

| Basic information                                                                                                                                                                                                                 |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>2004/0117(COD)</b><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Recommendation                                                                                                                         | Procedure completed |
| Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply<br><br><b>Subject</b><br><br>3.30.16 Ethical information policy<br>4.10.03 Child protection, children's rights |                     |

| Key players                   |                                                       |                                      |                  |
|-------------------------------|-------------------------------------------------------|--------------------------------------|------------------|
| European Parliament           | <b>Committee responsible</b>                          | <b>Rapporteur</b>                    | <b>Appointed</b> |
|                               | <b>CULT</b> Culture and Education                     | DE SARNEZ Marielle (ALDE)            | 20/09/2006       |
|                               | <b>Former committee responsible</b>                   | <b>Former rapporteur</b>             | <b>Appointed</b> |
|                               | <b>CULT</b> Culture and Education                     | DE SARNEZ Marielle (ALDE)            | 22/09/2004       |
|                               | <b>Former committee for opinion</b>                   | <b>Former rapporteur for opinion</b> | <b>Appointed</b> |
|                               | <b>LIBE</b> Civil Liberties, Justice and Home Affairs | ANGELILLI Roberta (UEN)              | 05/10/2004       |
| Council of the European Union | <b>Council configuration</b>                          | <b>Meetings</b>                      | <b>Date</b>      |
|                               | Agriculture and Fisheries                             | 2750                                 | 2006-09-18       |
|                               | Education, Youth, Culture and Sport                   | 2729                                 | 2006-05-18       |
| European Commission           | <b>Commission DG</b>                                  | <b>Commissioner</b>                  |                  |
|                               | Communications Networks, Content and Technology       | REDING Viviane                       |                  |

| Key events |       |               |         |
|------------|-------|---------------|---------|
| Date       | Event | Reference     | Summary |
|            |       | COM(2004)0341 | Summary |

|            |                                                          |                                                                                                                      |                         |
|------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------|
| 30/04/2004 | Legislative proposal published                           |                                    |                         |
| 15/09/2004 | Committee referral announced in Parliament, 1st reading  |                                                                                                                      |                         |
| 11/07/2005 | Vote in committee, 1st reading                           |                                                                                                                      | <a href="#">Summary</a> |
| 19/07/2005 | Committee report tabled for plenary, 1st reading         | <a href="#">A6-0244/2005</a>                                                                                         |                         |
| 06/09/2005 | Debate in Parliament                                     |                                   |                         |
| 07/09/2005 | Decision by Parliament, 1st reading                      | <a href="#">T6-0330/2005</a>                                                                                         | <a href="#">Summary</a> |
| 07/09/2005 | Results of vote in Parliament                            |                                   |                         |
| 20/01/2006 | Modified legislative proposal published                  | <a href="#">COM(2006)0031</a><br> | <a href="#">Summary</a> |
| 18/09/2006 | Council position published                               | <a href="#">09577/1/2006</a>                                                                                         | <a href="#">Summary</a> |
| 28/09/2006 | Committee referral announced in Parliament, 2nd reading  |                                                                                                                      |                         |
| 28/11/2006 | Vote in committee, 2nd reading                           |                                                                                                                      | <a href="#">Summary</a> |
| 29/11/2006 | Committee recommendation tabled for plenary, 2nd reading | <a href="#">A6-0433/2006</a>                                                                                         |                         |
| 12/12/2006 | Decision by Parliament, 2nd reading                      | <a href="#">T6-0537/2006</a>                                                                                         | <a href="#">Summary</a> |
| 12/12/2006 | Results of vote in Parliament                            |                                   |                         |
| 20/12/2006 | Final act signed                                         |                                                                                                                      |                         |
| 20/12/2006 | End of procedure in Parliament                           |                                                                                                                      |                         |
| 27/12/2006 | Final act published in Official Journal                  |                                                                                                                      |                         |

