



## 4. Country summaries

### 4.1. AT – Austria<sup>51</sup>

#### 4.1.1. Key findings

In Austria, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed through Article 54b of the Federal Act on Audiovisual Media Services. According to the provisions, “prohibited content” includes any content shared on VSPs which meets certain criteria for offences stipulated in the Penal code. This specifically refers to pornographic representations of minors, incitement to terrorist offences, approval of terrorist offences and incitement to hatred and violence. Also, deemed “prohibited” is hate speech against certain protected groups that does not fall under the corresponding criminal offence.

#### 4.1.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Federal Act on Audiovisual Media Services (Article 54d) <i>(Audiovisuelle Mediendienste-Gesetz – AMD-G)</i>	(1) Prohibited content within the meaning of this section is content made available to the public on a video-sharing platform which  1. fulfils one of the following objective criteria for an offence: pornographic representations of minors (paragraph 207a Penal Code), incitement to terrorist offences and approval of terrorist offences (paragraph 282a Penal Code), hate speech (paragraph 283 Penal Code), or	<a href="#">Legislation</a>

<sup>51</sup> The summary on Austria incorporates feedback received from Stefan Rauschenberger, Director of the Legal Department at Rundfunk und Telekom Regulierungs-GmbH (RTR-GmbH) during the checking round with the national regulatory authorities.



Title and type of legislation	Key excerpts of legal measures	Link
	<p>2. if not already covered by paragraph 283 of the Penal Code, incites hatred or violence against a group or a member of a group on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.</p> <p>(2) Harmful content is content which might seriously impair the physical, mental or moral development of minors.</p>	

### 4.1.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Austria but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

### 4.1.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries <sup>52</sup>
Amateurseite.com	Adult	Austria
sexmagazin.at	Adult	Austria

<sup>52</sup> Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.



### 4.1.5. Measures specific to adult VSPs in general

The most common age verification measures put in place by adult VSPs accessible in Austria is self-declaration of age. A few, such as OnlyFans, also require the submission of official documents, such as an ID card or a credit card scan.

### 4.1.6. Additional rules referring especially to influencers

In Austria, influencers are obliged to comply with commercial communication requirements for the protection of minors. Influencers on any platform can be considered as On-Demand Audiovisual Media Services (OD AVMS). However, not all influencers are OD AVMS, for example, gamers are not included in this classification due to the unique nature of their content.

In its review of the legislation following the transposition of the AVMSD, an exemption of certain types of services from the general definition of OD AVMS was introduced. To illustrate: natural persons are exempt for the purpose of presenting their private life, in particular in connection with their leisure activities or hobbies, without providing any information likely to influence the formation of public opinion, on the condition that no advertising revenue is generated. Determining whether an influencer's activity remains a hobby, particularly when there's irregular income through partnership programmes on VSPs, can still be challenging.