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Comparative tables on the protection of minors in audiovisual media services



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Comparative tables on the protection of minors in audiovisual media services

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Foreword

Conceived as a tool for our workshop on “Empowering users: Rating Systems, Protection Tools and Media Literacy across Europe” organised in Strasbourg jointly with the European Platform of Regulatory Authorities (EPRA) in December 2014, these comparative tables aim at giving an overview of the existing obligations across the 28 EU member states with regard to the protection of minors in audiovisual media services and to watershed periods in broadcasting services.

To ease their reading, the two are kept separate, and follow two slightly different structures:

- the first table gives an overview of the legal basis of the existing obligations, including the self- and co-regulatory ones, and of the available protections tools in case of content that is unsuitable for minors both on linear and non linear services;
- the second table digs into the various watershed periods applicable to linear services, and goes through their legal basis while also describing the nature of the content they apply to.

While the responsibility for any inaccuracy is entirely ours, these tables wouldn't have been so rich hadn't it been for the excellent cooperation with the EPRA network. A special mention to Emmanuelle Machet for her precious help throughout the verification process.

Strasbourg, March 2015

Maja Cappello

IRIS Coordinator

Head of the Department for Legal Information

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The protection of minors in audiovisual media services: legal obligations across Europe

Sophie Valais



The protection of minors in audiovisual media services in a converged environment

Comparative table of legal obligations across Europe ¹

Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
AT	Audiovisual Media Services Act – (Art. 39: on-demand services and Art. 42: television programmes). ORF guidelines on protection of minors	Some elements of self and co-regulatory system for linear and for non-linear services. Includes a code of conduct regarding the protection of minors from harmful content by TV broadcasters.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“ <i>Seriously impair</i> ”: (pornography; gratuitous violence): banned.	“ <i>Seriously impair</i> ”: allowed with access restriction.
				“ <i>Likely to impair</i> ”: allowed with some form of protection. On-screen icons required by law + technical filtering devices or software used by broadcasters.	“ <i>Likely to impair</i> ”: allowed without restriction.
BE (Flemish Comm.)	Act on radio and television broadcasting of 18.03.2009 Art. 42 (linear TV services) / Art. 45 (non-linear services).	Some elements of self and co-regulatory system for linear and for non-linear services. Includes a code of conduct regarding the protection of minors from harmful content by TV broadcasters.	Graduated approach between linear and non-linear services regarding “seriously impair” contents	“ <i>Seriously impair</i> ” (pornography, unnecessary violence): banned	“ <i>Seriously impair</i> ”: allowed with access restrictions (PIN codes)
				“ <i>Likely to impair</i> ”: allowed with some form of protection On-screen icons or acoustic warnings required by law.	“ <i>Likely to impair</i> ”: allowed without restriction
BE (French Comm.)	Décret SMA, as modified – Art. 9.2 a) and b) Order of the Government of 21.02.2013	Some elements of self and co-regulatory system for linear and for non-linear services. The law provides the basis for minor’s protection and the regulator has developed it through rules and codes (Ethics Code of 2007 and CSA’s Recommendation on the protection of minors , both of which are not legally binding).	Stricter legal approach: general prohibition for “seriously impair” content on VOD services	“ <i>Seriously impair</i> ” (pornography, violence): banned	“ <i>Seriously impair</i> ” (pornography, violence): banned on VOD
				“ <i>Likely to impair</i> ”: allowed with some form of protection Watersheds / or access code + on-screen age-related icons on electronic programme guide and acoustic warning or screen icon during diffusion if no access code	“ <i>Likely to impair</i> ”: allowed with some form of protection Parental code (PIN code) + on-screen age-related icons on electronic programme guide and catalogues (Art. 9.2b) SMA).

¹ Table updated as of March 2015.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		The Regulatory authority is in charge of the regulation of on-demand AVMS in relation to age-related classification of content and the development of technical measures to prevent minors from accessing harmful contents. Further to the law, broadcasters participate in the system of protecting minors through the creation of internal viewing committees in charge of deciding on age rating of programmes.		(Art. 9.2a) SMA). In practice, acoustic warning is not currently used.	
BG	Radio and Television Act (Art. 19 on-demand services) Bill amending the RTA of 14.5.2014	Regulatory authorities have issued rules and general guidance for the protection of minors on audiovisual media services, whether linear or on-demand. The Council for Electronic Media and State Agency for Child Protection drew up criteria for the assessment of harmful contents. All kinds of online business communication fall within the scope of the National Self-Regulation Board's Code of Ethics.	Integrated approach across all audiovisual media services regarding protection of minors (including general prohibition for "seriously impair" content on VOD).	"Seriously impair": banned.	"Seriously impair" (restrictive definition): banned on VOD services.
				"Likely to impair": allowed with access restrictions. On-screen icons or acoustic warnings required by law + technical filtering devices or software used by broadcasters.	"Likely to impair": allowed with some form of protection. Technical access restrictions, such as filtering, encryption, pre-locking/PIN codes or other age verification systems).
CY	Law on Radio and Television Stations Art. 29(1)-(3): linear services / Art. 31A(1)(a)-(b): non-linear services Cyprus Broadcasting Corporation Law Art. 19(5) (a)-(c): linear services / Art. 181 (1) – (2):	Some elements of self and co-regulatory system for linear and for non-linear services: The age classification of programs is determined by the television organisations / audiovisual media service providers. Media literacy policies are encouraged. Acoustic warnings of news stories unsuitable for minors are given more	Graduated approach between linear and non-linear services regarding "seriously impair" contents.	"Seriously impair" (pornography, gratuitous violence): banned	"Seriously impair": allowed with access restrictions.
				"Likely to impair": allowed with some form of protection Appropriate time of broadcast, technical measures, acoustic	Age rating, content filtering and parental access codes. "Likely to impair": allowed without restriction.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
	non-linear services Regulations of Radio and Television Stations Reg. 21(6)-(7)	than once (that is required by law).		warnings, on-screen icons – applicable only to unencoded programs.	
CZ	Radio and TV Broadcasting Act On-demand Audiovisual Service Act (Section 6(3) on-demand services)	Some elements of self and co-regulatory system for linear and for non-linear services. Includes a code of conduct regarding the protection of minors from harmful content by TV broadcasters.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“ <i>Seriously impair</i> ” (pornography, gross gratuitous violence): banned.	“ <i>Seriously impair</i> ”: allowed with access restrictions. Qualified disclaimer with general warnings (Czech Council for Radio and Television Broadcasting’s statement of 19 October 2010) + technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems).
				“ <i>Likely to impair</i> ”: allowed with some form of protection. On-screen icons + acoustic warnings required by law.	“ <i>Likely to impair</i> ”: allowed with some form of protection.
DE	Youth Protection Act (age rating for films (cinema, feature films DVD, computer games) Interstate Treaty on the Protection of Minors (JMStV): definition of	Co-regulatory system applicable to both linear and non-linear services: organisations of voluntary self-regulation formally approved by the Commission for the Protection of Minors in Electronic Media (KJM) under the JMStV or part of classification agreements with the	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“ <i>Seriously impair</i> ” (absolute illegal content / pornography, certain indexed content and contents which seriously impairs minors: ex. violence, sexual, etc.): banned.	“ <i>Seriously impair</i> ”: allowed on VOD by means of a closed user group + age verification systems (KJM has developed key criteria for a two-step process based on identification and authentication) – except illegal content which is banned.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
	harmful contents - Art. 4 (Länder), Art. 5, Art. 11 (applicable to broadcasting and telemedia services)	federal states (German "Länder") under the Youth Protection Act, check that the provisions of the JMStV are adhered to by their members. The KJM checks whether decisions taken by self-regulatory organisations are in compliance with their legal scope of assessment. If a self-regulatory body exceeds its scope, the KJM may take legal action. The KJM also draws up statutes and directives which the self-regulatory organisations must comply with. Organisations seeking certification by the KJM as self-regulatory organisations must file an application. In order to be certified, the organisation must meet certain requirements in relation to the protection of minors (KJM sets out a catalogue of criteria for the regulation in broadcasting and AVMS ('telemedia') in order to guide the assessment of depictions of violence and sexuality). KJM is also the competent supervisory body for all providers that do not submit to the codex of a self-regulatory body. Organisations of voluntary self-regulation can also be established for on-demand AVMS. The multimedia voluntary self-regulatory association FSM is one of the biggest self-regulatory organisations. Its code of conduct for providers covers both linear and nonlinear audiovisual media services. Contractually selected rating services under the Youth Protection Act, such as the Voluntary Self-Regulatory		"Likely to impair": allowed with some form of protection. Watershed + on-screen icons or acoustic warnings required by law + technical filtering devices or software used by broadcasters.	"Likely to impair": allowed with some form of protection: Watersheds, electronic labelling - which has to be compatible with formally approved filter software (technical systems for the protection of minors), namely the age-de.xml specification -, or other technical measures. Electronic labelling is not deemed a sufficient technical measure on platforms where no technical systems for the protection of minors has been approved (currently for instance iOS, Android, Consoles), here additional technical measures have to be implemented, e.g. PINs, webcam checks, credit card checks, passport number checks and combinations thereof. "Telemedia" providers shall provide clear references to any existing labelling in the content provided if the content is wholly or largely identical with films or games which are labelled or have been cleared for the respective age group pursuant to Article 12 of the German Youth Protection Act. Certified technical systems for the protection of minors for "telemedia" content which could impair minors (Art. 11 JMStV).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		Organisation of the Film Industry – FSK) for films and the Voluntary Self-Regulatory Organisation of the Entertainment Software Industry – USK) for video games take the rating decisions (with a Länder representative taking part and having a veto right); the Länder then take over the decision and issue the formal administrative act. Under the JMStV, however, both the USK online and the FSK online are formally approved bodies, too. The rating in this case is being decided without any state representative. In addition, all TV broadcasters, providers of impairing telemedia services and search engines providers in Germany are obliged under the JMStV to have a competent youth protection officer who is responsible in advising the management in all protection related issues; he/she usually decides on all age classification within companies.			
DK	Radio and Television Broadcasting Act (Section 48). Order no. 100 of 28.01.2010 as amended by Order no. 894 of 23.08.2012, Order no. 882 of 28.06.2013 and Order no. 1109 of 13.08.2013. (applying to both linear and non-linear services).	In the Danish Radio and Television Broadcasting Act, section 48 describes in broad terms that the Minister of Culture has the authority to make specified rules about the protection of minors. Such rules are provided in secondary legislation, i.e. Order no. 100 of 28 January 2010 as amended by Order no. 894 of 23 august 2012, Order no. 882 of 28 June 2013 and Order no. 1109 of 13 August 2013 (applying to both linear and non-linear services).	Graduated approach between linear and non-linear services regarding “seriously impair” contents. Danish authorities envisages establishing a coordinated classification and labelling scheme for films, DVDs, TV and VOD services that would extend across all technologies and would cover any content that might be “seriously” or “mildly” harmful to minors.	“<i>Seriously impair</i>” (pornography, unnecessary violence): banned (Art. 6)	“<i>Seriously impair</i>” (pornography, gratuitous violence): allowed with some type of protection (labelling of the service that makes the viewers aware of the harmful content, for example – Art. 11).
				“<i>Likely to impair</i>” (e.g. sexually explicit content): allowed with some form of protection (by choice of programming or installing technical device: acoustic warning or visual icons on screen required by law during the whole time the program is on air – Art. 6).	“<i>Likely to impair</i>” (e.g. sexually explicit content): allowed without restrictions



