Basic information

1997/0329(CNS) CNS - Consultation procedure Recommendation	Procedure completed
Audiovisual and information services: protection of minors and human dignity. Follow-up of Green Paper **Subject** 3.30.16 Ethical information policy 4.10.03 Child protection, children's rights	

Key players

European Parliament

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	CASINI Carlo (PPE)	06/01/1998
LIBE Civil Liberties and Internal Affairs	LINDHOLM MaLou (V)	17/12/1997

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2117	1998-09-24
Culture	2100	1998-05-28

Key events

Date	Event	Reference	Summary
18/11/1997	Legislative proposal published	COM(1997)0570	Summary
16/01/1998	Committee referral announced in Parliament		
23/04/1998	Vote in committee		Summary
23/04/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0153/1998	
12/05/1998	Debate in Parliament		
24/09/1998	Act adopted by Council after consultation of Parliament		
24/09/1998	End of procedure in Parliament		
07/10/1998	Final act published in Official Journal		

Technical information

Procedure reference	1997/0329(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Recommendation
Legal basis	EC Treaty (before Amsterdam) E 130-p3
Stage reached in procedure	Procedure completed
Committee dossier	CULT/4/09620

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0153/1998 OJ C 167 01.06.1998, p. 0003	23/04/1998	
Text adopted by Parliament, 1st reading/single reading		T4-0274/1998 OJ C 167 01.06.1998, p. 0080-0132	13/05/1998	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	00731/2001 OJ C 213 31.07.2001, p. 0010	23/07/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1997)0570	18/11/1997	Summary
Non-legislative basic document	COM(2001)0106	27/02/2001	Summary
Follow-up document	COM(2003)0776	12/12/2003	Summary
Non-legislative basic document	COM(2011)0556	13/09/2011	Summary
Follow-up document	SEC(2011)1043	13/09/2011	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0626/1998 OJ C 214 10.07.1998, p. 0025	29/04/1998	
CofR	Committee of the Regions: opinion	CDR0054/1998 OJ C 251 10.08.1998, p. 0051	13/05/1998	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
EP/Council Recommendation 1998/0560 OJ L 270 07.10.1998, p. 0048-0055

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

1997/0329(CNS) - 13/09/2011

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.

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

1997/0329(CNS) - 13/09/2011

The Commission presents a Staff **Working Document** accompanying the 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.

The objective of the Recommendations was to make Member States and industry conscious of the new challenges for the protection of minors in electronic media, particularly those linked to the uptake and growing importance of online services. Considering that regulation cannot always keep pace with these developments, Member States were called upon to promote and develop appropriate framework conditions by other than purely legal means, e. g. through stakeholder cooperation and co- or self regulation

In the meantime, **changes in consumers' and particularly minors' use of media have been dramatic** and are constantly accelerating. Media are increasingly being used by minors via mobile devices, including (online) video games, and there are more and more on-demand media services on the Internet. As a new phenomenon since the last Recommendation, **social networking sites have gained huge importance**, both for individual users and in societal terms.

In order to assess what has already been done and what further steps might be necessary, the staff working document analyses in detail the implementation and effectiveness of the measures specified in the 1998 and 2006 Recommendations in Member States, and also gives specific examples of measures taken.

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

1997/0329(CNS) - 13/05/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Phillip WHITEHEAD (PSE, UK) on the protection of minors in audiovisual and information services Parliament approved the recommendation as put forward by the Commission, but called for the development of common tools and more particularly common labelling of content guidelines in order to facilitate the transfrontier identification of illegal and harmful content. Stressing that the development of the audiovisual industry was dependent on the effective protection of minors, it expressed its support for strengthening cooperation at European level with a view to developing new tools and services in this area. Cooperation should also be strengthened with third countries and in particular with the applicant

countries to the Union. In order to ensure a high level of protection of the general interest, it called for the strengthening of the definition of a common ethical approach to the information society. To this end, Parliament supported a systematic review of the various self-regulatory frameworks and their success in achieving the objective of providing adequate protection for minors and human dignity. It also called for regular consultations to be organized with the Member States and for an evaluation report to be submitted to Parliament and the Council within two years. This report would include inter alia an assessment of whether regulatory action was needed.