#### Technical information

|                                   |                                                                |
|-----------------------------------|----------------------------------------------------------------|
| <b>Procedure reference</b>        | 2004/0117(COD)                                                 |
| <b>Procedure type</b>             | COD - Ordinary legislative procedure (ex-codecision procedure) |
| <b>Procedure subtype</b>          | Legislation                                                    |
| <b>Legislative instrument</b>     | Recommendation                                                 |
| <b>Legal basis</b>                | EC Treaty (after Amsterdam) EC 157                             |
| <b>Stage reached in procedure</b> | Procedure completed                                            |
| <b>Committee dossier</b>          | CULT/6/40557                                                   |

#### Documentation gateway

##### European Parliament

| Document type                                                   | Committee       | Reference                    | Date       | Summary |
|-----------------------------------------------------------------|-----------------|------------------------------|------------|---------|
| Committee opinion                                               | <div>LIBE</div> | <a href="#">PE353.374</a>    | 15/04/2005 |         |
| Committee report tabled for plenary, 1st reading/single reading |                 | <a href="#">A6-0244/2005</a> | 19/07/2005 |         |
|                                                                 |                 | <a href="#">T6-0330/2005</a> |            |         |

|                                                          |  |                                     |            |                         |
|----------------------------------------------------------|--|-------------------------------------|------------|-------------------------|
| Text adopted by Parliament, 1st reading/single reading   |  | OJ C 193 17.08.2006, p. 0126-0217 E | 07/09/2005 | <a href="#">Summary</a> |
| Committee draft report                                   |  | <a href="#">PE380.748</a>           | 06/11/2006 |                         |
| Committee recommendation tabled for plenary, 2nd reading |  | <a href="#">A6-0433/2006</a>        | 29/11/2006 |                         |
| Text adopted by Parliament, 2nd reading                  |  | <a href="#">T6-0537/2006</a>        | 12/12/2006 | <a href="#">Summary</a> |

#### Council of the EU

| Document type                     | Reference                                                           | Date       | Summary                 |
|-----------------------------------|---------------------------------------------------------------------|------------|-------------------------|
| Council statement on its position | <a href="#">12218/2006</a>                                          | 12/09/2006 |                         |
| Council position                  | <a href="#">09577/1/2006</a><br>OJ C 295 05.12.2006, p. 0048-0056 E | 18/09/2006 | <a href="#">Summary</a> |
| Draft final act                   | <a href="#">03683/2006</a>                                          | 20/12/2006 |                         |

#### European Commission

| Document type                                  | Reference                                                                                                            | Date       | Summary                 |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------|-------------------------|
| Legislative proposal                           | <a href="#">COM(2004)0341</a><br>   | 30/04/2004 | <a href="#">Summary</a> |
| Commission response to text adopted in plenary | <a href="#">SP(2005)4139</a>                                                                                         | 20/10/2005 |                         |
| Modified legislative proposal                  | <a href="#">COM(2006)0031</a><br> | 20/01/2006 | <a href="#">Summary</a> |
| Commission communication on Council's position | <a href="#">COM(2006)0546</a><br> | 21/09/2006 | <a href="#">Summary</a> |
| Non-legislative basic document                 | <a href="#">COM(2011)0556</a><br> | 13/09/2011 | <a href="#">Summary</a> |
| Follow-up document                             | <a href="#">SEC(2011)1043</a><br> | 13/09/2011 | <a href="#">Summary</a> |

#### Other institutions and bodies

| Institution/body | Document type                                  | Reference                                                         | Date       | Summary |
|------------------|------------------------------------------------|-------------------------------------------------------------------|------------|---------|
| EESC             | Economic and Social Committee: opinion, report | <a href="#">CES0134/2005</a><br>OJ C 221 08.09.2005, p. 0087-0093 | 09/02/2005 |         |

#### Additional information

| Source               | Document                | Date |
|----------------------|-------------------------|------|
| National parliaments | <a href="#">IPEX</a>    |      |
| European Commission  | <a href="#">EUR-Lex</a> |      |

## Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply

2004/0117(COD) - 12/12/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Marielle **DE SARNEZ** (ADLE, BE) approving the Council's common position on the proposed recommendation on the protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and information services industry.

## Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply

2004/0117(COD) - 13/09/2011 - Follow-up document

The Commission presents a Staff **Working Document** accompanying the report on the application of Council Recommendation 98/560/EC concerning 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 industries, competitiveness: protection of minors and human dignity and right of reply

2004/0117(COD) - 07/09/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Marielle **DE SARNEZ** (ALDE, FR) by an overwhelming majority and made several new recommendations:

- the creation of a new top-level domain name ".kid" with content reserved for children, which could provide a secure internet area regularly monitored by an independent authority;
- the introduction of a European free telephone service providing existing information on existing filter methods and making it easier to lodge complaints with the relevant authorities or report dangerous sites;
- the organisation of a European information campaign aimed at citizens, using all communication media, to alert public opinion to the potential dangers of the internet and the risk of criminal penalties being incurred;
- the systematic provision of an effective and easy-to-use filtering system for users at the time of subscription to an access provider and developing effective filtering solutions, taking into account technological progress allowing Internet access via mobile telephones;
- serious actions to combat child pornography on the Internet- offering access services intended specifically for children and equipped with an automatic filtering system operated by access providers and by mobile telephone operators;

- posting of warning banners on all search engines drawing attention to possible dangers and to the availability of telephone hotlines;
- continuing education of educators and teachers, in liaison with child protection associations, on how to use the Internet in the context of school education and on teaching methods for safe (secure) use which children must be taught;
- introduction of specific Internet training aimed at children from a very early age, including sessions open to parents, so as to explain to children and parents how to use the Internet and how to avoid the pitfalls and dangers;
- an integrated educational approach forming a permanent part of school curricula, and media literacy programmes, so as to maintain awareness of the dangers of the Internet, with particular regard to chat rooms and forums;
- distribution of information packs on the dangers of the Internet ("How to surf the Internet safely", "how to filter unwanted messages") and on the use of hotlines to which reports or complaints concerning harmful or illegal sites can be made.

Parliament also recommended that the industry, all parties concerned and the national and European authorities consider more actively the technical and legal feasibility of developing a uniform content labelling system to encourage better filtering and classification at source, regardless of the communications media used (Internet, mobile telephones).

Member States are to submit a report to the Commission on measures taken in application of this Recommendation two years after its adoption.

By 31 December 2008, on the basis of the reports submitted by the Member States, the Commission will submit to the European Parliament a report on the implementation and effectiveness of the measures laid down in this recommendation, identifying any additional measures which may be necessary, including binding legislation at European level.

Finally, Parliament added some recommendations on the scope of the right of reply. The reply should be given the same prominence as was given to the contested assertion in order for it to reach the same public and with the same impact. Member States must ensure that the effective exercise of the right of reply (or equivalent remedy) and the right of freedom of expression is not unjustifiably constrained. The reply must be transmitted within a reasonable time after the justification of the request and at a time and in a manner appropriate to the publication or programme to which the request refers.

## Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply

2004/0117(COD) - 13/09/2011

The Commission presents report on the application of Council Recommendation 98/560/EC concerning 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 industries, competitiveness: protection of minors and human dignity and right of reply

2004/0117(COD) - 20/12/2006 - Final act

**PURPOSE:** to invite the Member States, industry and other parties concerned, as well as the Commission, to take measures to improve the protection of minors and human dignity in the European audiovisual and on-line information services sectors.

**LEGISLATIVE ACT:** Recommendation 2006/952/EC of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry.

**CONTENT:** The Recommendation builds upon the previous Recommendation 98/560/EC which remains in force. It extends its scope so as to cover media education, the rating or classification of audiovisual content, the portrayal of the sexes in the media and advertising, and the right of reply in relation to online media.