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
				The main public service broadcaster, DR, has the same rule as all the other linear services in a clause written about the protection of minors in their public service contract and in Order no. 102 of 28 January 2010, Article 6 for linear services and Article 9 for non-linear services. The commercial public service broadcaster, TV 2, has the same as all the other linear services written about the protection of minors in a clause in their public service license and in Order no. 881 of 28 June 2013, Article 4. All regional television broadcasters have the same rule as all the other linear services about protection of minors in Order no. 1578 of the 27 December 2014, article 6. All local non-commercial television broadcasters have the same rule as all the other linear services in Order no. 145 of 18 February 2014 as amended by Order no. 1136 of 13 October 2014, Article 13.	
EE	Media Services Act : §19(2)-(6) (linear TV services / §19(7) (on-demand services)	Broadcasters had announced in 2011 the launching of a self-regulation system for the protection of minors. As of March 2015, broadcasters were doing active work, in order to examine current rules (whether they are sufficient and into what extent) and mechanisms to assess the need for additional measures. Some tangible progress were expected for the second	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“<i>Seriously impair</i>” (pornography, promotion of violence or cruelty): banned. “<i>Likely to impair</i>”: allowed with some forms of protection Watersheds + Acoustic warnings required by law.	“<i>Seriously impair</i>”: allowed with some form of protection “<i>Likely to impair</i>”: allowed without protection Technical access restrictions available (such as filtering, encryption, pre-locking/PIN codes or



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		half of 2015.			other age verification systems.
ES	Spanish General Law 7/2010 of Audiovisual Communication (Art. 7.2)	Almost all of free to air DTT national providers in Spain signed a Self-regulation Code for the audiovisual content and minors. Non-compliance with self-regulatory codes constitutes a breach of administrative law and operators can be penalized accordingly. Integrated approach in Cataluña: among detailed age classification rules and watersheds applicable to linear services, all television audiovisual media service providers, including on-demand providers shall use a digital coding for their contents rating which allows the exercise of parental control.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“ <i>Seriously impair</i> ” (pornography, gratuitous violence, gender violence and mistreatment): banned in linear services.	“ <i>Seriously impair</i> ” (pornography, gratuitous violence, gender violence and mistreatment): allowed with access restrictions (dedicated areas in catalogues) and using age rating and digital coding that allows the exercise of parental control systems.
				“ <i>Likely to impair</i> ”: allowed in linear services with some forms of protection: age rating + on-screen icons + acoustic warnings for content rated as 18 + watersheds + technical filtering devices or software used by broadcasters (using digital coding for the age rating that allows the exercise of parental control systems).	“ <i>Likely to impair</i> ”: allowed in non-linear service with some protection (age rating and using digital coding for the age rating that allows the exercise of parental control systems).
FI	Amendment to Act No. 744/1998 on Radio and Television Broadcasting (Laki television-ja radiotoiminnasta) Acts nos. 306/2010 and 712/2011 and Act No. 710/2011 on audiovisual programmes (<i>Kuvaohjelmaki</i>) / classification and labelling of various types of audiovisual content. For on-demand services: Act. No. 458/2002 on the provision of information society services ,	Some elements of self and co-regulatory system for linear and for non-linear services. The Finnish Centre for Media Education and Audiovisual Media (MEKU) is responsible for the supervision of audiovisual programme provision (classification of films, protection of minors) and the coordination and promotion of national media education.	Graduated approach between linear and non-linear services regarding “seriously impair” contents. (Measures or initiatives pending to introduce greater consistency).	“ <i>Seriously impair</i> ” : allowed with some form of protection.	“ <i>Seriously impair</i> ”: allowed with some form of protection.
				“ <i>Likely to impair</i> ”: allowed with some form of protection.	“ <i>Likely to impair</i> ”: allowed with some form of protection
				Age-rating, on-screen icons + acoustic warnings required by law.	



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
	complemented by Act no. 460/2003 on the exercise of freedom of expression in mass media				
FR	Law n° 86-1067 of 30/09/1986 related to the freedom to communicate Art. 1 and 15 Recommendation of 7/06/2005 to TV services publishers regarding youth rating and classification of programmes, as modified by the CSA deliberations n° 2012-57 of 23/10/2012 and n° 2014-17 of 5/03/2014 Deliberation of the CSA of 15.12.2004 on the broadcasting on television of programmes unsuitable to under 18s Deliberation of the CSA of 20.12.2011 on the protection of young audiences, deontology, and the accessibility of programme on on-demand audiovisual media services	Some elements of self and co-regulatory system for linear and for non-linear services. Restrictions on content that is “likely to impair” are laid down through recommendations and deliberations of the CSA. Age categories and definitions are common to linear and non-linear audiovisual services.	General prohibition for “seriously impair” content on TV and on VOD. There is a light touch approach on VOD with minimum watershed and adapted rules as regards technical protection tools.	“ <i>Seriously impair</i> ”(criminally unlawful material; (attempt to human dignity: violence, sexual perversion, degrading to the human person; child pornography; hard-core violence): banned	“ <i>Seriously impair</i> ”: banned on VOD
				“<i>Likely to impair</i>”: allowed with some form of protection “-18” (pornographic and extremely violent): only on specific TV pay services with age rating obligations + watersheds +broadcast time restrictions + restricted access system including access code “-16” and “-12” (erotic material, violent content) / physical or psychological violence / theme that may trouble children under 12): Available in cinema and PPV services and other services with age rating obligations + watersheds + broadcast time restrictions “-10” (contents which are likely to shock children under 10): no	“<i>Likely to impair</i>”: allowed with some form of protection All programmes must be rated and the warning symbols shall be displayed on catalogues, programmes and trailers. Pin codes are mandatory for -18 programmes, which cannot be offered for free. There are two separate areas: a “trust zone” which contains only programmes which are suitable for all audiences and “an adult zone” which contains all programmes which are not suitable to under 18s. There is only one watershed, on -16 programmes offered for free (22:30 to 5:00)



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
				restriction.	
GB	Broadcasting Act 1996 Communications Act 2003 (sections 3(4)(h) and 319(2)(a) and (f)) Audiovisual Media Services Regulations 2009 (Art. 368E - harmful material and ODAVMS) Audiovisual Media Services Regulations 2010 Audiovisual Media Services Regulations 2014	Fully-fledged self and co-regulatory system implemented specifically for on-demand audiovisual media services. Linear TV services: Ofcom required by law to draw up a code for TV and radio (Ofcom Broadcasting Code): section 2 (harmful contents) + section 1 (protecting under-18) On-demand audiovisual media services: Co-regulation between Ofcom and ATVOD (regulatory authority for notifications and for on-demand editorial content (including Art. 368E). Ofcom retains legislative backstop competences, including the competence to impose statutory sanctions on providers who contravene the relevant requirements.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“<i>Seriously impair</i>”: illegal content, extremely violent pornography, R18+: banned.	“<i>Seriously impair</i>”: material likely to incite hatred based on race, sex, religion or nationality: banned on VOD. Material which might seriously impair the physical, mental or moral development of persons under the age of 18: allowed with access restrictions. ATVOD guidance considers that there should be in place an effective Content Access Control System (“CAC System”), which verifies that the user is aged 18 or over at the point of registration or access by the mandatory use of technical tools (ex. + PIN code). Since new legislation of 1 December



