



COMECE Secretariat contribution

European Commission public consultation

on Audiovisual media services – evaluation and update of EU rules

1. Introduction

COMECE is **dialogue partner of the European Union institutions under Article 17(3) of the Treaty on the Functioning of the EU (TFEU)**. In this capacity, it also represents the voice of EU-based Catholic Bishops' Conferences on all aspects related to the European project and the relevant policies and legislation.

For years, COMECE has placed a strong focus on **protection of minors in the media and in the digital environment**, applying a fundamental rights perspective to this policy field, while advocating for effective and coherent child protection approaches both in the online and offline settings. Through its Secretariat, COMECE has been closely **following** the various reforms of EU audiovisual media services legislation, contributing to the relevant processes, with a special emphasis on **protection of minors**, as well as on other key aspects, such as provisions on religious programmes and services.

In the current context, fostering **competitiveness** is a crucial and desirable reference point for EU policy and legislative initiatives. However, COMECE underlines the need to keep the human person at the centre and **not to leave anyone behind**, especially the most fragile members of our societies, such as children.

The Church's social doctrine constantly highlights the need to respect the dignity of children and underlines that the rights of children must be legally protected within juridical systems (*Compendium of the Social Doctrine of the Church*, §§ 244 - 245).

We deem this public **consultation timely** and of **high priority**, considering the increasingly rapid development of new technologies and of the media landscape. This context demands the highest possible **flexibility and adaptability** of the new legal framework to current and future evolutions.

The considerations formulated in the present document are without prejudice to any further element that may be provided in the future in **dialogue with the European Commission**.

2. A strong protection of minors (Articles 6a and 28b / Questionnaire Section 4)

2.1 General considerations

Children are the **citizens that will shape the future of our societies** and have the right to grow into adults without any harm to their physical, mental or moral development.

The negative impact of **intensive media access** and screen time is also notorious: children risk getting trapped from an early age in a **'virtual life'** and growing up unequipped to lead a healthy emotional, family and social life. Already in its contribution to the EU strategy on the rights of the child (2021-2024)¹ COMECE invited the European Commission to support a commitment to **foster a healthy connectivity for children**, preventing the alienation and subjection that derives from a life constantly spent online in one's childhood years. This includes **countering** impersonal **'virtualisation' of human relations and child addiction to Internet/new technologies**, with particular reference to gaming.

Pope Leo XIV has recently underlined the importance of *"...understanding the risks that both the use of AI and premature, unlimited and unsupervised digital access may pose to the relationships and development of young people. Only by taking part in the discovery of such risks and the effects on their personal and social life, can minors be supported in approaching the digital world as a means of strengthening their ability to make responsible choices for themselves and for others"*². Pope Francis had also expressed strong concerns with regard to exposure to pornography, emphasising the need to *"...make every effort to keep the development of young people from being troubled or disrupted by an uncontrolled access to pornography, which will leave deep scars on their minds and hearts"*³.

COMECE encourages the European Commission to ensure that the **strong focus** placed on **protection of minors** in the current **Audiovisual Media Services Directive** (henceforth *'the Directive'*) is **preserved and reinforced**.

2.2 Specific provisions on harmful content

When it comes to protection of minors, **Article 6a** of the Directive is a key provision and has proved **crucial**. On the other hand, considering the increasingly aggressive and widespread presence in audiovisual media services of contents that may harm the physical, mental or moral development of minors, its **strengthening** is advisable.

¹ https://www.comece.eu/wp-content/uploads/sites/2/2022/10/pdf_20201214.pdf.

² Address to the participants in the Conference *"The dignity of children and adolescents in the age of Artificial Intelligence"*, 13 November 2025, <https://www.vatican.va/content/leo-xiv/en/speeches/2025/november/documents/20251113-fondazione-infanzia-adolescenza.html>.

³ Address at the Meeting *"The protection of minors in the Church"*, 24 February 2019, https://www.vatican.va/content/francesco/en/speeches/2019/february/documents/papa-francesco_20190224_incontro-protezioneminori-chiusura.html.