The Council and the European Parliament recommend that the Member States take the necessary measures to the protection of minors and human dignity in all audiovisual and online information services by:

- considering the introduction of measures into their domestic law or practice regarding the right of reply or equivalent remedies in relation to on-line media;
- promoting in close cooperation with the parties concerned: (a) action to enable minors to make responsible use of audiovisual and on-line information services, notably by improving the level of awareness among parents, teachers and trainers of the potential of the new services and of the means whereby they may be made safe for minors; (b) action to facilitate, where appropriate and necessary, the identification of, and access to, quality content and services for minors, including through the provision of means of access in educational establishments and public places; (c) action to inform citizens more about the possibilities offered by the Internet;
- promoting a responsible attitude on the part of professionals, intermediaries and users of new communication media such as the Internet by: (a) encouraging the audiovisual and on-line information services industry, without infringing freedom of expression or of the press, to

avoid all discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, in all audiovisual and on-line information services, and to combat such discrimination; (b) encouraging vigilance and the reporting of pages considered illegal; (c) drawing up a code of conduct in cooperation with professionals and regulatory authorities at national and Community level;

- promoting measures to combat all illegal activities harmful to minors on the Internet and make the Internet a much more secure medium. Consideration could be given to the following measures: (a) adopting a quality label for service providers, so that users can easily check whether or not a given provider subscribes to a code of conduct; (b) establishing appropriate means for the reporting of illegal and/or suspicious activities on the Internet.

The audiovisual and on-line information services industry and other parties concerned are called upon to:

- develop positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and on-line information services, while avoiding potentially harmful content, for instance by means of filtering systems. Such measures could include harmonisation through cooperation between the regulatory, self-regulatory and co-regulatory bodies of the Member States, and through the exchange of best practices concerning such issues as a system of common descriptive symbols or warning messages indicating the age category and/or which aspects of the content have led to a certain age recommendation;
- examine the possibility of creating filters which would prevent information offending against human dignity from passing through the Internet;
- develop measures to increase the use of content labelling systems for material distributed over the Internet;
- consider effective means of avoiding and combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in audiovisual and on-line information services and of promoting a diversified and realistic picture of the skills and potential of men and women in society.

## **Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply**

2004/0117(COD) - 18/05/2006

The Council reached political agreement on a draft Recommendation on the Protection of minors and human dignity and on the right of reply in the European audiovisual and on-line information services industry. Slovakia and the United Kingdom announced their intention of abstaining upon adoption of the Act. In a spirit of compromise, the Netherlands has agreed to the Recommendation on the understanding that it will make a Statement, which are to be attached to the minutes.

As a reminder, the proposed Recommendation calls on the Member States, industry and interested parties and the Commission to enhance the protection of minors and to respect human dignity in both the broadcasting sector and on the internet. It proposes that Member States consider the introduction of measures concerning the right of reply in relation to on-line media. The following issues are addressed by the draft Recommendation:

- media literacy;
- rating or classification of audiovisual content;
- portrayal of the sexes in media and advertising;
- right of reply.

The European Parliament delivered its first reading on 7 September 2005. The text of the political agreement will be adopted, by Council, as a Common Position and forward to the European Parliament prior to its second reading.

## **Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply**

2004/0117(COD) - 30/04/2004 - Legislative proposal

**PURPOSE :** to present proposal for a Recommendation concerning the protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and information services industry.

**PROPOSED ACT :** Recommendation of the European Parliament and of the Council.

**CONTENT :** Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity is the first legal instrument at Community level concerning the content of audiovisual and information services covering all forms of delivery, from broadcasting to the Internet. In section III of the Recommendation, it is called for the Commission to present an evaluation report on its application in the Member States, two years after its adoption, to the European Parliament and the Council.

