Audiovisual and information services: protection of minors and human dignity. Follow-up of Green Paper

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The Commission presents report on the application of Council Recommendation 98/560/ECconcerning the protection of minors and human dignity and of Recommendation 2006/952/EC of the European Parliament and of the Council on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry. In accordance with the requirements of the 2006 Recommendation, the report analyses the implementation and effectiveness of the measures specified in the 1998 and 2006 Recommendations in Member States. The findings may be summarised as follows:

Tackling illegal or harmful content: content and service providers are increasingly making efforts to tackle discriminating and other illegal or harmful content, particularly through self-commitments/codes of conduct, which exist in 24 Member States. As far as Internet content is concerned, some of these initiatives ensure that websites may signal their compliance with a code of conduct by displaying an appropriate label. Efforts are also made to develop access to appropriate content for minors, for instance through specific websites for children and specific search engines

While there is convergence in the Member States that promoting self-regulatory measures (codes of conduct) is useful, there is persistent concern that the protection levels achieved in this field still differ significantly. Existing measures against illegal or harmful contents should be constantly monitored in order to ensure their effectiveness. Reporting points for this type of content, provided by the content provider and to be used by children and parents are being developed and supported by functioning back office infrastructures, but all these initiatives lack common features and economies of scale that would increase their efficiency.

Hotlines: the widespread establishment and networking of hotlines is encouraging, but not sufficient. In order to foster both their efficiency and more consistency amongst Member States (e.g. best practices of interactions with law enforcement authorities), ways to make them more easily accessible and to improve their functioning and develop synergies with other related services (e.g. Helplines and Awareness Centres, 116 000/116 111 numbers) should be reflected on.

Internet Service Providers (ISPs): ISPs are increasingly involved in the protection of minors, despite their limited liability and responsibility under the E-Commerce-Directive (Directive 2000/31/EC).This applies to their legal obligations regarding illegal content, but particularly to joint voluntary commitments and adherence to codes of conduct. However, ISP associations generally have no specific mandate regarding the protection of minors. Therefore, signature and compliance with codes of conduct for the protection of minors is generally only optional for members of such associations. ISPs are encouraged to become more active in the protection of minors. The application of codes of conduct should be more widespread and closely monitored. ISP associations are encouraged to include protection of minors in their mandates and commit their members accordingly. Moreover, greater involvement of consumers and authorities in the development of codes of conduct would help to ensure that self-regulation truly responds to the rapidly evolving digital world.

Social networking sites: given the massive expansion of social networking sites, operators' control systems fall short of covering all the potential risks in an efficient manner. Active stakeholder

engagement is encouraged, in particular through further awareness-raising as regards the risks and ways to mitigate them, wider use of guidelines, with implementation monitoring. In addition, reporting points with a well functioning back office infrastructure are increasingly being deployed on social networks in order to assist children in dealing with grooming, cyber-bullying and similar issues, but the solutions are being developed on a case-by case basis. Moreover, the use of "privacy by default" settings for children joining in social networking sites is not widespread.

Problematic Internet content from other Member States / from outside the EU: enhanced cooperation and harmonised protection concerning problematic Internet content seem desirable. Although this content originates mostly outside the EU, some Member States consider such an approach to be more realistic at European level than by involving third countries.

Access restrictions to content: this requires on the one hand, age rating and classifying content and on the other hand ensuring respect for these ratings and classifications. The latter task falls primarily within parents' responsibility, but technical systems - filtering, age verification systems, parental control systems - provide valued support. . This is an area of most extreme fragmentation – the conceptions of what is necessary and useful diverge significantly between and within Member States. While most Member States see scope for improving their age rating and classification systems, there is clearly no consensus on the helpfulness and feasibility of cross-media and/or pan-European classification systems for media content. Still, in view of the increasingly borderless nature of online content, ways to align better such systems should be explored further. Internet-enabled devices with parental control tools are increasingly available but the articulation with the use of appropriate content relies upon case-by case solutions that vary greatly between and within Member States.

Against this background, it seems worth reflecting upon innovative rating and content classifications systems that could be used more widely across the ICT sector (manufacturers, host and content providers, etc.), while leaving the necessary flexibility for local interpretations of "appropriateness" and reflecting the established approaches to the liability of the various Internet actors.

Audiovisual Media Services: as regards co/self-regulation systems for the protection of minors from harmful content, on-demand audiovisual media services) are lagging behind television programmes where such systems are in place in 14 Member States, with 11 of them having a code of conduct in place. The variety of actions carried out in this field reflects the distinctions made in the Audiovisual Media Services Directive (Directive 2010/13/EU) but also the difficulty to reach consensual policy responses. Universally available technical means for offering children a selective access to content on the Internet, such as parental control tools linked to age-rated and labelled content

are very diverse; the solutions developed for linear/TV broadcasting (e.g. transmission times) often seem ill-adapted to Internet and other on-demand audiovisual media services.

Conclusions: the survey shows that all Member States are increasingly making efforts to respond to the challenges. A policy mix, with a significant component of self-regulatory measures, seems best suited to address in as flexible a way as possible the convergence between platforms (TV, PC, smartphones, consoles, etc.) and audiovisual content. However, the detailed assessment of the policy responses that Member States have developed presents a landscape made of very diverse – and in a number of cases, even diverging - actions across Europe. This is particularly true of tackling illegal and harmful content, making social networks safer places and streamlining content rating schemes.

Quite often, the regulatory or self-regulatory measures also lack ambition and consistency with similar measures put in place in other Member States, or they are simply not effectively implemented in practice. A patchwork of measures across Europe can only lead to internal market fragmentation and to confusion for parents and teachers.