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		ATVOD's Rules and Guidance of 26.2014 sets out the statutory rules and non-binding guidance for providers of on-demand programme services (Rule 11). Other codes: Ofcom broadcasting code, BBC Editorial Guidelines, BBFC ratings for films, PEGI scheme for electronic games, BBFC for mobile visual content (self-regulatory scheme), CAP and BCAP (advertising) codes. Co-regulatory system of Ofcom with the Advertising Standards Authority in relation to TV advertising, including rules for the protection of minors. For on-demand audiovisual media services, co-regulation system by the Advertising Standards Authority and the Association for Television On-Demand, which providers of on-demand audiovisual media services are required to notify. Classification framework set out by the British Board of Film Classification (BBFC) as a basis for some protection tools which are mandated for film content on linear broadcasting, and also for mandatory access controls on regulated on-demand services.		<i>"Likely to impair"</i> : allowed with some form of protection (except hard-core porn R18, which is banned on TV, based on a decision taken by Ofcom in its 2005 Code Review, in part on the basis that the protection tools in place were insufficiently developed to ensure children would definitely not access R18 content on TV). Watershed, on-screen icons or acoustic warnings required by law + technical filtering devices or software used by broadcasters.	2014, content stronger than R18 (i.e. "seriously impair") is now also banned on non-linear services. <i>"Likely to impair"</i>: allowed with some form of protection.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
GR	Presidential Decree 109/2012 Art. 13 (on-demand AVMS) Art. 26 (linear TV services)	TV and radio broadcasters are obliged by the Broadcasting law to draw up multilateral self-regulating agreements.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“ <i>Seriously impair</i> ”: banned.	“ <i>Seriously impair</i> ”: allowed with access restrictions. Watershed + labelling restrictions (age classification) + technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems).
				“ <i>Likely to impair</i> ”: allowed with some form of protection. Classification of contents + on-screen icons + acoustic warnings required by law.	“ <i>Likely to impair</i> ”: allowed without protection.
HU	Act CLXXXV of 2010 on Media Services and Mass Media (Art. 9: Linear TV services) / (Art. 11: on-demand AVMS) Act CIV 2010 on the fundamental rules of the freedom of the press and media contents (Press and Media Act): Art. 19(2) protection of minors from harmful contents in on-demand AVMS Rules on Protection of minors, Art. 2, par 1. OG 60/10: Recommendation of 19.07.2011 of the Media Council of the National Media and Communications Authority	Some elements of self and co-regulatory system for linear and for non-linear services. The media regulator issue recommendations regarding effective technical solutions. On-demand audiovisual media services providers are obliged to notify the regulatory authority, the National Media and Infocommunications Authority.	Stricter legal approach: general prohibition for “seriously impair” content on VOD services (different authorities competent for film distribution and broadcasting, but which generally come to the same rating and classification).	“ <i>Seriously impair</i> ”: (category VI): banned.	“ <i>Seriously impair</i> ”: allowed with some form of restrictions.
				“ <i>Likely to impair</i> ”: allowed with some form of protection. Rating +on-screen icons + acoustic warnings required by law.	“ <i>Likely to impair</i> ”: allowed with some form of restrictions. Technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
HR	Electronic Media Act (EMA) Art. Art. 20 (on-demand services) / Art. 26 (linear TV services) Rulebook of the Council for Electronik Media on TV broadcasters for the purpose of the protection of minors, of April 2008	Regulatory authorities have issued rules and general guidance for the protection of minors on audiovisual media services, whether linear or on-demand. The Agency for Electronic Media has issued rules on the protection of minors. Article 14. OG 60/10 deals with on-demand media service providers.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	<i>“Seriously impair”</i> : (pornography; gratuitous violence): banned.	<i>“Seriously impair”</i> : allowed with access restrictions
				<i>“Likely to impair”</i> : allowed with some form of protection. Watershed + technical tools of access restrictions required by law.	<i>“Likely to impair”</i> : allowed with some form of protection. Visual symbols + labelling restrictions (age classification) + PIN code.
IE	Audiovisual Media Service Regulation 2010 Art. 18(2) (linear TV services) / Art. 6(2) (On-demand services)	Fully-fledged self and co-regulatory system implemented specifically for on-demand audiovisual media services. The Broadcasting Authority of Ireland does not regulate on-demand audiovisual media services beyond approving draft Codes of implementation of the AVMS Directive for these services. A voluntary Code of conduct was drafted in May 2011 by the self-regulatory authority ODAS and approved by the BAI . The BAI deals with appeals for non-compliance with the voluntary programming codes and implements the AVMS Directive requirements for linear services. The Code is fairly general in its wording and does not include detailed provisions concerning the protection of minors on VOD.	Graduated approach between linear and non-linear services regarding “seriously impair” contents (classification for cinema, but not for DVDs).	<i>“Seriously impair”</i> (pornography, gratuitous violence): banned.	<i>“Seriously impair”</i> : allowed with access restrictions.
				<i>“Likely to impair”</i> : allowed with some form of protection. Requirement to schedule appropriately or encode and where unencoded to either provide an acoustic prior warning or apply visual classification throughout the duration of the programme.	<i>“Likely to impair”</i> : allowed with some form of protection.
IT	Italian AVMS Code as revised in July 2014 (Art. 1, modifying Art. 34 on protection of minors) Self-regulation Code on TV	When it comes to the elaboration of technical measures, Article 34 of the Italian AVMS Code provides for a co-regulatory approach. According to this principle, the Italian Communications Authority (AGCOM) has established a	Graduated approach between linear and non-linear services regarding “seriously impair” contents, except for public service broadcasters, subject to stricter rules than commercial	<i>“Seriously impair”</i> (gratuitous or insistent or brutal violence or pornography, including cinematographic works classified as unsuitable for minors under 18): banned.	<i>“Seriously impair”</i> : allowed with access restriction: parental control systems + PIN code, except for VOD by PSB (banned).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
	and minors of 29.11.2002, as amended	Committee composed of all stakeholders involved in the provision of on-demand services aiming at developing technical measures to prevent minors from viewing on demand content that “might seriously impair” their development. Following the conclusions of the Technical Committee, AGCOM has adopted two deliberations in May 2013: Deliberation of AGCOM (No. 51/13) (technical tools to protect minors, PIN codes); Deliberation of AGCOM (No. 52/13) (criteria for the classification of programmes) Industry self-regulation exists also in Italy. In 2002, all Italian broadcasting companies signed the TV and Minors Self-Regulations Code, which is referred to in primary legislation since 2004 as binding also for non-signing broadcasters. According to the Code, broadcasters are required not to broadcast at certain hours any content which might impair physical, mental or moral development of minors.	broadcasters.	“Likely to impair”: Allowed with some form of protection Rating, watersheds, on-screen icons + acoustic warnings required by law and also by codes of conduct + technical filtering devices or software used by broadcasters.	“Likely to impair”: allowed without protection.
LT	Law on the protection of minors against the detrimental effect of public information (10.9.2002 – No IX-1067), as last amended on 14 July 2009 – No. XI-333): Art. 4 + Art.6 Law on Provision of Information to the Public, as	Some elements of self and co-regulatory system for linear and for non-linear services.	Stricter legal approach: general prohibition for “seriously impair” content on VOD.	“Seriously impair”: (physical or psychological violence or vandalism: restrictive definition) banned.	“Seriously impair”: banned on VOD (restrictive definition).
				“Likely to impair”: allowed with some form of protection. Watersheds + on-screen icons + acoustic warnings required by law.	“Likely to impair”: allowed with some form of protection. Technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
	amended Art. 40.3 (protection of minors in public audiovisual information services/ on-demand AVMS) + Art.17				
LU	Law of 27 July 1991 on Electronic Media , as amended (17.12.2010): Art. 27ter (linear TV services) / Art. 28quater (on-demand services) Regulation on Protection of Minors in Audiovisual Services of 08.01.2015	As a result of Art. 12 of the AVMS Directive, the government of Luxembourg adopted a regulation on the protection of minors in audiovisual media services based on the Law of Electronic Media. The new regulation introduces a system of self-classification which asks broadcasters established in Luxembourg to classify their content along 5 categories of age groups: all audiences, not suitable for minors under 10, 12, 16 and 18. The new system applies both to providers of linear and on-demand audiovisual media services.	On top of the local classification, broadcasters of linear audiovisual media services established in Luxembourg, but principally targeting the audience of another EU member state can opt for the classification system of that particular member state provided this regime has a level of protection that the regulatory authority ALIA regards as equivalent. In addition, providers of on-demand services can pick, as a third system, the classification granted in the country of origin of the program. ALIA must be notified to change regime; local classification is considered be the default system.	<i>"Seriously impair"</i> (pornography, gratuitous violence): banned.	<i>"Seriously impair"</i> : allowed with access restrictions.
				<i>"Likely to impair"</i> : allowed with some form of protection (watersheds + on-screen icons + text display warnings required by law).	<i>"Likely to impair"</i> : allowed with some form of protection (age classification labels).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
LV	Law on Electronic Media implementing the AVMSD 28.7.2010 Art. 24(10) (on-demand AVMS)	Some elements of self and co-regulatory system for linear and for non-linear services.	Same approach between linear and non-linear services with respect to “seriously impair” content, allowed with access restrictions. Graduated approach between linear and non-linear services regarding “likely to impair” contents, allowed without restrictions in non-linear services.	<i>“Seriously impair”</i> : allowed with access restrictions. Watershed, restricted access control tools, audible warning signal + visual symbol required by law + Technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems (providers are required to cover harmful pictures and to replace rude words with a noise).	<i>“Seriously impair”</i> : allowed with access restrictions. Watershed, restricted access control tools, audible warning signal + visual symbol required by law+Technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems (providers are required to cover harmful pictures and to replace rude words with a noise).
				<i>“Likely to impair”</i> : allowed with some form of protection. On-screen icons + acoustic warnings required by law + technical filtering devices or software used by broadcasters.	<i>“Likely to impair”</i> : allowed without protection.
MT	Broadcasting Act , 1991 (Act No. XII of 1991), consolidated version 2011 Art. 16N(1) (on-demand AVMS) Draft Code for the Protection, Welfare and Development of Minors on the Broadcasting Media	Though the regulatory authority remains in charge of the regulation of on-demand audiovisual media services, some self-regulation and co-regulation practices are taking place in relation to classification and labelling of content and the development of technical measures to prevent minors from accessing harmful contents.	Graduated approach between linear and non-linear services regarding “seriously impair” contents, except for public service broadcaster.	<i>“Seriously impair”</i> : banned.	<i>“Seriously impair”</i> : allowed with access restrictions (PIN code), except for VOD by public service broadcaster.
				<i>“Likely to impair”</i> : allowed with some form of protection. On-screen icons + acoustic warnings required by law -, except for VOD by public service broadcaster (banned).	<i>“Likely to impair”</i> : allowed with some form of protection, except for VOD by public service broadcaster (banned).
NL	Dutch Media Act 2008 (Mediawet) Art. 4.1 - 4.6	In the Netherlands there is a shared responsibility between The Dutch Media Authority (Commissariaat voor de Media, CvM) and NICAM (the Netherlands Institute for the Classification of Audiovisual Media).	Public service media is subject to stricter regulation than private media. Rules that apply to linear and non-linear content of public	<i>“Seriously impair”</i> : banned	<i>“Seriously impair”</i> : allowed with access restrictions, except for non-linear content of public service media (banned).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		The integrated approach of NICAM's Kijkwijzer system through all regulated audiovisual sector regarding age classification system and labelling (with certain specificities for each sector) has been a showcase for the co-regulation of content across the media. Kijkwijzers' co-regulatory design consists of a three-party construction. The actual classification and rating is conducted by the industry itself. System responsibility is installed with NICAM. On a meta level, both the functioning and the output of NICAM, is supervised by CvdM. According to the Media Act 2008, public service media, and private media that intent to broadcast linear audio-visual content, are obliged to be affiliated with and obey to the regulations of NICAM. Should they not comply with this, they may only broadcast programmes suitable for all ages and will be subject to direct supervision of the CvdM. Also media service providers that are not legally obliged to join Kijkwijzer increasingly sign up as a member of NICAM and voluntary comply with the Kijkwijzer-rules. Rules on seriously harmful media content are directly supervised by the CvdM. CvdM has created a special Advisory Committee to advise the regulator on issues regarding serious harmful content.	service media, and linear content of private media: - Seriously harmful programs are absolute forbidden (directly supervised by CvdM) - Harmful programs are only allowed if broadcaster joins NICAM. Rules that apply to non-linear content of private media: - Seriously harmful videos are only made available in such a way as to ensure that minors will not normally hear or see them - No rules regarding harmful videos.	<i>"Likely to impair"</i>: allowed with access restrictions: if a media service provider is affiliated with NICAM, respects the watersheds and shows the applicable symbols (age and content descriptors based on Kijkwijzer system).	<i>"Likely to impair"</i>: allowed for private media. Allowed for public service media with access restrictions: if public service media is affiliated with NICAM, respects the watersheds and shows the applicable symbols (age and content descriptors based on Kijkwijzer system).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
PL	Broadcasting Act of Dec. 29,1992, as amended in 2011	Some elements of self and co-regulatory system for linear and for non-linear services. However, an initial self-regulatory system was replaced by legal regulation because broadcasters did not comply with their self-commitments. Further to the new Act, which entered in force on 28 February 2013, one of the National Broadcasting Councils (NBC) tasks is to initiate, support and promote self-regulation in media services. Media service providers may create and join codes of good practice whose creation the NBC supports and promotes. In the current legal system the NBC isn't able to cede its rights to other bodies. There is an area in protection of minors field which gives the possibility of self-regulation: 1) in determining effective technical security measures in non-linear media services 2) in placing advertisements of the so-called unhealthy foods in children's programmes - in linear media services. On 13 October 2014, the NBC, fulfilling its statutory obligation to initiate and support self-regulation, took an active part in consultations regarding the creation of a "Code of Good Practice on the Protection of Minors in VOD services" and readily accepted it. The document was signed by six Polish on-demand service providers, who committed themselves to take effective technical measures to prevent minors from accessing	Graduated approach between linear and non-linear services regarding "seriously impair" contents.	"Seriously impair": banned	"Seriously impair": allowed under specific conditions - effective technical security measures -.
				"Likely to impair": allowed with some form of protection Watershed + on-screen icons required by law	"Likely to impair": allowed with on-screen icons required by law.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		harmful content. As regards to advertisements of the so – called “unhealthy food”, at the end of October 2014 broadcasters signed an agreement which provide that, since 1 January 2015, programmes for children aged up to 12 will not be accompanied by advertisements for food and beverages that do not meet “Nutritional Criteria to the self - regulation on food advertising aimed at children under 12 years”. The document was prepared on the request of the Polish Federation of Food Industry and approved by the Ministry of Health; it is attached to the Broadcasters’ Agreement.			
PT	Law of 11 April 2011 amending the Television Act of 2007 Art. 27(3)-(5) (linear TV services) / Art. 27(10) (on demand AVMS)	Some elements of self and co-regulatory system for linear and for non-linear services. The Regulatory Body for Media Communications encourages television operators to develop a common classification system for television programmes + codes of conduct of TV broadcasters to respect the classification by the entertainment classification commission when broadcasting cinematographic works and video recording. Accordingly, the three mainstream broadcasters have agreed on specific agreement, which lay down a classification system for TV programmes in relation to protection of minors.	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“<i>Seriously impair</i>”: allowed with access restrictions (conditional access).	“<i>Seriously impair</i>”: allowed with access restrictions (based on voluntary system, on-demand AVMS work with a PIN code access, which is sent to the client. The PIN code restricts access to content according to a graduated classification (high-average-low restrictions / unrestricted). By default, all TV boxes are delivered to clients with low level of active constraints, i.e. with access to all contents except adult content.
				“<i>Likely to impair</i>”: allowed with some form of protection. Watersheds + on-screen icons required by law and also by codes of conduct.	“<i>Likely to impair</i>”: allowed with some form of protection.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
RO	Radio and Television Broadcasting Act , consolidated version 2009 Art. 39 (linear TV services) / Art 39.1 (on demand AVMS) Decision No. 220 , of 24.02.2011 regarding the Regulatory Code of Audiovisual Content	Some elements of self and co-regulatory system for linear and for non-linear services. Includes a code of conduct regarding the protection of minors from harmful content.	Graduated approach between linear and non-linear services regarding “seriously impair” contents, except for public service broadcaster (subject to stricter rules than commercial broadcasters).	“ <i>Seriously impair</i> ”: banned.	“ <i>Seriously impair</i> ”: allowed with access restrictions, except for VOD by public service broadcaster (banned).
				“ <i>Likely to impair</i> ”: allowed with some form of protection. On-screen icons + acoustic warnings required by law + technical filtering devices or software used by broadcasters + Pre-locking systems for the transmission of over-18 content.	“ <i>Likely to impair</i> ”: allowed with some form of protection, except for VOD by public service broadcaster (banned). Labelling restrictions (age classification) + technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems.
SE	Swedish Radio and Television Act of 17.6.2010 Chapter 5 - 1 (linear TV services) and 2 (on-demand AVMS) Broadcasting License	Some elements of self and co-regulatory system for linear and for non-linear services. Includes a code of conduct regarding the protection of minors. The Swedish Media Council encourages broadcasters to create self-regulating instruments.	Same approach between linear and non-linear services regarding “seriously impair” contents (allowed in both services), with some differences in the level of protection required. Graduated approach with respect to “likely to impair” content (allowed with some form of protection in linear services and without protection in non-linear services).	“ <i>Seriously impair</i> ” (portrayals of violence of a realistic nature or pornographic images): allowed with access restrictions (either preceded by a verbal warning or warning text continuously displayed on the screen throughout the broadcast). According to the Radio and Television Act, “ <i>such programmes may not be broadcast at times and in a manner that would create a considerable risk for children viewing the programmes unless the broadcast is nevertheless defensible on special grounds</i> ”. The watershed is 21.00.	“ <i>Seriously impair</i> ”: (depiction of violence of a true-to-life nature or pornographic images): must be provided in such a way that it does not create a considerable risk for children viewing the programmes.
				“ <i>Likely to impair</i> ”: allowed with some form of protection. Acoustic warnings required by law for programmes containing portrayals of violence of realistic nature or pornographic. On-screen icons are encouraged but not required by	“ <i>Likely to impair</i> ”: allowed without protection. Restrictions concerning material which is “likely to impair” are included in broadcasting licences. However, VOD service providers are