Although children would be entitled to - and their education would require - a ban on gratuitous violence and pornography in audiovisual media services, stronger safeguards should at least be introduced in the Directive.

COMECE would **recommend** the strengthening of Article 6a with the **following reformulation**:

Current Directive

1. Member States shall take appropriate measures to ensure that audiovisual media services provided by media service providers under their jurisdiction which may impair the physical, mental or moral development of minors are only made available in **such a way as to ensure that minors will not normally** hear or see them. Such measures **may** include selecting the time of the **broadcast**, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.

Proposed amendment

1. Member States shall take appropriate measures to ensure that audiovisual media services provided by media service providers under their jurisdiction which may impair the physical, mental or moral development of minors are only made available in **presence of effective technical measures preventing** minors from hearing or seeing them. Such measures **shall** include **at the least** selecting the time of their **availability for linear audiovisual media services and** age verification tools **for non-linear audiovisual media services and may include** other technical measures. They shall be proportionate to the potential harm of the programme.

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest **and additional** measures **such as encryption and effective parental controls**.

The **explicit references to gratuitous violence and pornography** as the most harmful content for minors should be **confirmed** in the provision, especially considering the multiple, negative impacts that exposure to pornography has on children⁴.

Concerning the use of **systems describing the potentially harmful nature of the content** of an audiovisual media service, we invite the Commission to consider explicitly mentioning in Article 6a(3) the obligation to show clearly recognisable and intelligible **visual symbols** at least at the **start of the programme** for a **minimum duration**.

With regard to protection of minors, COMECE considers more generally important to **confirm** in the Directive all **references** to the protection of **'moral development' of minors**. Such references are a long-standing component of the Directive, reflecting EU, Council of Europe and UN standards and requirements on child protection⁵. This terminology, used internationally to the purposes of child protection and of fighting against paedophilia, does not prejudice either the primary educational role of parents towards their children; or the Member States' competence on morality-related matters, in accordance with their legal systems and national identity.

2.3 Incitement to self-harm

We encourage the European Commission to explicitly introduce in the Directive a provision **banning any content inciting to self-harm or even to suicide**, in particular - although not exclusively - if targeted at minors. Such contents also constitute a danger for adults at risk, especially for those affected by mental health issues.

This provision is especially **urgent with regard to video-sharing platform services**.

In its contribution to the EU strategy on the rights of the child (2021-2024) COMECE had recommended strong Union policies and provisions to fight against child self-harm and its subtle promotion online.

⁴ Cf. for instance the detailed Explanatory memorandum prepared at the level of the Council of Europe's Parliamentary Assembly (PACE) in view of the Resolution on the theme "*Gender aspects and human rights implications of pornography*": the text is available at the link <https://pace.coe.int/pdf/27e79688a320d35598e32ba6ba19b1641ea657af93554138d5fcb252fac3b32e/doc.%2015406.pdf>.

⁵ Article 32 of the Charter of Fundamental Rights of the EU, Article 7.2 of the European Convention on Transfrontier Television, Articles 17, 27.1 and 32.1 of the UN Convention on the Rights of the Child. Cf. also UN Convention on the Rights of the Child - UN Committee on the Rights of the Child General comment No. 13 (2011) *The right of the child to freedom from all forms of violence* (§§ 15 and 62).

2.4 Video-sharing platform services and social media

The current **differentiation** of legal provisions respectively for **audiovisual media services** (Article 6a) and **video-sharing platform services** (Article 28b) may entail **complexity** and prove **confusing** at the applicative level, potentially creating difficulties in ensuring a fully adequate response to current and future challenges.

Considering that nowadays **minors use to a greater extent these 'new media'**, rather than 'traditional media', a thorough assessment and further enhancements of the provisions of Article 28b are to be recommended.

Furthermore - although Article 6a(1) is recalled in Article 28b - it may be advisable to **explicitly mention gratuitous violence and pornography** in Article 28b, paragraph 3, second sentence, where the "...most harmful content" is referred to.

