

ONLINE-MEDIA-FLASH KOMPAKT

Switzerland's New Youth Protection Framework – Implications for Online Streaming Providers

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1. The Previous Legal Regime

Until recently, Switzerland had **no uniform federal framework governing the protection of minors in relation to films and video games**. Instead, the area was regulated through a combination of cantonal (i.e. local state level) legislation and measures of industry self-regulation. The cantons applied differing rules on cinema admission and the sale and rental of DVD/Videos, while age ratings were largely based on voluntary industry standards, including the Pan European Game Information («*PEGI*») system for video games. Streaming and video-on-demand services, by contrast, were not subject to specific federal requirements. This has **changed with the Swiss Federal Act on the Protection of Minors in the Areas of Film and Video Games** (in German often abbreviated under «*JSFVG*»). The JSFVG entered into force on 1 January 2025 and introduced a now harmonised nationwide framework.

2. Key Changes

The JSFVG replaces the previously fragmented regime with uniform national rules. In particular, it now explicitly requires:

- **age classification for films and video games;**

The JSFVG does not establish a mandatory classification scale, but refers to self-regulatory organizations. E.g. for films, the Swiss industry has relied on age categories developed by the Swiss Commission for Film Classification. Typical classifications include «all ages», 6, 8, 10, 12, 14, 16 and 18 years. For video games, the industry is expected to rely primarily on the PEGI-system already used throughout most European markets. It classifies games into categories, 3, 7, 12, 16 and 18 years and supplements age rating with content descriptors (e.g. violence, fear, gambling, drugs, discrimination or in-game purchases).

- **age verification measures for content unsuitable for minors;**

The JSFVG refrains from prescribing specific technical solutions. Recognised self-regulatory organisations are expected to specify appropriate measures. Current industry practice in Switzerland distinguishes between different approaches of varying reliability ranging from a) self-declaration of age for lower risk content, b) account based age verification based on verified customer information, c) payment card verification based on the assumption that cardholder is an adult, d) ID-verification, e) verification through digital identity services and f) face-age estimation or biometric age estimation technologies combined with privacy safeguards.

- **compliance with the rules of recognised self-regulatory organisations operating under federal oversight.**

Recognition of self-regulatory organisations is granted by the Swiss Confederation which also supervises compliance with the statutory requirements. To date, there are no federally recognised self-regulatory organisations. The Act follows a so called co-regulatory approach, i.e., industry develops the applicable standards, while the Swiss Confederation recognises and supervises those schemes. The co-regulatory approach is still in its implementation phase. The industry was given 2 years from the entry into force (1. January 2025) to establish its' own sectoral youth protection rules, which must then be submitted to the Swiss Federal Council for approval. So far, implementation has focused primarily on incorporating existing classification systems such as PEGI for games and the established Swiss film classification into the new statutory regime.

The JSFVG provides that there may be **one industry organisation for films** and **one industry organisation for video games** (in German: «*Branchenorganisation*») whose youth protection rules can be declared binding for the entire sector. To qualify, an organisation must, among other things:

- have youth protection as one of its purposes;
- be open to all market participants;
- be representative of the sector;
- operate throughout Switzerland;
- establish a complaints/contact point; and
- involve independent child protection experts when drafting its rules.

Although no organization has yet been formally recognised, the likely candidates are the following, existing industry associations. For **video games**, the likely expected industry organisation is the **Swiss Interactive Entertainment Association** (SIEA), which represents the video game industry in Switzerland. It is expected to base its youth protection rules on the PEGI classification system, coordinated at European level by the Interactive Software Federation of Europe (ISFE). For films, the **film sector** is expected to be organized through the **Swiss cinema, distribution and exhibition associations** (rather than creating an entirely new classification system), building on the long-established Swiss film classification practice. The most well known currently are ProCinema, Schweizerischer Video-Verband and Association Cinématographique Suisse.

3. Relevance for Streaming Providers

For streaming providers, the fundamental change in Switzerland is that practices previously based largely on self-regulation now have received a **clear statutory basis. Providers must apply recognised age ratings, implement appropriate age verification measures and comply with recognised industry standards.** For most international streaming services, the practical impact is likely limited, as existing age-rating and parental control systems developed for

the EU will often satisfy the substantive Swiss requirements. Nevertheless, the JSFVG introduces some Swiss-specific compliance obligations, including the requirement to a) align with the recognised Swiss system for age classification and youth protection, to b) participate in the applicable industry self-regulatory framework recognised by the Swiss Federal Council and c) to comply with Swiss oversight and enforcement mechanisms. Still, the JSFVG has a narrower scope than some comparable laws in the EU-territory, as it applies only to films and video games and does not extend to e.g. social media platforms or search engines.

4. Comparison with the EU

The Swiss regime is much narrower than the EU framework. Whereas the JSFVG focuses on age classification and age verification for films and video games only, the EU Digital Services Act (DSA) for example imposes much broader obligations and also extends to online platforms including very specific measures to protect minors. In this regard, Switzerland is currently considering further regulation through the proposed Swiss Federal Act on Communication Platforms and Search Engines («**KomPG**»). The KomPG addresses general Swiss online platform governance and protection of minors on communication platforms with age assurance being one possible risk-mitigation measure against e.g. harmful content or interactions. Nevertheless, the KomPG does overall not provide a general age verification obligation comparable to that under the JSFVG (it is not an extension of the JSFVG). And while it is inspired by the DSA, the current proposal still remains materially less extensive. It does not introduce the DSA's fully fledged horizontal due diligence regime (including risk assessments, audits, transparency reportings etc.).

This short publication only serves general information purposes and does not replace an individual analysis for a specific legal inquiry.

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