The implementation of the Recommendation was evaluated for the first time in 2000, and the first report was published in 2001. The report indicated that the implementation of the Recommendation was already quite satisfactory in overall terms. The Council meeting (Culture) adopted its conclusions concerning the evaluation report on 21 June 2001, and Parliament adopted a resolution on the report on 11 April 2002, in which it called on the Commission to draw up a further report, at an appropriate time, and preferably before 31 December 2002. On 12 December 2003, the European Commission has adopted a new evaluation report on the September 1998 Council Recommendation concerning the protection of minors and human dignity in audiovisual and information services. The report analyses the measures adopted in the Member States and at EU level since the year 2000.

In order to be able to keep up with the challenges which technological developments bring, the Commission now follows up on the Second evaluation report by proposing this additional Recommendation.

This Recommendation calls on the Member States, industry and interested parties, as well as the Commission, to take steps to enhance the protection of minors and human dignity in the broadcasting and internet sectors. 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 focuses on the content of audiovisual and information services covering all forms of delivery, from broadcasting to the Internet. Given that the harmonisation of laws of the Member States is excluded from industrial and cultural policies, the Community is bound to use non-binding instruments, such as recommendations, to fulfil the tasks and obligations enshrined in the Treaty. The Commission considers that a Recommendation from the European Parliament and the Council has to be preferred to a Recommendation from the Commission on this matter. This Recommendation should complement Recommendation 98/560/EC in order to take account of technological developments.

The proposed recommendation sets out that the Member States should foster a climate of confidence which will promote the development of the audiovisual and information services industry by:

1) considering the introduction of measures into their domestic law or practice in order to ensure the right of reply across all media, without prejudice to the possibility of adapting the manner in which it is exercised to take into account the particularities of each type of medium;

2) promoting, in order to encourage the take-up of technological developments and in addition to and consistent with existing legal and other measures regarding broadcasting services, and in close cooperation with the parties concerned :

- action to enable minors to make responsible use of on-line audiovisual and information services, notably by improving the level of awareness among parents, educators and teachers of the potential of the new services and of the means whereby they may be made safe for minors, in particular through media literacy or media education programmes;

- action to facilitate, where appropriate and necessary, identification of, and access to, quality content and services for minors, including through the provision of means of access in educational establishments and public places.

3) encouraging industry to avoid discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media, and to combat such discrimination.

Lastly, it is recommended that the industries and parties concerned :

- develop positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and information services, while avoiding potentially harmful content, including a 'bottom-up' harmonisation through cooperation 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;

- develop effective measures to avoid discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media, and to combat such discrimination and promote a diversified and realistic picture of the skills and potential of women and men in society.

## **Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply**

2004/0117(COD) - 20/01/2006 - Modified legislative proposal

In its amendment to the initial proposal, the European Commission accepts, in summary, the following Parliamentary amendments:

- Limiting the scope of the Recommendation to the "European audiovisual and on-line information services industry".

- A statement adding that nothing in the Recommendation prevents the Member States from applying their constitutional provisions and other legislation and legal practices regarding freedom of speech.

- Allowing Member States to promote a responsible attitude on the part of professional, intermediaries and new communication media through encouraging vigilance and the reporting of illegal content, the drawing up of a code of conduct and to avoid all forms of recognised discrimination.

- Requesting the Member States to prepare annual reports on measures taken in application of this Recommendation, two years after its adoption.

Concerning those amendments accepted by the Commission in part or in principle, most of the changes made are of an editorial nature. For example, the elimination of phrases, which are covered elsewhere either under EU primary or secondary legislation. Many of the changes, therefore, relate to a rewording of the amendments. In summary the amendments accepted, though subject to rewording include:

- Examples of possible actions concerning media literacy (Annex II). This includes, for example, training teachers on how to use the internet securely when teaching minors; introducing specific internet training programmes for children and parents; offering an integrated education approach as part of the school curricula, which emphasises the dangers of the Internet such as chat rooms and forums.

