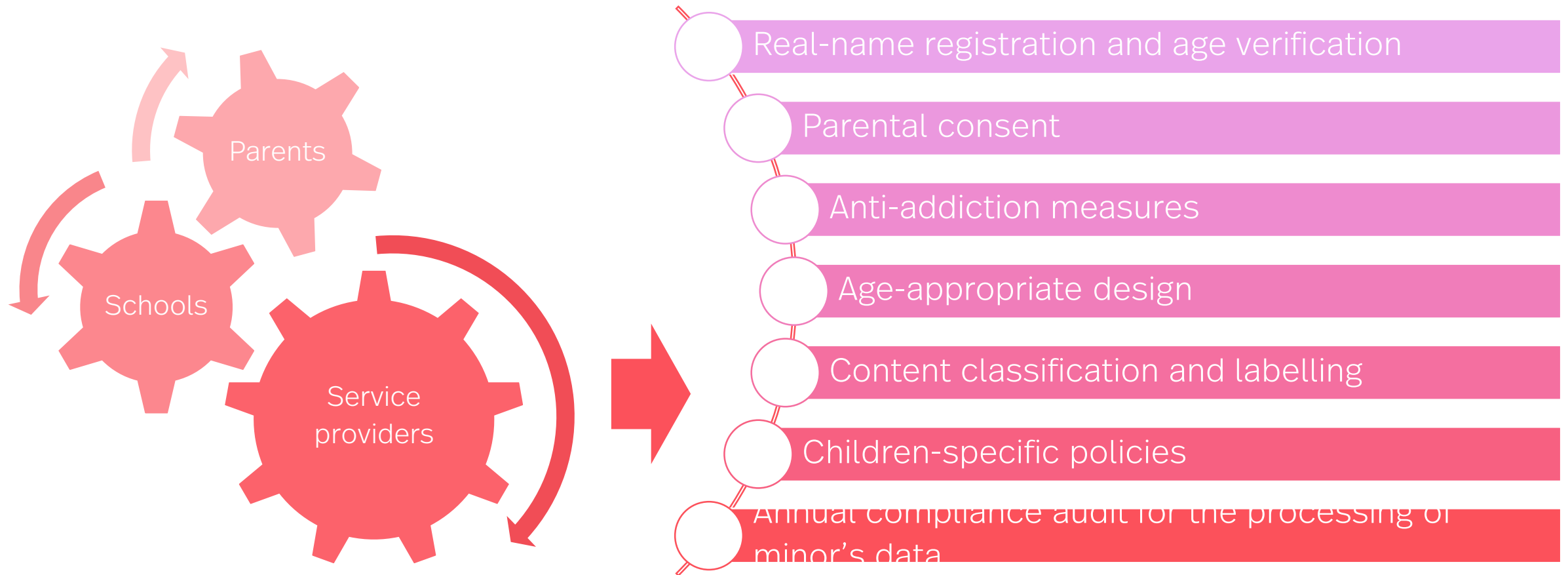
- Caivano Decree (D.L. 123/2023) imposed AV for adult websites from Nov. 2026, in accordance with technicalities adopted by AGCOM (Annex A to Resolution no. 96/25/CONS):
 - Direct collection of identity documents by the content provider, age estimation based on browsing history, and biometric data processing for identification/authentication (e.g., facial recognition) are not considered compliant;
 - AV systems must ensure “double anonymity”.
- Four similar appeals have been filed before the administrative courts by various providers against the technical rules proposed by AGCOM. On an interim basis, the courts have ruled in favour of the providers. The issue will likely only be resolved by the Courts once the European rules become effective, potentially rendering the Italian effort moot.

UAE

- **Main laws:** No specific AV/AA Law – age controls sit within wider online child safety and media framework
- **CDSL (Federal Decree-Law 26/2025 on Child Digital Safety)**
 - Risk-based age verification
 - Under-13s: strict personal data rules
 - Beyond age gates: full child-protection toolkit
- **Media Law (Federal Decree-Law 55/2023 on Media Regulation)**
 - "Harmful content" under CDSL is tied to UAE media-content standards and age ratings

China

Overview of children protection and online safety



China

Age verification – legal requirements

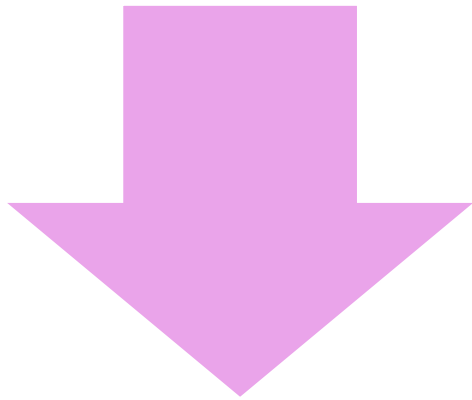
Cybersecurity Law and lower-level implementation rules

- Real-name registration for mobile services, information publishing services (incl. social media), instant messaging services, etc
- Identity verification based on mobile number (real-name registered) and national ID

Minors Protection Law and lower-level implementation rules

- Real-name registration for publishing services (incl. social media), instant messaging services, etc
- For online games: unified identity verification system
- Minors' mode

Age verification – challenges vs best practice

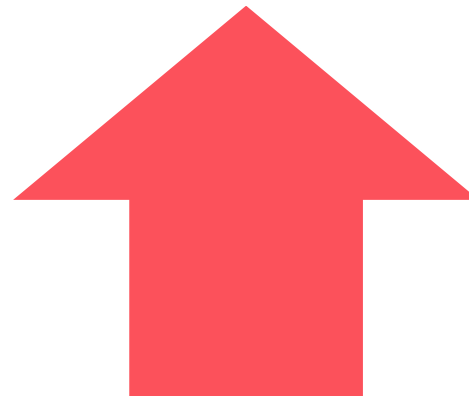


Market practice

- Practices vary, depending on legal requirements and risks
- Good practice campaigns
- Circumventions by users

Guidance & reference

- National standards on notification and consent
- National standard on data compliance for minors-targeted products and services (still a draft)



- Age verification at first use
- For minors-targeted products / services, all users shall be deemed as minors
- Active ID-based age verification for products / services with “high impacts”, to prohibit or restrict minors from using the products / services
- Passive age verification for products / services with “medium impacts”
- No age verification required for products / services with “low impacts”
- Supplementary age verification

Useful Resources

CtrlTransfer



STRIDE



AI Literacy
Programme



A large, abstract graphic in the background consisting of a dense cluster of small white dots forming a shape that resembles a stylized bird or a large letter 'S'.

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