The European Commission has reached the preliminary conclusion that Meta is not complying with its obligations to prevent access to its platforms by minors under the age of thirteen

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On 29 April, the European Commission made a preliminary finding that the Meta platforms (Instagram and Facebook) were not complying with the Digital Services Act (DSA), as they were failing to take the necessary measures to prevent minors under the age of 13 from accessing their services. These conclusions follow a formal procedure opened by the Commission in May 2024. They are also based on the 2025 guidelines on the protection of minors under the DSA.

The minimum age for accessing Meta platforms is set at 13. However, despite the measures put in place, nothing really prevents a minor under the age of 13 from accessing Facebook or Instagram. In addition, no adequate mechanisms allow to quickly identify and revoke access once it has been granted. In practice, a teenager can simply give a false date of birth to use these social networks. In this case, there is no way of checking the accuracy of the year of birth entered. In addition, the mechanism for reporting minors under the age of 13 to the platforms remains ineffective.

This analysis is based on an incomplete risk assessment and highlights the likelihood that minors under the age of 13 will access Instagram and Facebook and be exposed to content and situations that are inappropriate for their age.

The Commission therefore considers that the two platforms must review their methods and strengthen their measures to prevent access by under-13s, identify them and block them from using these platforms. It also requires them to guarantee a high level of protection of the privacy and safety of minors.

Platforms can now consult the Commission's investigation files and respond in writing. They are invited to take the necessary measures to remedy these shortcomings. If the Commission's position is confirmed, it may find that there has been an infringement and impose a fine of up to 6% of Meta's annual worldwide turnover. The Commission may also impose periodic penalty payments to force the platform to comply.

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La Commission conclut à titre préliminaire que Meta enfreint le Règlement sur les services numériques en n'empêchant pas les mineurs de moins de 13 ans d'utiliser Instagram et Facebook

https://ec.europa.eu/commission/presscorner/detail/en/ip_26_920

The Commission's preliminary conclusion is that Meta is in breach of the Digital Services Act due to its failure to prevent minors under the age of 13 from using Instagram and Facebook.

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