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
				law. According to the broadcasting licenses, the broadcasting organisations shall take into account the impact of radio and television in terms of format, topics and time of transmission. This provision is applied in the evaluation of programmes that contain or deal with subject matter such as violence, sex and drugs and implies that broadcasting organisations should exercise caution. In the matter of protection of minors, programmes that contain violence and sex which are likely to impair children shall only be broadcast after 21.00.	only required to register with the Swedish Broadcasting Authority).
SI	Law concerning protection of minors in audiovisual media adopted in November 2011 Audiovisual Media Services Act on Audiovisual Media Services, Art. 14(1) – (3) (linear TV services) / Art. 15 (on-demand AVMS) Statutory act complementing it (English version) adopted in October 2013.	Some elements of self and co-regulatory system for linear and for non-linear services, in relation to the classification and labelling of content and the development of technical measures to prevent minors from accessing harmful contents. Regulatory authorities have issued rules and general guidance for the protection of minors on audiovisual media services, whether linear or on-demand. (see AKOS Recommendation of November 2011 for the safe use of AVMS + APEK guidance on protection of minors from harmful content in linear and non-linear services). It provides criteria for the identification of “seriously impair” content, proposes levels and modes of the recommended protection, elaborates guidelines for classification and scheduling and provides proposals for	Graduated approach between linear and non-linear services regarding “seriously impair” contents.	“<i>Seriously impair</i>” (pornography, gratuitous violence): banned.	“<i>Seriously impair</i>” (hard pornography): allowed with access restrictions. PIN code or other adequate technical restriction).
				“<i>Likely to impair</i>”: allowed with some form protection. Watersheds or technical protection of access restriction required by law required by law.	“<i>Likely to impair</i>” (explicit sexual content): allowed with some forms of protection. PIN code + classification of any sexual content labelled 18 in special section of the catalogue.



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
		labelling. Self-regulatory system for VOD services was established in Slovenia by Internet, cable and mobile service. AKOS followed and supported the preparation of the self-regulatory agreement and of the code of conduct. AKOS, however, does not have any backstop powers nor plays any other role in this self-regulatory system. In 2013, the eight most important VOD providers renewed the agreement and the code of 2011.			
SK	Broadcasting and retransmission Act 308/2000, consolidated version Section 20(2) (on-demand AVMS) Decree No. 589/2007, Coll., as amended on 14 March 2014	Integrated approach through all regulated audiovisual sector regarding age classification system and labelling (with certain specificities for each sector).	Graduated approach between linear and non-linear services regarding “seriously impair” contents	“ <i>Seriously impair</i> ”: banned in linear services	“ <i>Seriously impair</i> ”: allowed with access restrictions.
				“<i>Likely to impair</i>”: allowed with some form protection On-screen icons required by law.	Labelling restrictions (age classification) “<i>Likely to impair</i>”: allowed without protection
NO	Law on the protection of minors against harmful content in audiovisual programmes of 15.12.2014 Norwegian Broadcasting Act of 10.12.2012	Integrated approach through all regulated audiovisual sector regarding age classification system and labelling (with certain specificities for each sector).	The new law on the protection of minors, which might come into force on the 1 July 2015, introduces a platform-independent approach. Its scope includes linear television, on-demand audiovisual services, screening at public gatherings in Norway (including at a cinema)	“ <i>Seriously impair</i> ”: banned.	“ <i>Seriously impair</i> ”: banned.
				“ <i>Likely to impair</i> ”: allowed with some form of protection: rating + PIN codes, watershed, payment by credit card (although no binding access restriction by law).	“ <i>Likely to impair</i> ”: allowed with some form of protection: rating + PIN codes, watershed, payment by credit card (although no binding access restriction by law).



Country	LEGAL BASIS	CO/SELF REGULATION	APPROACHES LINEAR / NON-LINEAR AVMS	PROTECTION TOOLS IN LINEAR SERVICES	PROTECTION TOOLS IN NON-LINEAR SERVICES
	Section 2-7 (protection of minors) Film and Video Act of 5.5.2006		and making videograms available to the public (including distribution of DVD/Blu-ray).	The same protection tools will apply to all platforms and all audiovisual programmes have to be classified according to age limit. The Act also introduces a duty to ensure the age limits are met and to inform the public about the age limit. This includes a duty to label all audiovisual programmes with a set age limit. The Norwegian Media Authority (<i>Medietilsynet</i>) will still be responsible for setting the age limits for cinematographic works. For all audiovisual programmes, the age limits shall be set by the distributor of the programme, on the basis of guidelines drawn up by the Norwegian Media Authority.	