Concerning **social media**, Recitals 4 and 5 of Directive 2018/1808 respectively provide that *"...in order to protect minors from harmful content and all citizens from incitement to hatred, violence and terrorism, those services should be covered by Directive 2010/13/EU to the extent that they meet the definition of a video-sharing platform service" and that "While the aim of Directive 2010/13/EU is not to regulate social media services as such, a social media service should be covered if the provision of programmes and user-generated videos constitutes an essential functionality of that service. The provision of programmes and user-generated videos could be considered to constitute an essential functionality of the social media service if the audiovisual content is not merely ancillary to, or does not constitute a minor part of, the activities of that social media service"*.

Taking into account current and future challenges, especially with regard to **protection of minors** in the social media domain, we are of the view that the **provisions** of the Directive have an impact on this sector should be **further clarified**.

Finally, COMECE would support stronger provisions to fight against **cyberbullying** and to protect minors from this scourge, especially in video-sharing platform services, as also hinted in the relevant EU Action plan.

2.5 The role of parents

COMECE would encourage the Commission to include in the Directive **further provisions** explicitly taking into account the **role of parents**, bearing in mind their primary and unique role in the education and upbringing of their children. This element is particularly relevant for the protection of minors vis-à-vis video-sharing platform services and goes **beyond** the domain of **media literacy**.

Already in its contribution to the EU strategy on the rights of the child (2021-2024) COMECE had underlined that a holistic approach to the rights of the child is necessary; that their family dimension should be central, and that they cannot be considered separately from the rights of parents.

3. Audiovisual commercial communications (Article 9 / Questionnaire Section 3)

COMECE would support the inclusion, in Article 9(1)(c) of **additional prohibitions** concerning audiovisual commercial communications, referring to:

- **Gratuitous offences to religious feelings or symbols:** the insertion of this provision is important to ensure **social cohesion and respect for different religious traditions**.
- **Sexualisation of children**
- **Degrading depictions of women /** representations susceptible to incite hatred based on sex.

In previous contributions, COMECE stressed the need to ban the **sale of 'child-like sex dolls'** in the EU. If deemed opportune, this element could be integrated in the most relevant provision of the Directive, with particular reference to video-sharing platform services.

We would also encourage to include in the revised Directive **stronger provisions to protect minors from advertising of gambling**, as well as of **prize games** entailing monetary gains (e.g. at the least with strict **restrictions** on relevant advertising in certain **time slots**).

Recital 30 of Directive 2018/1808 provides that *"It is important that minors are effectively protected from exposure to audiovisual commercial communications relating to the promotion of gambling. In this context, several self- or co-regulatory systems exist at Union and national level for the promotion of responsible gambling, including in audiovisual commercial communications"*. However, according to experience in certain countries, **self- and co-regulatory systems** are **not sufficient** to counter the relevant risks, at least with regard to the protection of minors.

4. Provisions impacting on religious programmes and services (Articles 10, 11 and 20 / Questionnaire Section 3)

We highly appreciate the **protective references to religious programmes** at Articles 10.4⁶ and 11.2⁷ of the Directive, as well as **to religious services** in Article 20.2⁸ and encourage the Commission to **confirm** them in the revised Directive.

⁶ *"News and current affairs programmes shall not be sponsored. Member States may prohibit the sponsorship of children's programmes. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes"*.

⁷ *"Product placement shall be allowed in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes"*.

⁸ *"No television advertising or teleshopping shall be inserted during religious services"*.

These provisions are necessary to take into account the **specificity, special dignity and sacred character of religious programmes**. With particular regard to broadcasting of religious services, we would like to restate the position conveyed in previous consultations that *“The separation of advertising from the broadcast of **religious services** is essential in order to maintain the **dignity of the service itself** and to prevent unscrupulous forms of advertising”*.

5. Incitement to violence and hatred (Articles 3, 6 and 28b / Questionnaire Sections 2 & 4)

COMECE supports **retaining** in the Directive **Article 6(1)(a) and Article 28b(1)(b)**, as well the derogation system of **Article 3**, which also concerns incitement to violence and hatred.

