



4.21. MT – Malta¹¹⁷

4.21.1. Key findings

In Malta, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed into the Broadcasting Act 350 (consolidated 7 December 2020). According to Article 16S (1), the AVMSD provisions are transposed verbatim into the legislation of Malta. The Code for the Protection of Minors is outlined in Subsidiary Legislation 350.05. This code sets out several criteria with the aim of safeguarding minors. For instance, *paragraph 3 states that:*

Broadcasts shall not include any programmes which might seriously impair the physical, mental or moral development of minors, and in particular they shall not include programmes that involve pornography or gratuitous violence.

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

Title and type of legislation	Key excerpts of legal measures	Link
Broadcasting Act 350	<p>Broadcasting Act 350 (consolidated 7 December 2020) Article 16S (1)</p> <p>Without prejudice to Articles 19, 20, 21 and 22 of the Electronic Commerce Act and Articles 12 to 15 of Directive 2000/31/EC, video-sharing platform providers under the jurisdiction of Malta shall take the necessary measures to protect:</p> <p>(a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 16JA;</p> <p>(b) the general public from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds</p>	Legislation

¹¹⁷ The summary on Malta incorporates feedback received from Dr. Joanna Spiteri, Chief Executive of the Maltese Broadcasting Authority, during the checking round with the national regulatory authorities.



Title and type of legislation	Key excerpts of legal measures	Link
	referred to in Article 21 of the Charter of Fundamental Rights of the European Union; ...	

4.21.3. 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 Malta 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.

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

N/A

4.21.5. 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.



4.21.6. Additional rules referring especially to influencers

N/A