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Ref.: FORMAL SUBMISSION — Article 28(4) DSA Brussels / The Hague, 10 July 2026

To: European Commission, Directorate-General for Communications Networks, Content and Technology (DG CONNECT) — Digital Services Act Enforcement Unit / Protection of Minors Unit

Re: Request for revision of the Guidelines on the Protection of Minors of 14 July 2025, to give operational effect to the intersection of the non-discrimination and protection-of-minors obligations under Article 34(1)(b) and Article 28 DSA

Submitted by: Goran Kolouch, Independent Researcher, Founder of the proposed Dutch foundation (stichting) EqualFaith Europe (currently being established)

FORMAL SUBMISSION AND REQUEST FOR REGULATORY ACTION

Pursuant to Article 28(4) of Regulation (EU) 2022/2065 (Digital Services Act)

I. Introduction and Purpose of This Submission

1. This submission is made in relation to the European Commission's Guidelines on the Protection of Minors under Article 28(1) of Regulation (EU) 2022/2065 ("DSA"), published 14 July 2025 ("the Guidelines"), and to the systemic risk-assessment obligations of providers of Very Large Online Platforms and Search Engines ("VLOPs/VLOSEs") under Article 34 DSA.

2. This submission is distinct from, and additional to, the undersigned's prior formal complaint against X Corp. / X Internet Unlimited Company, submitted 8 July 2026 under Articles 34 and 35 DSA, which alleges that Platform's individual non-compliance with its systemic risk obligations. The present submission concerns a separate matter: a structural gap in the Commission's own implementing Guidelines, applicable to all platforms accessible to minors, which the undersigned submits has produced a foreseeable and demonstrated enforcement blind spot across the sector as a whole. Unlike the prior complaint, this submission does not allege an infringement by any named provider; it requests that the Commission exercise its own regulatory discretion to revise guidance it has itself issued.

3. The undersigned respectfully submits that the Commission is the competent authority to receive this submission. Article 28(4) DSA vests the Commission with standing authority, following consultation with the European Board for Digital Services, to issue and revise the Guidelines. The gap identified in this submission concerns the content of the Guidelines themselves, a matter falling within the Commission's own regulatory function rather than within the supervisory competence of any individual Digital Services Coordinator.

II. Legal Framework

A. The obligations at issue

4. Article 34(1)(b) DSA requires providers of VLOPs/VLOSEs to assess, at least once a year, systemic risks including "any actual or foreseeable negative effects for the exercise of fundamental rights," and expressly names, within the same sub-clause, both the right to non-discrimination enshrined in Article 21 of the Charter of Fundamental Rights of the European Union and respect for the rights of the child enshrined in Article 24 of the Charter.

5. Recital 81 DSA identifies the exploitation of minors as a paradigm example of the fundamental-rights harm Article 34(1)(b) is designed to capture, confirming that the legislator intended the non-discrimination and child-protection limbs of Article 34(1)(b) to be read and assessed together, rather than as separate and unconnected categories of risk.

6. Article 28(1) DSA separately requires all providers of online platforms accessible to minors to ensure "a high level of privacy, safety, and security of minors" on their service. The Guidelines, adopted pursuant to Article 28(4) DSA following a public consultation and evidence gathered from over 150 young people, operationalise this obligation and expressly permit incorporation of minor-safety risk review into the broader Article 34 systemic risk assessment for VLOPs/VLOSEs.

7. Article 28(4) DSA gives the Commission standing authority to issue and revise the Guidelines. This authority is not exhausted by a single exercise; it may, and in the undersigned's submission should, be invoked again to address gaps identified subsequent to the Guidelines' initial adoption.

B. The nature of the gap

8. The obligation identified in this submission is not contingent on any individual platform's conduct, nor does it require proof that any specific child suffered a specific, identifiable harm. The obligation is a structural and process-based one: whether the Commission's own Guidelines give adequate operational effect to the intersectional fundamental-rights assessment that Article 34(1)(b) DSA already requires as a matter of binding law.

9. This distinguishes the present submission from a complaint alleging non-compliance by an individual provider. The undersigned does not allege that any named platform has failed to follow the Guidelines. The undersigned submits that the Guidelines, as presently drafted, do not require platforms to collect or report the information that would be necessary to detect the very harm Article 34(1)(b) DSA identifies as a systemic risk.

III. Statement of Facts

10. **The Guidelines on the Protection of Minors (July 2025).** The Guidelines operationalise "harm to minors" through generic, identity-neutral categories: grooming, harmful or illegal content, problematic and addictive design, and cyberbullying. No provision of the Guidelines requires that platforms disaggregate risk-review data on cyberbullying, harassment, or content-driven harm by protected characteristic, including religion, ethnicity or racial origin, disability, or sexual orientation.

11. **The consequence in practice.** A platform may report full compliance with Article 28(1) DSA — cyberbullying risk identified, assessed, and mitigated — while remaining structurally unable to determine whether minors belonging to religious, ethnic, or other minority groups are disproportionately subject to targeted, identity-based harassment. The data architecture the Guidelines require simply does not capture this dimension of harm.

12. **Independent confirmation of the gap.** The Center for Democracy & Technology (CDT) Europe's formal response to the draft Guidelines warned that the current ambiguities in the framework pose significant challenges for enforcement, and that the absence of clear benchmarks risks fragmented enforcement and unequal fundamental-rights protection as between Member States' Digital Services Coordinators. The European Board for Digital Services' first report on systemic risks and mitigations under Article 35(2) DSA separately documents inconsistency in platforms' self-defined risk taxonomies under Article 34(1)(b).