In the application of these provisions, Member States shall ensure the most **rigorous respect for the fundamental rights** to freedom of thought, conscience and religion and to freedom of expression and information, in compliance with Articles 10 and 11 of the EU Charter. The Directive’s provisions for this area should also take into account the **varying understandings of the concept of ‘hatred’** in the different national legal systems.

In past contributions on policies and legislation to address hate speech and hate crimes⁹, COMECE underlined the need to avoid **fostering self-censorship** and cautioned about the always present risk of a **chilling effect on democratic debates and open discussions in society**, due to the uncertain borders for conduct and expression.

Pope Leo XIV has emphasised that *“We do not need loud, forceful communication, but rather **communication that is capable of listening** and of gathering the voices of the weak...”*, inviting all actors to ‘disarm words’¹⁰. At the same time, he highlighted that *“...especially in the West, the **space for genuine freedom of expression is rapidly shrinking**. At the same time, a **new Orwellian-style language** is developing which, in an attempt to be increasingly inclusive, ends up excluding those who do not conform to the ideologies that are fueling it”*¹¹.

6. Cultural diversity (Article 7a / Questionnaire Section 5)

Article 22 of the EU Charter (*Cultural, religious and linguistic diversity*) is evidently a relevant legal reference for the areas regulated by the Directive.

⁹ <https://www.comece.eu/wp-content/uploads/sites/2/2022/04/20210607-Public-consultation-on-hate-speech-and-hate-crime.pdf>.

¹⁰ Address to representatives of the media, 12 May 2025, <https://www.vatican.va/content/leo-xiv/en/speeches/2025/may/documents/20250512-media.html>.

¹¹ Address to the diplomatic corps accredited to the Holy See, 9 January 2026, <https://www.vatican.va/content/leo-xiv/en/speeches/2026/january/documents/20260109-corpo-diplomatico.html>.

With specific regard to **religious diversity**, it is important to recall that the *Explanations relating to the Charter of Fundamental Rights*¹² explicitly link Article 22 to **Article 17(1) TFEU** (“The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States”).

Promotion of cultural diversity is a goal to be supported, but it should be carried out while ensuring a balance with the **preservation of the identity and the cultural and spiritual heritage of each Member State**.

Furthermore, as we have stressed in previous consultations on audiovisual media services, **specialised channels** cannot be considered as sufficient instruments to ensure cultural diversity, as they have limited audiences and are usually watched only by the group most immediately concerned. It is therefore necessary to **guarantee space for cultural diversity on general interest channels**, in particular on public service channels.

7. Digital Services Act (Questionnaire Section 2 / Interplay with other EU law)

Considering the increasing **complexity of the EU legislative landscape** concerning digital media, it would be advisable to **better clarify the interaction** of the Directive with the Digital Services Act.

The adoption of **EU guidelines** seems opportune, especially taking into account the important impact of both legal texts on protection of minors.

Fragmentation and overlapping obligations should not lead to confusion or omissions, particularly with regard to contents that may harm the physical, mental or moral development of minors.

8. Disinformation (Articles 7a, 28b and 33a / Questionnaire Sections 4 & 5)

COMECE has been **vocal** on various occasions **on** the need for sound tools to **fight against disinformation**, namely in the context of the EU consultation on fake news and online disinformation (2018)¹³ and more recently with its contribution on the ‘European Democracy Shield’ (2025)¹⁴. We would be in favour of including in the Directive **provisions** impacting on the matter and expanding it **beyond media literacy**.

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32007X1214%2801%29>.

¹³ https://www.comece.eu/wp-content/uploads/sites/2/2022/01/pdf_20180412.pdf.

¹⁴ <https://www.comece.eu/wp-content/uploads/sites/2/2025/06/Contribution-25052025-COMECE-EU-Democracy-Shield-questionnaire-EN.pdf>.

Effectively countering disinformation may require amendments to further reinforce the Directive's impact on **prominence of media services of general interest**; and reflecting on mechanisms to give visibility to content produced in line with journalistic standards, especially in video-sharing platform services.

*Brussels, 30 April 2026,
COMECE Secretariat*