Main Sources:

- [IRIS Merlin](#), European Audiovisual Observatory
- [European Platform of Regulatory Authorities](#)
- Machet E., *Comparative Background Document (EPRA/2013/02b) for Plenary session 1 on The Protection of Minors in a Connected Environment*, 37th EPRA meeting in Kraków (May 2013). Final amended version of 21 June 2013. Available at: http://epa3-production.s3.amazonaws.com/attachments/files/2195/original/protectionofminors_final_publicversion.pdf?1372087443



Watershed periods in broadcasting services

Sophie Valais

Watershed period in broadcasting services

Comparative table across Europe ²

Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
AT	Audiovisual Media Services Act – (Art. 39: on-demand services and Art. 42: television programmes). ORF guidelines on protection of minors	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	<i>“Seriously impair”</i>: (pornography; gratuitous violence): banned in linear services / allowed with access restriction in non-linear services. <i>“Likely to impair”</i>: allowed with watershed or other measures in linear services (on-screen icons required by law + technical filtering devices	Public service broadcaster’s channels: - Before 20:15: “Likely to impair” programmes not allowed (programmes must be “family-friendly”) - From 22:00, when fictional programmes “not suitable for children” or “only for adults” are aired, an X or O, respectively, is added to the digital on-screen graphic. A “K” for positive content for children (“Okodoki”) is also

² Table updated as of March 2015.



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			or software used by broadcasters) / without restrictions in non-linear services.	added to programmes particularly suitable for children.
BE (Flemish Comm.)	Act on radio and television broadcasting of 18.03.2009 Art. 42 (linear TV services) / Art. 45 (non-linear services).	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	“ <i>Seriously impair</i> ” (pornography, unnecessary violence): banned in linear services / allowed with access restrictions (PIN codes) in non-linear services “ <i>Likely to impair</i> ”: allowed with some form of protection in linear services (watersheds / or access code + on-screen icons on electronic programme guide or acoustic warning + screen icon if no access code (Art. 9.2a) SMA) / allowed in non-linear services with parental code	General watershed from 20:00/22:30 (different classification and subsequent scheduling of programmes apply depending on Flemish television channels).



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			(PIN code) + on-screen icons on electronic programme guide (Art. 9.2b) SMA) + labelling restrictions (age classification)	
BE (French Comm.)	Décret SMA, as modified – Art. 9.2 a) and b) Order of the Government of 21.02.2013	Material that might seriously impair the physical, mental or moral development of people under 18 must not be broadcast. Broadcasters must take all necessary steps to protect young people from material that is unsuitable to them by appropriate rating and through the choice of the time of transmission. “Signalétique”: Programmes likely to impair minors are rated and accompanied by access restrictions (on-screen icon for the duration of the programme and watersheds on linear services or parental PIN code).	“<i>Seriously impair</i>” (“hard” pornography, violence): banned in linear services and in VOD services. “<i>Likely to impair</i>”: allowed in linear services with some form of protection (watersheds, access code + on-screen age-related icons on electronic programme guide or acoustic warning + screen age-related icons if no access code (Art. 9.2a) SMA) / allowed in non-linear services with some form of protection (parental code (PIN code) + on-screen age-related icons on	-10: (programmes containing certain scenes susceptible to harm the physical, mental or moral development of children under 10). -12: (repeated scenes of physical or psychological violence): not allowed in linear services from 6:00 to 20:00 (22:00 on the eve of public holidays) -16: (erotic or very violent scenes): not allowed between 6:00 and 22:00 -18: (pornographic or hugely violent scenes): only between 24:00 and 5:00 in crypted channels and only accessible through parental access code. These watersheds are not applied to non-linear services (VOD) or to linear services accessible by personal access code.



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			electronic programme guide and catalogues (Art. 9.2b) SMA).	
BG	<u>Radio and Television Act</u> (Art. 19 on-demand services) Bill amending the RTA of 14.5.2014	Integrated approach across all audiovisual media services regarding protection of minors, according to which material that might seriously impair the physical, mental or moral development of minors is banned in linear and VOD services; Material that is likely to impair is allowed with access restrictions in linear and in non-linear services.	<i>“Seriously impair”</i> : banned in linear services / banned on VOD services (restrictive definition) <i>“Likely to impair”</i> : allowed with access restrictions in linear services (on-screen icons or acoustic warnings required by law + technical filtering devices or software used by broadcasters) / allowed with some form of protection in non-linear services (technical access restrictions, such as filtering, encryption, pre-locking/PIN codes or other	+ 18 rated programmes are restricted by watersheds. They can only be broadcast between 23:00 and 06:00.



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			age verification systems).	
CY	Law on Radio and Television Stations Art. 29(1)-(3): linear services Art. 31A(1)(a)-(b): non-linear services Cyprus Broadcasting Corporation Law Art. 19(5) (a)-(c): linear services Art. 181 (1) – (2): non-linear services Regulations of Radio and Television Stations Reg. 21(6)-(7)	Television broadcasts shall not include programmes which may seriously impair the physical, mental or moral development of minors and particularly programmes containing pornographic scenes or scenes of gratuitous violence. In the case of programmes which are likely to impair the physical, mental or moral development of minors, it must be ensured, through the selection of the appropriate time of the broadcast or by other technical measures, that minors will not normally watch or hear these broadcasts. When such programmes are broadcasts in an encoded form, broadcasting organisations must ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration. Audiovisual media services providers of non-linear services, which may seriously impair the physical, mental or moral development of minors, must ensure that they are made available in such a way that minors will not normally watch or hear them. They must provide, in addition to the rating of programs, additional technical means, in particular a user-friendly system of content filtering and access codes to such content, with which parents of minors will be provided when subscribing to a service provider, so that they will be able to ensure the blocking of the access of minors to	<i>“Seriously impair”</i> (pornography, gratuitous violence): banned in linear services / allowed with access restrictions in non-linear services (age rating, content filtering and parental access codes). <i>“Likely to impair”</i>: allowed with some form of protection in linear services (appropriate time of broadcast, technical measures, acoustic warnings, on-screen icons – applicable only to non-coded programs) / allowed without restriction in non-linear services.	“Family Zone” means the period during which programmes in unencoded form that are suitable for viewers under the age of 15 are broadcast. The zone starts at 5.30 and ends at 21.00 for the nights which are followed by working days and at 22.00 for the nights which are followed by non-working days (Saturday, Sunday, holidays and school vacations). Warnings must be given regarding the nature of the programs: verbal warning before the start of the broadcast and visual warning, with a visual indication every ten minutes, in the left lower part of the screen: (K) in green for programs suitable for universal viewing; (12) in yellow for programs unsuitable for viewers under the age of 12; (15) in blue for programs unsuitable



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
		services which may seriously impair their physical, mental or moral development.		for viewers under the age of 15; (18) in a red for programs unsuitable for viewers under the age of 18; (A) for programs of intense sexual content. Programs classified under the categories (12), (15) and (18) may be shown only outside the family zone. Television stations of unencoded broadcasts are forbidden to show broadcasts, which come under category (A). Stations of encoded broadcast may show broadcasts of the category (A) only between the hours 24.00 - 5.30.
CZ	<u>Radio and TV Broadcasting Act</u> <u>On-demand Audiovisual Service Act</u> (Section 6(3) on-demand services)	Some elements of self and co-regulatory system for linear and for non-linear services. Includes a code of conduct regarding the protection of minors from harmful content by TV broadcasters.	<i>"Seriously impair"</i> (pornography, gross gratuitous violence): banned in linear services / allowed with access restrictions in non-linear services + technical access restrictions (such as	Only programmes that "can be watched by children" can be aired until 22:00. After 22:00, adult-orientated programmes may be aired.



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			filtering, encryption, pre-locking / PIN codes or other age verification systems). <i>"Likely to impair"</i>: allowed with some form of protection in linear services (on-screen icons + acoustic warnings required by law) / allowed with some form of protection in non-linear services.	
DE	<u>Youth Protection Act</u> (age rating for films (cinema, feature films DVD, computer games) <u>Interstate Treaty on the Protection of Minors</u> (JMStV): definition of harmful contents - <u>Art. 4</u> (Länder), Art. 5, Art. 11 (applicable to broadcasting and telemedia services)	The JMStV introduced a regime applicable to electronic information and communication media (broadcast and telemedia services). Under Article 5 JMStV, providers are required to ensure that children and teenagers do not see or hear content impairing their development by the use of technical means or scheduling restrictions. The Commission for the Protection of Minors in Electronic Media (KJM) coordinates the work of the State media Authority at the national level in this field and ensures that the providers act in compliance with the JMStV. In addition, all TV broadcasters, providers of impairing telemedia services and search engines providers in Germany are obliged	<i>"Seriously impair"</i> (illegal content / pornography, certain indexed content and contents which seriously impair minors: ex. violence, sexual, etc.): banned in linear services / allowed on VOD by means of a closed user group which is ensured by using age verification systems (KJM has developed	- +16: allowed between 22:00 and 06:00 - +18: allowed between 23:00 and 06:00 This means that programmes marked "Keine Jugendfreigabe" (not approved for minors) by the voluntary self-regulation organisation FSK may only be shown after 23:00. Blacklisted movies may not be aired at any time. For some content



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		under the JMStV to have a competent youth protection officer who is responsible in advising the management in all protection related issues; he/she usually decides on all age classification within companies.	key criteria for a two-step process based on identification and authentication). <i>“Likely to impair”</i>: allowed with some form of protection (watershed + on-screen icons or acoustic warnings required by law + technical filtering devices or software used by broadcasters) / allowed with some form of protection in non-linear services (watershed + labelling restrictions (age classification) or technical access restrictions (such as filtering, encryption, pre-locking / PIN codes or other age verification systems). <i>“Telemedia”</i> providers shall provide clear	“+12”, the watershed is between 20:00 and 06:00, but there is no general watershed for such content. If a commercial broadcaster wants to air a programme not rated by the FSK, the programme’s watershed is usually rated by the FSF (Freiwillige Selbstkontrolle Fernsehen – Voluntary Self-Regulation for TV) instead. A programme with neither an FSK nor FSF rating is not usually aired by commercial broadcasters, as the KJM (Kommission für Jugendmedienschutz – Commission for the Protection of Minors in the Media) may charge a fine if it finds the content inappropriate. To avoid the original watershed for a programme or to air a blacklisted movie, commercial broadcasters can ask the FSF to tell them how to cut the movie for another rating.



