

# The New Federal Act on the Protection of Minors in the Film and Video Game Sectors – A Progressive Implementation

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## Key takeaways

- **The Federal Act on the Protection of Minors in the Film and Video Game Sectors introduces new obligations including age rating or labelling and its verification for content producers, distributors, and platforms.**
- **The Act aims to create minimum standards for a safer media environment for minors living in Switzerland in line with European standards. The age rating shall enable parents to obtain the necessary information to allow their children to consume age-appropriate films and video games.**
- **The Act includes elements of co-regulation. This approach shall ensure that the providers of films and video games take joint responsibility for the protection of minors.**
- **The Act will come into force in stages, starting on 1 January 2025. The envisaged co-regulation involves close cooperation between the public sector and private actors in the sector. The providers of films and video games, through their respective industry associations, now have two years to develop the implementation provisions, matching the minimum standards defined by the Swiss government.**

## Introduction

As parents know, electronic games and other digital media have great appeal for children. Parents should carefully consider the game content that their children consume and accompany them in their media consumption. In Switzerland, there are still major gaps in the protection of children and young people in the film and video game sectors: For example, most Swiss cantons have not regulated age labelling and access control in cinemas as well as the control of the sale of DVDs and video games. There are also certain gaps in protection for on-demand services (video on demand) and video portals (e.g. Art. 46a of the Telecommunications Act (Fernmeldegesetz (FMG)) only requires providers to disclose certain basic information). Although certain industry associations and other private organisations have issued guidance and rules (e.g. codes of conduct referring to the Pan European Game Information system (PEGI)), these are usually voluntary and therefore have deficits when it comes to controls and enforcement.

On 30 September 2022, the Swiss Parliament enacted the Federal Act on the Protection of Minors in the Film and Video Game Sectors (Bundesgesetz über den Jugendschutz in den Bereichen Film und Videospiele (JSFVG)), the first part of which came into effect on 1 January 2025 together with its implementing ordinance. This legislation addresses the growing concerns about the exposure of minors to inappropriate media content. By aligning with international standards and especially the European standards (see e.g. the Digital Services Act), the Act sets a framework for safeguarding the well-being of minors in digital as well as in traditional media environments.

## Two-step implementation

The Act and its implementing ordinance are implemented in two steps:

### Step 1: Initial implementation

The first phase took effect on 1 January 2025. It includes the key provisions necessary for the development of industry regulations, including those for:

- The creation and functioning of industry organisations responsible for drafting protection regulations
- The submission and approval process of industry regulations by the Federal Council
- Measures for promoting media literacy and prevention initiatives
- Definitions necessary for regulatory coherence

Industry organisations will have a maximum of two years to finalise and submit their proposed self-regulation frameworks to the Federal Council for approval. If an industry sector fails to present an adequate regulatory framework, the Federal Council may impose subsidiary regulations. This approach of co-regulation is well-known from other industry sectors, most notably from financial services.

## Step 2: Full implementation

The second phase will involve the enactment of operational provisions requiring compliance with age classification and access control measures. This phase will only take effect once the Federal Council has declared the industry regulations legally binding. The key measures are the following:

- Obligations for on-demand service providers and platforms to verify the age of users before granting access to certain content
- Implementation of monitoring and enforcement mechanisms, including test purchases and compliance audits
- Coordination between federal and cantonal authorities in enforcement

Industry participants are expected to prepare for these changes by aligning their systems with the upcoming self-regulation requirements and technological advancements, such as the planned introduction of e-ID solutions for secure age verification.

## Next steps

Within the next two years, the industry organisations should reach a consensus in their respective sectors on the self-regulatory standards that are to be declared mandatory by the Federal Council.

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No legal or tax advice

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