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

1997/0329(CNS) - 12/12/2003 - Follow-up document

The European Commission presented its second evaluation report on the application of Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity. Illegal, harmful and undesirable content and conduct on the Internet continues to be a concern for law-makers, industry and parents. There will be new challenges both in quantitative (more "illegal" content) and qualitative terms (new platforms, new products) Taking into account the ever-increasing processing power and storage capacity of computers, and the fact that broadband technologies allow distribution of content such as video on 3G mobile telephones, the need for a safe environment is greater than ever; - the Recommendation is still being applied in different ways by the Member States (as well as the accession countries and the other States which replied to the questionnaire). However, the number of hotlines and codes of conduct has increased significantly, and the fact that two of the accession countries which replied to the questionnaire have established hotlines is also a positive sign. The launch of campaigns in most Member States to encourage safer use of the Internet is a very positive development. However, based on the replies to the questionnaire, the measures concerning the protection of minors in the accession countries do not seem to be as far-reaching as in the Member States. Even though self- or coregulation is still less developed in the broadcasting sector, the relevant systems seem to be working quite well. However, the involvement of consumer associations and other interested parties in the establishment of codes of conduct and other self-regulatory initiatives still leaves a lot be desired; - in most Member States and accession countries the measures or initiatives concerning UMTS and the control of chat-groups are still quite abstract or left to self-regulation; - as far as industry is concerned, ICRA is still working on the development of reliable filter and rating systems for the Internet. The European Parliament further encouraged the DVB consortium to work on the development of reliable filter and rating systems for digital broadcasting. As yet, no further information concerning this issue has been received from the DVB. One of the conclusions of the independent Study on the rating practice used for audiovisual works in the European Union, was that there is no urgent pressure from either industry or the consumer for homogeneity of rating systems. In the light of this supposed absence of pressure for homogeneity in age-rating, the PEGI age-rating system, which replaces most national age rating systems in respect of video games, is indeed an interesting initiative; - the Safer Internet programme provides funding for measures as a coherent response by the European Union to illegal and harmful content on the Internet. The coverage of the Safer Internet Action Plan will extend to new online technologies, including mobile and broadband content, online games, peer-to-peer file transfer, and all forms of real-time communications such as chat-rooms and instant messages, primarily with the aim of improving the protection of children and minors. Action will be taken to ensure that a broader coverage of areas of illegal and harmful content and conduct giving rise to concern, includingracism and violence; - as far as online media are concerned, the right of reply could be enshrined in the Recommendation as a first step towards an effective right of reply applicable to all media, for instance in cases where the allegation has been published in another country. The Commission will also be actively involved in the work of the Council of Europe concerning the right of reply in the online-environment; - the responsibility to protect minors from harmful effects of the media is a commonly shared one. Regulators, the audiovisual industry and parents all have to play their part to achieve the goal. Media-literate children and parents supported by efficient self-regulatory and rating systems are best equipped to prosper in the world of the future. Hence, the idea of including media literacy among the subjects covered by the Recommendation seems very appropriate; - rating or classification of audiovisual content serves an essential role in the protection of minors. Because of the cultural and social diversity among Member States, rating of programmes is carried out at national level. Nevertheless, there could be a "bottom-up" harmonisation through collaboration between self-regulatory and coregulatory bodies in the Member States, and through the exchange of best practices concerning such issues as a system of common, descriptive symbols which would help viewers to assess the content of programmes. The Commission intends to follow up on the public consultation process concerning the TVWF directive and this evaluation report by proposing an update of the Recommendation during the first half of 2004. This could cover issues relating to media literacy, the right of reply, and measures against discrimination or incitement to hatred on the grounds of race, sex or nationality in all online media.

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

1997/0329(CNS) - 18/11/1997 - Legislative proposal

OBJECTIVE: to propose a series of recommendations to protect minors in audiovisual and information services. SUBSTANCE: the Commission proposes a series of recommendations to the Member States and the various parties concerned (consumers, audiovisual industries, etc.) with a view to the protection of minors in the audiovisual and information services which are based on the work and the outcome of the Green Paper on the protection of minors in information services (COS0490). It also proposes common guidelines to be applied voluntarily by the parties concerned with a view to the implementation of self-regulation mechanisms for the protection of minors. These guidelines include inter alia a code of conduct setting out the rules for self-regulation to be implemented for on-line services. The recommendations are addressed to: 1) the Member States and seek to: - evaluate the national measures for the protection of minors and establish a common assessment methodology at European level, - encourage the establishment of a national framework for self-regulation for on-line services, - encourage experiments for new means of protecting minors and viewers, - take measures to fight against the circulation of illegal content in the audiovisual services, - encourage young people to make responsible use of the new audiovisual and information services (improving awareness among parents, better identification of contents, etc.); 2) the industries and parties concerned and seek to: - cooperate with the national authorities in setting up a structure representing all the parties concerned in order in particular to improve coordination of work at European level, - draw up codes of conduct applying to on-line services based on the principles contained in the code of conduct proposed in the annex to the recommendation (including respect for freedom of expression and free movement of services but establishment of techniques able