13. **The absence of any corrective mechanism to date.** To the undersigned's knowledge, the Commission has not, since the Guidelines' adoption in July 2025, issued any revision, addendum, or supplementary guidance addressing the disaggregation of minor-safety risk data by protected characteristic, notwithstanding the concerns raised during the consultation process that preceded their adoption.

IV. Grounds for the Requested Action

Ground One: The Guidelines fail to give operational effect to the intersectional requirement of Article 34(1)(b) DSA

14. The undersigned submits that Article 34(1)(b) DSA, by naming non-discrimination and the rights of the child within a single statutory sub-clause, already requires that systemic risk to minors be assessed on an intersectional basis. The Guidelines' exclusive reliance on generic, identity-neutral harm categories fails to operationalise this requirement, leaving a textually mandated fundamental-rights assessment without any practical mechanism of implementation.

Ground Two: The gap produces foreseeable, documented enforcement fragmentation

15. The undersigned submits that the absence of clear disaggregation requirements has already produced the fragmented, inconsistent enforcement outcomes identified by CDT Europe and by the European Board for Digital Services' own reporting. This is not a speculative risk; it is a documented consequence of the Guidelines as presently drafted, evidenced by the very institutions responsible for monitoring their implementation.

Ground Three: The gap is a freestanding implementation failure, remediable without legislative amendment

16. The undersigned submits, for the avoidance of doubt, that this submission does not require the European Parliament and Council to reopen the DSA. The obligation identified already exists in binding, directly-applicable EU law. What is absent is the Commission's own operational guidance on how platforms are to measure and report it — a matter squarely within the Commission's existing Article 28(4) authority, and one the Commission has exercised on a comparable technical and evidentiary basis as recently as its ongoing 2026 revision of the Article 22 trusted-flagger guidelines.

V. Anticipated Objections and Response

17. **Objection: this submission concerns a policy preference rather than a legal deficiency.** Response: the submission does not ask the Commission to adopt a new policy. It asks the Commission to bring its own implementing Guidelines into conformity with an intersectional requirement that already exists in the binding text of Article 34(1)(b) DSA.

18. **Objection: the Guidelines are formally non-binding and therefore not a proper subject of complaint.** Response: the Commission has itself stated that it will use the Guidelines as its own benchmark for assessing Article 28(1) compliance, and that national Digital Services Coordinators are expected to treat them as a reference point in enforcement. Guidelines that function as the operative enforcement benchmark for a binding statutory obligation are a proper and necessary subject of this submission.

19. **Objection: this submission duplicates the ongoing Article 22 trusted-flagger consultation.** Response: the trusted-flagger consultation concerns a distinct mechanism — priority notice-and-action processing — and closed on 26 June 2026 without addressing the disaggregation gap identified in this submission. This submission concerns the separate and freestanding question of what data the Article 28 Guidelines require platforms to collect and report.

VI. Relief Requested

20. The undersigned respectfully requests that the Commission:

a. exercise its authority under Article 28(4) DSA, following consultation with the European Board for Digital Services, to amend or issue a targeted addendum to the Guidelines requiring that platforms' minor-safety risk-review data on cyberbullying, harassment, and content-driven harm be disaggregated by protected characteristic;

b. require, or formally recommend, that VLOP/VLOSE transparency reporting under Article 42 DSA cross-reference this disaggregated minor-safety data against the platform's existing Article 34(1)(b) non-discrimination risk category, rather than treating minor safety and non-discrimination as unconnected reporting silos;

c. direct national Digital Services Coordinators to request this disaggregation when assessing Article 28(1) compliance during supervision, using the revised Guidelines as the applicable reference benchmark; and

d. confirm receipt of this submission, indicate whether it will be placed before the European Board for Digital Services' Working Group 6 on the

Protection of Minors, and, at the Commission's discretion, indicate anticipated procedural next steps.

VII. Supporting Materials Available on Request

21. The undersigned maintains a full legal and policy briefing substantiating this submission, including detailed analysis of Articles 22, 28, 34, 35, and 37 DSA, the applicable Charter provisions, and a complete implementation roadmap. This briefing is available to the Commission on request and will be provided in full upon the opening of a formal file.

22. This submission should be read alongside the undersigned's prior formal complaint against X Corp. / X Internet Unlimited Company of 8 July 2026, which the undersigned submits documents a related and mutually reinforcing pattern: the existence of clear fundamental-rights obligations under Article 34(1)(b) DSA, and the absence, to date, of any enforcement architecture adequate to detect or act upon their breach.

Respectfully submitted,

Goran Kolouch Independent Researcher www.equalfaitheurope.org kolouch@equalfaitheurope.org 10 July 2026

This document is a formal regulatory submission prepared for consideration by a competent regulatory authority. It does not allege an infringement by any named provider, and it presents a legal and policy argument for consideration rather than a finding of liability, which in any event rests solely with the European Commission or a competent court.

Declaration

This submission is made by Goran Kolouch in his personal capacity as an Independent Researcher. It also forms part of the public-interest research that will be undertaken by the proposed Dutch foundation (stichting) EqualFaith Europe, currently being established. The foundation is not yet incorporated and is not the party making this submission. References to it are included solely for transparency.

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