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			references to any existing labelling in the content provided if the content is wholly or largely identical with films or games which are labelled or have been cleared for the respective age group pursuant to Article 12 of the German Protection of Young Persons Act. Certified technical systems for the protection of minors for 'telemedia' content which could impair minors (Art. 11 JMStV).	
DK	Radio and Television Broadcasting Act (Section 48 provides that the Minister of Culture has the authority to make specified rules about the protection of minors). The rules on protection of minors are detailed through secondary legislation, by: Order no. 100 of 28.01.2010 as amended by Order no. 894 of 23.08.2012, Order no. 882 of 28.06.2013 and Order no. 1109 of 13.08.2013. (applying to both linear and	The possessor of a broadcasting licence must ensure that no programme are transmitted that could damage to any serious degree the physical, mental or moral development of minors, exercising particular control over programmes that include pornography or unjustified violence. This also counts for programmes that can damage the physical, mental or moral	"<i>Seriously impair</i>" (pornography, unnecessary violence): banned in linear services (Art. 6) / allowed with some type of protection (labelling of the	All pornographic films are automatically rated at 16 years and above. However, the law does contain no explicit regulations concerning the question of violence. The Public Service Television Danmark's



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	non-linear services).	development of minors, unless it is ensured – by choice of programming hours or by installing of technical devices – that minors will not watch or listen to the programmes.	service that makes the viewers aware of the harmful content, for example – Art. 11). <i>“Likely to impair”</i> (e.g. sexually explicit content): allowed with some form of protection in linear services (by choice of programming or installing technical device: acoustic warning or visual icons on screen required by law during the whole time the program is on air – Art. 6) / allowed without restrictions in non-linear services.	Radio uses an informal watershed of 21:00 and there is also a standard provision for all broadcasters that those programmes that are considered harmful to minors can only be shown after 24:00. A watershed is not necessary if a decoder is used to receive programme. The guidelines used by Danmarks Radio are inspired by EBU.



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
EE	<u>Media Services Act:</u> Art. 19(2)-(6) (linear TV services / Art. 19(7) (on-demand services)	Contents that may seriously impair the physical, mental or moral development of minors shall not be emitted. In the case of contents which are likely to impair minors, it must be ensured through the choice of the time of transmission or by other measures that minors will not normally perceive them.	<i>“Seriously impair”</i> (pornography, promotion of violence or cruelty): banned in linear services / allowed with some form of protection in non-linear services <i>“Likely to impair”</i>: allowed with some forms of protection in linear services (watersheds + acoustic warnings required by law) / allowed without protection (technical access restrictions available (such as filtering, encryption, pre-locking/PIN codes or other age verification systems	General watershed from 6:00 until 22:00 for “likely to impair” contents. Such programmes shall be accompanied by appropriate symbol indicating that it is unsuitable for minors. A watershed is not necessary if a decoder is used to receive programme.



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ES	Spanish General Law 7/2010 of Audiovisual Communication (Art. 7)	Contents that may seriously impair the physical, mental or moral development of minors shall not be emitted. In the case of contents which are likely to impair minors, it must be ensured through the choice of the time of transmission or by other measures that minors will not normally perceive them.	<i>“Seriously impair”</i> (pornography, gratuitous violence, gender violence and mistreatment): banned in linear services / allowed in non-linear services with access restrictions (dedicated areas in catalogues) and using age rating and digital coding for the age rating that allows the exercise of parental control systems. <i>“Likely to impair”</i>: allowed in linear services with some forms of protection: age rating + on-screen icons + acoustic warnings for content rated as 18 + watersheds + technical filtering devices or software used by broadcasters (using digital	According to the Self-regulation agreement for audiovisual content and minors signed by almost all free to air DTT national providers the age rating system is: All / +7 /+12 / +16 /+18. Two watersheds for free to air television: - General watershed (from 06:00 to 22:00: during this time slot any program considered inappropriate for minors under 18 cannot be broadcast. Programs rated as +18 are only allowed between 22:00 and 06:00. - Special watershed: during which this time slot any program considered inappropriate for minors under 13 cannot be broadcast. - Working days: from 08:00 to 09:00 and from 17:00 to 20:00. - Saturdays, Sundays and festive days: from 09:00 to 12:00.



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			coding for the age rating that allows the exercise of parental control systems) / allowed in non-linear service with some protection (age rating and using digital coding for the age rating that allows the exercise of parental control systems).	
FI	Amendment to Act No. 744/1998 on Radio and Television Broadcasting (<i>Laki television-ja radiotoiminnasta</i>) Acts nos. 306/2010 and 712/2011 and Act No. 710/2011 on audiovisual programmes (<i>Kuvaohjelmaki</i>) / classification and labelling of various types of audiovisual content. For on-demand services: Act. No. 458/2002 on the provision of information society services, complemented by Act no. 460/2003 on the exercise of freedom of expression in mass media	Before airing a programme, the channel must provide the related rating information to the governmental bureau Finnish Centre for Media Education and Audiovisual Media, which replaced the now-defunct Finnish Board of Film Classification in this capacity at the beginning of 2012. The Finnish Centre for Media Education and Audiovisual Media (MEKU) is responsible for the supervision of audiovisual programme provision (classification of films, protection of minors) and the coordination and promotion of national media education.	<i>“Seriously impair”</i> : Allowed with some form of protection (age-rating) in linear and non-linear services. <i>“Likely to impair”</i>: allowed in linear services with some form of protection (on-screen icons + acoustic warnings required by law).	In Finland, all the major television companies (YLE, MTV Media, Nelonen Media, SBS Finland and Fox International) have agreed not to show 16-rated content before 21:00 and 18-rated content before 23:00. Television channels use their own discretion to decide the ratings.



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FR	Law n° 86-1067 of 30/09/1986 related to the freedom to communicate Art. 1 and 15 Recommendation of 7/06/2005 to TV services publishers regarding youth rating and classification of programmes, as modified by the CSA deliberations n° 2012-57 of 23/10/2012 and n° 2014-17 of 5/03/2014 Deliberation of the CSA of 15.12.2004 on the broadcasting on television of programmes unsuitable to under 18s Deliberation of the CSA of 20.12.2011 on the protection of young audiences, deontology, and the accessibility of programme on on-demand AVMS Tableau signalétique 2014	“Signalétique jeunesse”: Programmes likely to impair minors are rated and accompanied by access restrictions (on-screen icon for the duration of the programme) and watersheds. <u>Rule:</u> - Material that might seriously impair the physical, mental or moral development of people under 18 must not be broadcast. - Broadcasters must take all necessary steps to protect young people from material that is unsuitable to them by appropriate rating (under the age of 10/12/16/18) and scheduling time.	“<i>Seriously impair</i>” (criminally unlawful material; (attempt to human dignity: violence, sexual perversion, degrading to the human person; child pornography; hard-core violence): banned on TV and on VOD services. “<i>Likely to impair</i>”: allowed with some form of protection in linear services. “-18” (pornographic and extremely violent): only on specific TV pay services with age rating obligations + watersheds + broadcast time restrictions + restricted access system including access code. “-16” and “-12” (erotic material, violent content) / repeated physical or	-10: not allowed in programmes for children. -12 rated programmes/films: not allowed in general channels before 22:00; exceptionally (16 max.) allowed at 20:30 but never on Tuesdays, Fridays, Saturdays and on the eve of public holidays (for the films prohibited under 12: 4 max. per year, and per channel). For movie channels: not allowed on Wednesdays before 20:30. -16/-18 rated programmes/films: not allowed in general channels before 22:30 and 20:30 on movie channels respectively. -18 rated programmes/films: not allowed on general channels; Certain satellite and cable channels can air them in a limited number per year subject to prior information of subscribers. Not allowed between 5:00 and 24:00. The access to these programmes is locked with PIN



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			psychological violence / theme that may trouble children under 12): Available in cinema and PPV services and other services with age rating obligations + watersheds + broadcast time restrictions. "-10" (contents which are likely to shock children under 10): no restriction. In non-linear services, allowed with some form of protection. All programmes must be rated and the warning symbols shall be displayed on catalogues, programmes and trailers. Pin codes are mandatory for -18 programmes, which cannot be offered for free.	code. The watershed for all ratings finishes at 06:00 the following morning. In non-linear services, allowed with some form of protection. All programmes must be rated and the warning symbols shall be displayed on catalogues, programmes and trailers. Pin codes are mandatory for -18 programmes, which cannot be offered for free. There are two separate areas: a 'trust zone' which contains only programmes which are suitable for all audiences and 'an adult zone' which contains all programmes which are not suitable to under 18s. There is only one watershed, on -16 programmes offered for free (22:30 to 5:00).
GB	<u>Broadcasting Act 1996</u> <u>Communications Act 2003</u> (sections 3(4)(h))	Ensure that people under 18 are protected.	"Seriously impair" content (illegal content,	Watershed only applies to: - Free-to-air TV:



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
	and 319(2)(a) and (f) <u>Audiovisual Media Services Regulations 2009</u> (Art. 368E - harmful material and ODAVMS) Audiovisual Media Services Regulations 2010 <u>Ofcom Guidance Notes, Section 1</u>	<u>Rule:</u> - Material that might seriously impair the physical, mental or moral development of people under 18 must not be broadcast. - Broadcasters must take all necessary steps to protect people under 18. - Children must also be protected by appropriate scheduling from material that is unsuitable to them (under 15)	extremely violent pornography, R18+, hard-core porn R18, material likely to incite hatred based on race, sex, religion or nationality: banned on TV + VOD. <i>“Likely to impair”:</i> Material which might seriously impair the physical, mental or moral development of persons under the age of 18: allowed with access restrictions.	between 21:00 and 05:30 - Not protected premium or pay-per-view services: from 20:00 to 06:00. - Protected (by pin code) premium or pay-per-view services: No watershed There should be a gentle transition to adult material and 18-rated content must not air until 22:00 on most channels that are without PIN protection. However, channels that are dedicated to airing adult content may be allowed to start 18-rated content at 21:00 without PIN protection. R18-rated material is not allowed at all, and must be edited to fit 18-rated content guidelines if shown on television. Advertisements also have to comply with the same set of rules, and can be restricted when shown outside the watershed.



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GR	<u>Presidential Decree 109/2012</u> Art. 13 (on-demand AVMS) Art. 26 (linear TV services)	Contents that might seriously impair the physical, mental or moral development of minors shall not be broadcasted in linear services. They are allowed in non-linear services with access restrictions. With respect to contents which are likely to impair minors, they must be accompanied by some form of technical protection in linear services and may be offered without restriction in non-linear services.	<i>Seriously impair</i>: banned in linear services / allowed in non-linear services with access restrictions (watershed + labelling restrictions (age classification) + technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems). <i>“Likely to impair”</i>: allowed in linear services with some form of protection (classification of contents + on-screen icons + acoustic warnings required by law) / allowed without protection.	Triple-tier watershed, along with a five-tier colour-coded decal scheme, displayed in the beginning and in regular intervals during all broadcasts except for news bulletins. - A white rhombus in green or a white circle in blue indicates unrestricted programming. - A white triangle in orange indicates programming that could upset younger children, and is only allowed between 19:00 and 06:00. - A white square in purple indicates programming that may be unsuitable for children, and is only allowed between 21:00 and 06:00. - A white X in red indicates programming which by law must not air until midnight. Programmes with foul language will typically fall into this category. Content with this rating before midnight is punishable by fine, except when used in



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				the context of a suitably labelled film, theatrical play or other media. The colour-coded ratings are mandatorily displayed and verbally announced at the beginning of each broadcast. These provisions are enforced by the National Radio and Television Council (ESR), an independent authority, the executive members of which are appointed by the leaders of all parliamentary parties, preferably by unanimous consent and in extremis by an 80% supermajority.



