



4.23. PL – Poland¹²²

4.23.1. Key findings

Poland's regulations for protecting minors from harmful content on VSPs are grounded in an established system that has regulated broadcasters. While this system is recognised and understood by media service consumers, due to its complexity, its application necessitates significant awareness-raising among VSP providers and content uploaders. Additionally, these measures, much like many other aspects of Polish media law, are entirely legislative, with no self-regulation or co-regulation elements.

The Broadcasting Act has undergone revisions to assimilate the AVMSD provisions. These amendments compel VSP providers to adopt appropriate measures to prohibit content potentially harmful to the physical, mental, or moral development of minors. This includes pornographic content or displays of gratuitous violence, which must be barred using effective technical safeguards. The act also requires the National Broadcasting Council to issue regulations regarding the conditions for rating and labelling programmes, user-generated content and other communications disseminated through VSPs as well as graphic symbols that may be used for such purposes. Such conditions for rating and labelling programmes have been specified in the regulation of the National Broadcasting Council of 13 April 2022. VSP providers are expected to classify broadcasts, user-created videos and other content into the appropriate age categories listed in the regulation. Users need to have the possibility to mark uploaded content with a visible symbol or graphic indicating the rating of the content within a given age category. VSP providers have to inform users on rules regarding the conditions for rating and labelling content.

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

Title and type of legislation	Key excerpts of legal measures	Link
The Broadcasting Act as amended in 2021 by the act implementing	Article 47o paragraph 1, subparagraph 1, of the Broadcasting Act in conjunction with paragraph 2:	Legislation

¹²² The summary on Poland incorporates feedback from Albert Woźniak, Expert from the Department of Strategy of the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji – KRRiT*) during the checking round with national regulatory authorities.



Title and type of legislation	Key excerpts of legal measures	Link
<p>Directive 2018/1808, the Act of 11 August 2021 amending the Broadcasting Act and the Cinematography Act, Official Journal 1676. (Article 47o paragraph 1, subparagraph 1, paragraph 2 and 47p paragraph 1)</p> <p><i>(Ustawa o radiofonii i telewizji)</i></p>	<p>It shall be prohibited to upload to video-sharing platforms programmes, user-generated videos or other communications:</p> <ol style="list-style-type: none">1) prejudicial to the proper physical, mental or moral development of minors, in particular including pornographic content or showing gratuitous violence without the use of effective technical safeguards as referred to in Article 47p(1);2. Video-sharing platform providers shall take measures to prevent content as referred to in paragraph 1 being made available. <p>Article 47p paragraph 1 of the Broadcasting Act:</p> <ol style="list-style-type: none">1. Video-sharing platform providers shall:<ol style="list-style-type: none">1) establish and operate effective technical safeguards, including parental control systems or other appropriate means of protecting minors from accessing programmes, user-generated videos or other communications prejudicial to the proper physical, mental or moral development of minors, in particular including pornographic content or showing gratuitous violence;2) enable video-sharing platform users to rate the programmes, user-generated videos or other communications as referred to in Article 47o(1)(1) which they upload, and to implement technical safeguards as referred to in subparagraph 1 in respect of the programmes, user-generated videos or other communications they upload.	
<p>Regulation of the National Broadcasting Council of 13 April 2022 on the rating and labelling on video-sharing platforms of programmes, user-generated videos and other broadcasts that</p>	<p>Paragraph 1. The regulation determines:</p> <ol style="list-style-type: none">1) the features of, and detailed terms for, the rating and labelling of the programmes, user-generated videos and other broadcasts referred to in Article 47p(1)(2) of the Broadcasting Act of 29 December 1992, hereinafter “the Act”;	<p>Regulation</p>



Title and type of legislation	Key excerpts of legal measures	Link
<p>may have a negative impact on the development of minors in the individual age categories</p> <p><i>(Rozporządzenie Krajowej Rady Radiofonii i Telewizji)</i></p>	<p>2) the graphic symbols for indicating, on video-sharing platforms, the rating of programmes, user-generated videos and other broadcasts as being suitable for a given age category.</p> <p>Paragraph 2. 1. The following age categories are established:</p> <p>1) category I – no age restrictions;</p> <p>2) category II – for minors aged over 12;</p> <p>3) category III – for minors aged over 16;</p> <p>4) category IV – for persons aged over 18.</p> <p>2. Video-sharing platform providers shall make it possible for video-sharing platform users to rate programmes, user-generated videos and other broadcasts as being suitable for the appropriate age category, applying the criteria laid down in Annex 1 to this Regulation.</p>	

4.23.3. 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 Poland 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.



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

Name of service	Genre	Targeted countries ¹²³
BanBye	Entertainment	Poland
Cda.pl	Entertainment	Poland
Demotywatory.pl	Entertainment	Poland
Hopaj.pl	Entertainment	Poland
Hrabi.tv	Entertainment	Poland
JBZD	Entertainment	Poland
Joemonster.org	Entertainment	Poland
Kawusia.pl	Entertainment	Poland
Kwejk	Entertainment	Poland
Mklr.pl	Entertainment	Poland
SADISTIC	Entertainment	Poland
Vider.info	Other/Not identified	Poland
Vider.love	Other/Not identified	Poland
Wgrane.pl	Generalist	Poland
WIOCHA.PL	Entertainment	Poland
Zaq2.pl	Entertainment	Poland

4.23.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in the country is self-declaration of age.

4.23.6. Additional rules referring especially to influencers

In terms of the protection of minors, Polish media law does not contain specific provisions targeting influencers. The current regulatory focus, primarily driven by the Office of Competition and Consumer Protection, concentrates on ensuring appropriate labelling of commercial communications by influencers and dealing with violations related to advertising restrictions (such as those pertaining to alcohol). While these proceedings rely more on unfair competition regulations than on media law, awareness-building campaigns also form part of the strategy. If an influencer's content poses potential harm to minors – for example, through the dissemination of harmful material referred to as “patostreaming” – the primary legal framework is within the scope of criminal law. This encompasses legislation against the propagation of pornography, incitement of hate or discrimination, and the humiliation of minors or seniors, among other things.

¹²³ Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.