



4.24. PT – Portugal¹²⁴

4.24.1. Key findings

In Portugal, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) has been transposed with amendments into the Television Law. VSPs are legally required to safeguard children and young people from user-generated content and audiovisual commercial communications that could negatively affect their physical, mental, or moral development. In addition to this, VSPs should include in their terms and conditions that users must respect these regulations and disclose any commercial communications in their videos. As per Article 69-C, to ensure compliance, VSPs should adopt certain compulsory functionalities like terms of use, commercial communication declarations, age verification systems, and parental control options.

The national media regulatory authority, the Regulatory Authority for the Media (ERC), is tasked with evaluating the effectiveness of these measures and promoting self- and co-regulatory mechanisms. The 2021 regulatory report¹²⁵ indicated that the challenges presented by the Television Act regarding VSP regulation prompted the creation of an internal working group, aiming to examine specific issues related to platform regulation.

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

Title and type of legislation	Key excerpts of legal measures	Link
Television Law No. 27/2007 of 30 July (Article 69-B, added by Law No. 74/2020 of 19 November)	Article 69-B, number 1 VSPs shall ensure that audiovisual commercial communications marketed, sold or organised by them are easily recognisable as such and that they are not: j) likely to cause physical, mental or moral harm to children and young people, namely:	Legislation

¹²⁴ The summary on Portugal incorporates feedback received from Joana Duarte, expert of the Supervision Department of the Portuguese Regulatory Authority for the Media (ERC), during the checking round with the national regulatory authorities.

¹²⁵ <https://www.erc.pt/download.php?fd=12855&l=pt&key=bc4ddcc6d69ae573d5f148d6c3659094>



Title and type of legislation	Key excerpts of legal measures	Link
	<p>i) directly encouraging them to buy or rent products or services, taking advantage of their inexperience or credulity;</p> <p>ii) directly encouraging them to persuade their parents or others to purchase products or services;</p> <p>iii) taking advantage of the special trust that children and young people place in their parents, teachers or other people; and</p> <p>iv) showing, without justifiable reason, children and young people in dangerous situations.</p> <p>Article 69-B, number 2</p> <p>VSPs shall take adequate measures to ensure that audiovisual commercial communications broadcast through their services and that are not promoted, sold or organised by them, comply with number 1 e. They shall include in the terms and conditions of use of their services the obligation of users to:</p> <ul style="list-style-type: none">a) respect existing rules applicable to commercial communications, namely the previous number 1;b) declare the inclusion of audiovisual commercial communications in the videos they generate. <p>...</p> <p>Article 69-C</p> <p>VSPs must:</p> <ul style="list-style-type: none">a) include in the terms and conditions of use of their services the restrictions referred to in Article 69-A and in paragraph 1 of Article 69-B, ensuring their application;b) provide functionalities that allow users who upload videos to declare whether they contain audiovisual commercial communications, in so far as they may know or reasonably be expected to know;c) create and use transparent and easy-to-use mechanisms that allow the VSP's audience to	



Title and type of legislation	Key excerpts of legal measures	Link
	<p>communicate or signal, as well as classify the contents referred to in Article 69-A and paragraph 1 of Article 69-B;</p> <p>d) create and manage systems through which to explain to the VSP's audience the follow-up given to the communication or signalling referred to in the previous paragraph;</p> <p>e) contribute to the protection of children and young people in relation to content that may harm their physical, mental or moral development, creating and managing age verification systems for users and the VSP's audience;</p> <p>f) provide parental control systems that are under the control of end users with regard to content likely to harm the physical, mental or moral development of children and young people;</p> <p>...</p>	

4.24.3. 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 Portugal 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.



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

Name of service	Genre	Targeted countries ¹²⁶
MEO Kanal	Generalist	Portugal
Sapo Videos	Generalist	Portugal
TUKIF	Adult	Pan-European

4.24.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in Portugal is self-declaration of age. However, the Portuguese regulatory authority does not accept this as sufficient for ones under its jurisdiction.

Tukif, which is an adult VSP under the jurisdiction of Portugal, features an age verification system that provides three alternative methods: the use of a national identification card, a selfie or a credit card. The registration of Tukif took place following an intervention by the ERC, after the French regulator signalled the platform as being under the national jurisdiction of Portugal.¹²⁷

4.24.6. Additional rules referring especially to influencers

N/A

¹²⁶ Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.

¹²⁷ <https://www.erc.pt/download.php?fd=13092&l=pt&key=dd5cd9a3436e416d786e79a946653f2a>