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HU	Act CLXXXV of 2010 on Media Services and Mass Media (Art. 9: Linear TV services) / (Art. 11: on-demand AVMS) <u>Act CIV 2010</u> on the fundamental rules of the freedom of the press and media contents (Press and Media Act): Art. 19(2) protection of minors from harmful contents in on-demand AVMS Rules on Protection of minors, Art. 2, par 1. OG 60/10: Recommendation of 19.07.2011 of the Media Council of the National Media and Communications Authority	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes. The media regulator issue recommendations regarding effective technical solutions. On-demand audiovisual media services providers are obliged to notify the regulatory authority, the National Media and Infocommunications Authority.	<i>Seriously impair'</i>: (category VI): banned in linear services / allowed with some form of restrictions in non-linear services. <i>"Likely to impair"</i>: allowed in linear services with some form of protection (rating +on-screen icons + acoustic warnings required by law) / allowed in non-linear services with some form of restrictions (technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems).	Six classification categories: - Category I / "6" (programmes that may be viewed or listened to by persons of any age: no watershed. - up to Category VI, (programmes that may seriously impair the physical, mental or moral development of minors, particularly because they involve pornography or extreme and/or unnecessary scenes of violence): can be aired only in an encrypted form or by the use of another effective technical solution. The Recommendation describes the psychological characteristics and the media competence of the different age groups in relation to the classification categories that have been set out in the Media Law Act. Furthermore, it illustrates by several examples which genres, harmful elements or problem



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				areas can appear in each specific category and which content shall be classified as falling into a higher (stricter) category.
HR	Electronic Media Act (EMA) Art. Art. 20 (on-demand services) / Art. 26 (linear TV services) Rulebook of the Council for Electronic Media on TV broadcasters for the purpose of the protection of minors, of April 2008	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes. The Agency for Electronic Media has issued rules on the protection of minors. Article 14. OG 60/10 deals with on-demand media service providers.	<i>“Seriously impair”</i>: (pornography; gratuitous violence): banned in linear services / allowed with access restrictions in non-linear services. <i>“Likely to impair”</i>: allowed in linear services	- Category 18: not allowed between 07:00 and 23:00. During the entire broadcast the following mark must be visible: a transparent circle with the number “18” written in red. - Category 15: not allowed from 07:00 to 22:00. The complete broadcast must be marked with a transparent



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			with some form of protection (watershed + technical tools of access restrictions required by law.) / allowed in non-linear services with some form of protection (visual symbols + labelling restrictions (age classification) + PIN code).	circle with the number "15" written in orange. - Category 12: not allowed between 07:00 and 21:00 and must carry, for the duration of the broadcast, a transparent circle with the number "12" written in green.
IE	Broadcasting Act (2009) Audiovisual Media Service Regulation 2010 Art. 18(2) (linear TV services) / Art. 6(2) (On-demand services) BAI Code of Programme Standards (CPS) (new revised code to come into effect on 1.03.2015)	Children (under 18) shall not be exposed to programming that would seriously impair their moral, mental and physical development, in particular, programmes involving pornography or gratuitous violence. Broadcasters share a responsibility with parents and guardians for what children listen to and watch and in protecting children from exposure to inappropriate and harmful programme material. BAI defines children's programmes as programmes that are commonly referred to as such and/or have an audience profile of which over 50% are under 18 years of age.	<i>Seriously impair'</i> (pornography, gratuitous violence): banned on traditional TV / allowed with access restrictions in non-linear services. <i>"Likely to impair"</i>: allowed with some form of protection in traditional TV (requirement to schedule appropriately or encode and where unencoded to either provide an acoustic prior warning or	In Ireland, there is no statutory requirement for a watershed. The CPS of the Broadcasting Authority of Ireland (BAI) requires television and radio broadcasters to use at least one of three methods to advise viewers of content, namely: an explicit watershed for adult-oriented programmes; prior warnings before potentially offensive programming; and/or a descriptive classification system. The BAI CPS code states that, in general terms, programmes broadcast after 21:00 are not regarded as



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			apply visual classification throughout the duration of the programme) and non-linear services.	children's programmes. After this time, the primary responsibility for what a child is watching is seen to lie with the parents/guardians. The Code recognises, however, that children's viewing does not end abruptly at 21:00 and, therefore, the Code will offer some protection in the hour between 21:00 and 22:00. RTÉ Television implements a watershed of 21:00 (ending at 06:30), as well as an onscreen classification system. Programmes with the MA ("mature audience") classification may only be shown after the watershed.
IT	Italian AVMS Code as revised in July 2014 (Art. 1, modifying Art. 34 on protection of minors) Self-regulation Code on TV and minors of 29.11.2002, as amended	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes. Primary and secondary legislation adopted by the Communications Authority (AGCOM), especially with regard to technical measures and	<i>"Seriously impair"</i> (gratuitous or insistent or brutal violence or pornography, including cinematographic works classified as unsuitable for minors under 18); banned in linear services / allowed with access	- Between 07:00 to 23:00: all channels must broadcast "general audience" programmes. - +14 programmes: allowed after 23:00 - +18 programmes: prohibited from television altogether, with the only exception of satellite and cable premium adult channels and VOD



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
		classification of programmes. Italian AVMS Code as revised in July 2014 and self-regulatory provisions were defined in the TV and minors Code in 2002.	restrictions (parental control systems + PIN code, except for VOD by PSB (banned). <i>“Likely to impair”:</i> Allowed with some form of protection in linear services (rating, watersheds, on-screen icons + acoustic warnings required by law and also by codes of conduct + technical filtering devices or software used by broadcasters) / allowed in non-linear services without protection.	Specific measures to protect minors during the hours of programming from 16:00 and 19:00 and within programs directly aimed at minors particularly regarding advertising, promotion and all other forms of audiovisual commercial communication are detailed in self-regulatory instruments.



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LT	<u>Law on the protection of minors against the detrimental effect of public information</u> (10.9.2002 – No IX-1067), as last amended on 14 July 2009 – No. XI-333): Art. 4 + Art. 6 <u>Law on Provision of Information to the Public, as amended</u>: Art. 40.3 (protection of minors in public audiovisual information services/ on-demand AVMS) + Art. 17 <u>Rules for the categorization and dissemination of information, which might have a negative effect on minors</u> (came into force on 1.11.2010)	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	<i>“Seriously impair”</i>: (physical or psychological violence or vandalism: restrictive definition) banned in linear services / banned on VOD (restrictive definition). <i>“Likely to impair”</i>: allowed with some form of protection (watersheds + on-screen icons + acoustic warnings required by law) / allowed with some form of protection in non-linear services (technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems).	Broadcasters themselves are obliged to assess and determine if the “to-be-published information” might have a negative effect on minors. The Rules provide three TV programme categories: - N-7 (programmes for viewers under 7). - N-14 (under 14). - S (under 18): allowed from 23:00 to 06:00. The Rules set one more new requirement: to visually or orally warn the viewers with a note that the “Information might have a negative effect on minors” prior to the beginning of the programme in case the respective programme might contain such information, but is allowed to be transmitted by law.



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LU	<u>Law of 27 July 1991 on Electronic Media</u>, as amended (17.12.2010): Art. 27ter (linear TV services) / Art. 28quater (on-demand services) <u>Regulation on Protection of Minors in Audiovisual Services</u> of 08.01.2015	As a result of Art. 12 of the AVMS Directive, the government of Luxembourg adopted a regulation on the protection of minors in audiovisual media services based on the Law of Electronic Media. The new regulation introduces a system of self-classification which asks broadcasters established in Luxembourg to classify their content along 5 categories of age groups: all audiences, not suitable for minors under 10, 12, 16 and 18. The new system applies both to providers of linear and on-demand audiovisual media services.	<i>“Seriously impair”</i> (pornography, gratuitous violence): banned in linear services / allowed with restrictions in non-linear services <i>“Likely to impair”</i>: allowed in linear services with some form of protection (watersheds + on-screen icons + text display warnings required by law) / allowed in non-linear services with some form of protection (age classification labels) On top of the local classification, broadcasters of linear audiovisual media services established in Luxembourg, but principally targeting the audience of	According to the regulation: - No age distinction: programmes appropriate for all audiences; -10: classified as unsuitable for minors under 10 -12 (physical and psychological violence in a systematic and repeated manner): may not be broadcast in unencoded form between 06:00 and 20:00 -16 (erotic character or great violence): allowed in uncoded form after 22:00 and before 06:00 -18 (sexually explicit or highly violent character): encoded + personal access code + broadcast only between 24:00 and 05:00.



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			another EU member state can opt for the classification system of that particular member state, provided this regime has a level of protection that the regulatory authority ALIA regards as equivalent. In addition, providers of on-demand services can pick, as a third system, the classification granted in the country of origin of the program. ALIA must be notified to change regime; local classification is considered be the default system.	



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LV	<u>Law on Electronic Media</u> implementing the AVMSD 28.7.2010 Art. 24(10) (on-demand AVMS)	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	Seriously impair': allowed in linear and non-linear services with access restrictions (watershed, restricted access control tools, audible warning signal + visual symbol required by law + technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems (providers are required to cover harmful pictures and to replace rude words with a noise). "Likely to impair": allowed in linear services with some form of protection (on-screen icons + acoustic warnings required by law + technical filtering devices or software	Audio and audiovisual works displaying physical or psychological violence, bloody or horror scenes, scenes relating to sexual acts and the use of drugs or containing foul language may not be transmitted between 07:00 and 22:00.



