Three porn sites hit with tough new EU safety regulations

Porn sites Pornhub, XVideos, and Stripchat face stricter requirements to verify the ages of their users after being officially designated as “Very Large Online Platforms” (VLOPs) under the European Union’s Digital Services Act (DSA). In a press release today, the European Commission said the three sites “fulfil the threshold of 45 million average monthly users in the EU.” The sites will have to comply with the DSA obligations by February 2024.

Being designated as a VLOP means the sites will also have to conduct risk assessments and mitigate the spread of illegal content like child sexual abuse material and deepfake pornography. There are also transparency requirements like being subject to external audits, publishing transparency reports on content moderation decisions, and providing publicly available data to researchers.

“I welcome the designations of Pornhub, XVideos and Stripchat as Very Large Online Platforms. It will allow for higher scrutiny and accountability of their algorithms and processes,” said the EU’s Margrethe Vestager in a statement.

The Commission announced an initial set of 17 Very Large Online Platforms and two Very Large Online Search Engines in April 2023. This list included the likes of Amazon, the Apple App Store, Facebook, Instagram, X (then known as Twitter), YouTube, and Google Search. But that list did not include any pornography-specific services.

Services are deemed to be a “very large” platform if they have at least 45 million monthly active users in the bloc. XVideos said it had 160 million “average monthly recipients” of its service in the European Union. Pornhub has said it had 33 million months users, but its inclusion on the list of new VLOPs means that the EU doesn’t buy the company’s self-reported numbers. Meanwhile, XHamster reported 32 million monthly users and YouPorn 7.2 million.

In October, A group of 30 NGOs including European Digital Rights, the Center of Democracy and Technology, and European Sex Workers’ Rights Alliance called the numbers reported by some big porn platforms “surprisingly small,” *Euractiv* reported at the time, and the NGOs have pushed for major pornography sites to be designated as VLOPs.

“When asked to disclose the total of their monthly users… some big porn platforms have presented surprisingly small numbers that have allowed them to temporarily elude the designation as VLOPs,” the group wrote in its open letter. “These numbers seem to be a misrepresentation of their monthly average users in the EU, therefore indicating that these platforms are actively attempting to dodge their responsibilities and not be held accountable for the systemic risks existing on their platforms.”

Digital civil rights group Access Now took particular issue with Pornhub’s numbers, calling its 33 million European user figure “unlikely” in the context of traffic analysis from SimilarWeb that suggests it averages over two billion visits a month.

The designation comes amidst increasing efforts to enforce stricter age verification for pornography sites globally. Several US states have attempted to age-gate the sites with varying levels of success. While within the EU, France and Germany have also pushed for regulations at the national level, the *FT* noted. The UK is also moving ahead with its own

age verification measures after recently passing its Online Safety Act.

Although VLOPs have to comply with the DSA’s strictest regulations, today’s press release from the EU notes that “all online platforms and search engines” have to abide by a general set of DSA rules like offering a mechanism to notify them about illegal content on their service, and avoid targeting users with advertising based on profiling of sensitive data like ethnic origin or sexual orientation.

Multiple companies on the initial list of VLOPs have mounted legal challenges to try and get off it. Amazon has said it doesn’t believe it fits the description of a Very Large Online Platform and therefore shouldn’t be designated as such. German online retailer Zalando has also pushed back against its designation.

Since the Digital Services Act came into effect for the first batch of VLOPs in August, EU regulators have been keen to enforce the new rules. Formal requests for information have been sent to Meta and TikTok over their handling of illegal content and disinformation relating to the Israel-Hamas war, and has gone further and opened formal proceedings into X, the platform formerly known as Twitter, to assess whether it may have breached the DSA.

https://www.theverge.com/2023/12/20/24009125/eu-dsa-pornhub-xvideos-stripchat-digital-services-act-age-verification