to restrict access to certain services, the content of which would be detrimental to the physical, moral or mental development of minors; support for parental control and handling of complaints, etc.); - seek initiatives which facilitate access by young people to audiovisual and information services, - assesses periodically the initiatives carried out in application of this recommendation; 3) the Commission and seek to: - facilitate through appropriate financial instruments the networking of bodies responsible for self-regulation and the sharing of good practices in this field, - encourage cooperation between police and judicial authorities in the Member States in order to combat illegal content, - promote international cooperation in this area, - develop a methodology for evaluating the measures taken to protect minors in audiovisual services.

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

1997/0329(CNS) - 23/07/2001 - Document attached to the procedure

The Council adopted the conclusions on the Commission's Evaluation Report on the application of the recommendation concerning the protection of minors and human dignity. On the basis of this report, the Council invites the Member States to: - continue their work to promote the application of the recommendation and, within that context, to pay particular attention to the need to encourage the participation of users, including consumers; - disseminate the results of the application of the recommendation to the parties concerned including, inter alia, users, consumers, industry and authorities, with the aim of promoting the exchange of experience, the development of new skills and good practice regarding the protection of minors. Moreover, the Commission is invited to: - continue its work, on the basis of the encouraging results in which have been achieved hitherto, and promote the application of the recommendation by facilitating the exchange of experience and good practice at Community level on the protection of minors in respect of all audiovisual media; - report to the Council, with reference to the fact that two years may be a relatively short period for fully applying the recommendation, at an appropriate moment, and preferably before 31/12/2002; - continue the dialogue with the different parties involved, and particularly with the industry, on the possibilities for implementing technical systems for parental control in the digital environment.

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

1997/0329(CNS) - 27/02/2001

This document presents the evaluation report from the Commission on the application of Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity in the Member States. The development of the digital media, namely in the form of Internet, digital broadcasting and videogames constitutes a major challenge for the European Union's audiovisual policy and in particular for the protection of minors. The Recommendation invites the Member States, industries and parties concerned and the Commission to take steps to enhance the protection of minors and human dignity in the broadcasting and Internet sectors. The need for the establishment of a safe environment has recently been stressed by the European Parliament when it adopted the resolution on Parent Control. Overall, after two years, the results of the application of the Recommendation are encouraging, although interested parties and in particular consumers should have been more involved in the establishment of codes of conduct. The Member States have applied the Recommendation in a heterogeneous way; nevertheless it should be stressed that most of the Member States have launched campaigns for a safer use of the Internet and that some have introduced new legislation or supported measures such as hotlines to the police to deal with child pornography. The heterogeneity of the measures is not surprising, taking into account both cultural heterogeneity and the variation in development of Internet. Also, two years may be a relatively short period for fully applying the Recommedation. Across the different audiovisual media, a decreasing intensity of activities can be recognised, whereas most efforts are devoted to the protection of minors and human dignity with respect to the Internet and the least with respect to videogames. This is not surprising as the actions undertaken by the individual Member States, a strong variety exists, reaching from nearly no activity at all, particularly concerning the Internet, to considerable efforts establishing a common policy across the different audiovisual media. Industry, in particular through ICRA, is working on the development of reliable filter and rating systems for Internet which can be individually adapted to the cultural values of citizens in the different Member States. As far as digital broadcasting is concerned, work by the industry is less developed. The DVB has expressed to the Commission its willingness to lead efforts in this area provided the European legislator gives a clear sign to the industry. The Commission has contributed to a better protection of minors in audiovisual media through the implementation of the Safer Internet Action Plan. As requested by Member States, and as foreseen by the Action Plan, the Commission will continue to strengthen European and international cooperation. While the Recommendation is not directly linked to the Directive "Television without Frontiers" the results of this evaluation Report may well influence how possible new Directive could deal with the protection of minors and human dignity in respect of all electronic content. In accordance with the provisions of the Directive the Commission will launch a full-scale review which will besubject to an open and wide ranging consultation of all parties.