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			used by broadcasters) / allowed in non- linear services without protection.	
MT	Broadcasting Act, 1991 (Act No. XII of 1991), consolidated version 2011Art. 16N(1) (on-demand AVMS) Broadcasting Code for the Protection of Minors Draft Code for the Protection, Welfare and Development of Minors on the Broadcasting Media	Though the regulatory authority remains in charge of the regulation of on-demand audiovisual media services, some self-regulation and co-regulation practices are taking place in relation to classification and labelling of content and the development of technical measures to prevent minors from accessing harmful contents. New provisions proposed for inclusion in the draft Code require broadcasting stations to have officers in charge of programme rating. Programme promotions should not include gratuitous violence and any other material suitable only for a mature audience. Programme promotions may be broadcast during the day, so long as each specific episode is rated. Minors are defined as persons who are under 16.	<i>“Seriously impair”</i>: banned in linear services / allowed in non-linear services with access restrictions (PIN code), except for VOD by public service broadcaster. <i>“Likely to impair”</i>: allowed with some form of protection in linear services (on-screen icons + acoustic warnings required by law -, except for VOD by public service broadcaster (banned) /	No material which primarily exists for sexual arousal or stimulation may be broadcast in programmes aimed at minors or before 21:00 When legal restrictions apply to prevent the identification of any person, broadcasters must pay particular attention to withholding any information which could identify minors who are or may be victims, witnesses, defendants or authors in cases of a sexual offence in the civil or criminal courts. Broadcast related to



Country	LEGAL BASIS	PRINCIPLE AND RULES	NATURE OF CONTENT	WATERSHEDS
			allowed in non-linear services, except for VOD by public service broadcaster (banned).	the paranormal (exorcism, occult practices) are not allowed between 06:00 and 21:00
NL	<u>Dutch Media Act 2008</u> (Mediawet) Art. 4.1-4.6	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes. In the Netherlands there is a shared responsibility between The Dutch Media Authority (Commissariaat voor de Media, CvdM) and NICAM (the Netherlands Institute for the Classification of Audiovisual Media).	<i>“Seriously impair”</i>: banned in linear services / allowed in non-linear services with access restrictions, except for VOD by public service broadcaster (banned). <i>“Likely to impair”</i>: allowed for private media in non-linear services / Allowed for private media in linear services and public service broadcaster (in linear and non-linear services) if the media	All ages / +6 / +9 programmes can be broadcast all day: no watershed. +12: allowed from 20.00 to 06.00 +16: allowed from 22.00 to 06.00



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			service provider is affiliated with NICAM, respect the watersheds and shows the applicable symbols (age and content descriptors based on Kijkwijzer system).	
PL	<u>Broadcasting Act</u> of Dec. 29,1992, as amended in 2011	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	<i>“Seriously impair”</i>: banned in linear services / allowed in non-linear services under specific conditions / effective technical security measures). <i>“Likely to impair”</i>: allowed in linear services with some form of protection (watersheds + on-screen icons required by law / allowed with on-screen icons in non-linear services.	Double-tier watershed system, as well as five age ratings. All age ratings must be displayed throughout the whole of the programme, with the exception of commercial breaks and news bulletins. The ratings are ‘All’ (indicated on-air by a smiling face), “7” (blue background), “12” (yellow background), “16” (orange background) and “18” (red background with a key in the middle). The number in the age rating indicates the lowest age for which it is suitable. - “12” programmes (war theme and/or stronger violence): not allowed within children's



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				schedules. - “16” programmes (very strong violence, bad language and/or erotic situations): not allowed within children's schedules or before 20:00 on mainstream channels. - “18” programmes (explicit violence, explicit situations, racist comments): not allowed within children's schedules or between 06:00 and 23:00 on mainstream channels (+ rating).
PT	<u>Law of 11 April 2011 amending the Television Act of 2007</u> Art. 27(3)-(5) (linear TV services) / Art. 27(10) (on demand AVMS)	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	“<i>Seriously impair</i>”: allowed in linear services with access restrictions (conditional access) / allowed in non-linear services with access restrictions (based on voluntary system, on-demand AVMS work with a PIN code access, which is sent to the client. The PIN code restricts access	“16” and “18” programmes: allowed on open-air channel only between 23:00 and 06:00. No watershed on cable television, except for pornography which cannot be broadcast at all if the signal is not encrypted, requiring an IRD to be seen.



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			to content according to a graduated classification (high-average-low restrictions / unrestricted). By default, all TV boxes are delivered to clients with low level of active constraints, i.e. with access to all contents except adult content. “Likely to impair”: allowed in linear services with some form of protection (watersheds + on-screen icons required by law and also by codes of conduct) / allowed in non-linear services with some form of protection.	
RO	<u>Radio and Television Broadcasting Act</u>, consolidated version 2009 Art. 39 (linear TV services) / Art 39.1 (on demand AVMS) Decision No. 220, of 24.02.2011 regarding the Regulatory Code of Audiovisual Content	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of	“<i>Seriously impair</i>”: banned in linear services / allowed in non-linear services with access restrictions, except for VOD	- All categories: no restrictions nor watersheds - “AP” programme: only with parents’ permission for minors under 12 - “12” prohibited under 12: allowed



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		transmission or by other measures, that minors will not normally perceive such programmes.	by public service broadcaster (banned). <i>Likely to impair:</i> allowed in linear services with some form of protection (on-screen icons + acoustic warnings required by law + technical filtering devices or software used by broadcasters + pre-locking systems for the transmission of over-18 content) / allowed with some form of protection (labelling restrictions (age classification) + technical access restrictions (such as filtering, encryption, pre-locking/PIN codes or other age verification systems) in non-linear services, except for VOD by public service broadcaster (banned).	after 20:00 + warning sign - "15": allowed between 23:00 and 06:00 + warning sign - "18" prohibited under 18 other than pornographic audiovisual productions (horror or erotic movies, extremely violent movies..): allowed between 01:00 and 06:00 + warning sign during all the duration of the programme - "18+" (detail sexual intercourse): shall not be broadcast or retransmitted by media service providers under the jurisdiction of Romania / under the jurisdiction of EU member states, may be introduced in the offer of service distributors if encrypted and included in the optional packages specially dedicated to adults only available between 01:00 and 05:00 for analogue retransmission.



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SE	<u>Swedish Radio and Television Act</u> of 17.6.2010 Chapter 5 - 1 (linear TV services) and 2 (on-demand AVMS) Broadcasting License	Same approach between linear and non-linear services regarding “seriously impair” contents (allowed in both services), with some differences in the level of protection required. Graduated approach with respect to “likely to impair” content (allowed with some form of protection in linear services and without protection in non-linear services). The Swedish Media Council encourages broadcasters to create self-regulating instruments	“Seriously impair” (portrayals of violence of a realistic nature or pornographic images): allowed in linear services with access restrictions (either preceded by a verbal warning or warning text continuously displayed on the screen throughout the broadcast) / allowed in non-linear services (must be provided in such a way that it does not create a considerable risk for children viewing the programmes. “Likely to impair”: allowed in linear services with some form of protection (Acoustic warnings required by law for programmes	Programmes unsuitable for children must be broadcast after 21:00.



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			containing portrays of violence of realistic nature or pornographic. On-screen icons are encouraged but not required by law) / allowed in non- linear services without protection (restrictions concerning material which is “likely to impair” are included in broadcasting licences. However, VOD service providers are only required to register with the Swedish Broadcasting Authority).	
SI	Law concerning protection of minors adopted on October 2013 <u>Audiovisual Media Services</u> Art. 14(1) – (3) (linear TV services) / Art. 15 (on-demand AVMS) <u>Statutory act</u> complementing it (English version) adopted in October 2013.	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	“<i>Seriously impair</i>” (pornography, gratuitous violence): banned in linear services / allowed in non- linear services with access restrictions (PIN code or other adequate	- “PG” (includes scenes that might upset children under 12, or might not be understandable without adult supervision): no watershed but rating (PG) for supervision of parents or legal guardians.



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			technical restriction). <i>“Likely to impair”</i>: allowed in linear services with some form protection (watersheds or technical protection of access restriction required by law required by law) / allowed in non-linear services with some forms of protection (PIN code + classification of any sexual content labelled 18 in special section of the catalogue).	- “-12” (occasional and moderate violence, horror scenes, use of tobacco/alcohol, inappropriate language, discreet sex scene..): allowed after 21:00 + rating. - “-15”(frequent moderate violence, dangerous scene, horror, discrimination, sex scenes, etc.) : allowed after 22:00 + rating. - “-18” (severe violence, suffering, intense horror scene, nudity and sex, discrimination, etc.): allowed after 24:00 + rating. - Explicit sexual programming content may only be broadcast on TV channels or through on-demand AVMS if access to such content is restricted and only enabled to adults by assigning users a PIN code or applying an equivalent protection system.



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SK	Broadcasting and retransmission Act 308/2000, consolidated version Section 20(2) (on-demand AVMS) Decree No. 589/2007, Coll., as amended on 14 March 2014	Television channels must not contain programmes that may seriously impair the physical, mental or moral development of minors. In the case of television programmes, which are likely to impair minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally perceive such programmes.	<i>“Seriously impair”</i>: banned in linear services / allowed in non-linear services with access restrictions (labelling restrictions (age classification)) <i>“Likely to impair”</i>: allowed in linear services with some form protection (on-screen icons required by law) / allowed without protection.	+12: (expressive or aggressive language) may be broadcast all day long but only in the form and intensity suitable for minors aged 12 and over. +15 programme only allowed after 20:00 (the so-called “second watershed” applies both to linear and VOD services (but also to radio programmes, cinemas, video and DVD rentals, CD and DVD distributors).



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NO	Law on the protection of minors against harmful content in audiovisual programmes of 15.12.2014 <u>Norwegian Broadcasting Act</u> of 10.12.2012 Section 2-7 (protection of minors) <u>Film and Video Act</u> of 5.5.2006	The new law on the protection of minors, which might come into force on the 1 July 2015, introduces a platform-independent approach. Its scope includes linear television, on-demand audiovisual services (limited to on-demand services that are competing with traditional television broadcasts), screening at public gatherings in Norway (including at a cinema) and making videograms available to the public (including distribution of DVD/Blu-ray).	<i>“Seriously impair”</i>: banned in linear and non-linear services <i>“Likely to impair”</i>: allowed with some form of protection in linear and non-linear services (rating + PIN codes, watershed, payment by credit card (although no binding access restriction by law). The same protection tools will apply to all platforms and all audiovisual programmes have to be classified according to age limit. The Act also introduces a duty to ensure the age limits are met and to inform the public about the age limit. This includes a duty to label all audiovisual programmes with a set age limit. The Norwegian Media Authority (Medietilsynet) will still be responsible for setting the age limits for cinematographic works. For all audiovisual programmes, the age limits shall be set by the distributor of the programme, on the basis of guidelines drawn up by the Norwegian Media Authority.	New age limits are introduced in the new Act: All / 6 / 9 / 12 / 15 / 18. The aim is to better reflect the stages of development of children and the youth. The previous age limits were: All / 7 / 11 / 15 / 18.		

Main Sources:

- [IRIS Merlin](#), European Audiovisual Observatory
- [European Platform of Regulatory Authorities](#), EPRA



