



4.8. DK – Denmark⁷⁴

4.8.1. Key findings

The obligations regarding the protection of minors, as outlined in Article 28b (1) of the Audiovisual Media Services Directive (AVMSD), were integrated into Danish legislation via the Danish Radio and Television Broadcasting Act, Order No. 1158 of 18 June 2020 on video-sharing platform services and Order No. 978 of 18 June 2020 on the Media Council for Children and Young People and age rating of audiovisual content.

According to the national media regulatory authority, the Agency for Culture and Palaces, only one VSP, Biites,⁷⁵ is registered and falls under Danish jurisdiction. Biites has no age verification measures, nor any age requirements. The service's ethical guidelines and conditions provide users with a detailed list of prohibited content, which covers a wide variety of themes. It results in making virtually all types of content not suitable for minors prohibited on the platform.

4.8.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
The Radio and Television Broadcasting Act – consolidated 4 September 2020 – section 51b (2) paragraph 2 <i>(LBK nr 1350 af 04/09/2020 - Lov om radio- og fjern)</i>	The Minister for Culture shall lay down rules requiring providers of video-sharing platform services subject to the provisions of section 51a(1) to take appropriate measures to protect minors from harmful content. In this connection, the minister shall lay down rules prohibiting the personal data of minors collected or otherwise generated by providers of video-sharing platforms from being processed for commercial purposes.	Legislation
Order No. 1158 of 18 June 2020 on video-	Section 11 (1) Video-sharing platform service providers, cf. section 8(1), shall take appropriate measures to protect minors from programmes,	Legislation

⁷⁴ The summary on Denmark incorporates feedback received from Søren F. Jensen, Senior Legal Advisor at the Radio and Television Board (*Radio og tv-nævnet*) during the checking round with the national regulatory authorities.

⁷⁵ <http://www.biites.dk/>



Title and type of legislation	Key excerpts of legal measures	Link
sharing platform services (sections 11 (1) and 12)	user-generated videos, advertising, sponsorship and product placement that may impair their physical, mental or moral development. Section 12 (1) Measures under section 11 shall include, as appropriate: 1) inclusion and application of the requirements relating to harmful or illegal content as referred to in section 11 of the video-sharing platform services' general conditions for use of the service; 2) establishment and maintenance of transparent and user-friendly mechanisms that users of a video-sharing platform service can use to report to the platform provider content as referred to in section 11 provided on its platform; ...	

4.8.3. 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 Denmark 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.

At the time of writing, there was one VSP, Biites, under the jurisdiction of Denmark. It provides the following:

- Age verification: no age verification measures nor any age requirements.
- Parental control: Biites does not appear to offer any sort of parental control measures. Users do not need an account in order to watch the content on Biites.



Biites' ethical guidelines and conditions⁷⁶ include a list of prohibited content which includes images, text or talk about illegal products, hate, violence, weapons, pyramid games, religious content, discrimination, tobacco products, drugs, unsafe food supplements and adult products/services including nudity and sex.

Although no age verification and parental control measures are in place on Biites, the ethical guidelines underline Biites' focus on content that is suitable for minors.

4.8.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries ⁷⁷
www.biites.dk	Generalist	Denmark, Sweden, Norway, United Kingdom, Germany, Netherlands

4.8.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age. Some, such as OnlyFans, require the submission of official documents, such as ID or a credit card scan.

4.8.6. Additional rules referring especially to influencers

The Danish Consumer Ombudsman has published guidance on the prohibition of surreptitious advertising on social media, including advice for influencers on surreptitious advertising. The information is also relevant for influencers. Complaints about surreptitious advertising can be filed with the Danish Consumer Ombudsman. If necessary, the Ombudsman can report any violations of the Danish Marketing Act to the police. It's likely that following the Consumer Ombudsman's guidelines would ensure compliance, but the final decision on advertisement compliance rests with the Danish courts.

⁷⁶ <https://biites.com/ethical-guidelines-and-conditions/>

⁷⁷ Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.