- Provisions, which could include a harmonisation through co-operation between regulatory, self-regulator and co-regulatory bodies of the Member States and through the exchange of best practice. This could be achieved through commonly recognised symbols indicating age and category, to help users to assess the content of on-line information.

- Examples of possible actions by the industries and the parties concerned for the benefit of minors (Annex III). This could include, for example, the systematic provision of easy-to-use filtering system for users; offering access to services specifically intended for children and equipped with an automatic filtering systems operated by access providers and by mobile phone operators; introducing incentives to provide regularly updated descriptions of the available sites; and to post warning banners on all search engines drawing attention to possible dangers and to the availability of telephone hotlines.

- Amendments in which the Commission intends to promote and explore the possibility of introducing a European free phone number or of extending an existing service to assist internet users by directing them to a complaints mechanisms and to provide information for parents about the effectiveness of filtering software.

- Amendments in which the Commission intends to explore the possibility of supporting the establishment of the domain name .KID.eu.

- Amendments in which the Commission intends to facilitate the formation of networks by self-regulatory bodies in order to assess the effectiveness of codes of conduct and self-regulatory approaches.

- Amendments to Annex I, including, amongst others, that the right of reply can be ensured not only through legislation but also through co-regulatory or self-regulatory measures. The reply, should however, be within a reasonable time-frame and that dispute procedures as to the exercise of the right of reply could be subject to review by the courts or similar independent bodies.

## **Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply**

2004/0117(COD) - 21/09/2006 - Commission communication on Council's position

The Council accepted in full, in part or in principle, as did the Commission in its amended proposal, 31 amendments adopted by the European Parliament at first reading. Furthermore, the Council has followed the line taken by the Commission in its amended proposal and did not include 6 of them in its common position.

The Commission considers that the common position, adopted by qualified majority, respects to a large extent the objectives, and the approach of its own proposal, and that the Council has taken due account of the European Parliament's concerns and priorities and was able to accept most of Parliament's amendments. The Commission therefore grants its support and looks forward to an agreement between the Parliament and the Council in the near future with a view to the early adoption of the Recommendation.

## **Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply**

2004/0117(COD) - 18/09/2006 - Council position

The Council adopted its common position with a view to the adoption of a Recommendation 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 European audiovisual and on-line information services. The United Kingdom delegation abstained.

The Council's common position retains the main elements of the Commission's original proposal. The main changes introduced by the Council aim to further refine the scope of the Recommendation. The Council has thus specified that the Recommendation covers "audiovisual and online information services" rather than "audiovisual and information services", and has differentiated the scope of the right of reply, which applies to online media, from the wider scope of the part of the Recommendation dealing with the protection of minors.

The Council has sought in its common position to take account of the European Parliament's concerns and priorities and was able to accept most of Parliament's amendments.

The Council wishes to make the following comments on those amendments where its position slightly diverges from the Commission's modified proposal:

- regarding amendments 23 and 29, the Council has followed the approach taken by the Commission, i.e. some parts of the respective amendments were transferred - in the form of examples of possible actions to be taken in order to achieve the stated aims of the Recommendation - to annexes. It has, however, reinserted some elements considered important by the European Parliament in the body of the Recommendation, in order to further approximate positions with Parliament;
- likewise, whilst trying to avoid the introduction of a burdensome reporting obligation, the Council was able to accept the spirit of the amendments to meet Parliament's concerns that follow-up be ensured;
- the Council was unable to accept a certain part of an amendment replacing the term "indicative guidelines" by "minimum principles" in the section relating to the right of reply, as this term was considered excessive in the context of a recommendation;
- regarding another amendment, the Council took the view that it was preferable not to focus exclusively on the establishment of a single telephone hotline when envisaging the possible means of reporting illegal or suspicious activities on the Internet, and has retained a more open-ended wording.

The Council considers that, as a whole, its common position is fully in line with the objectives of the Commission's amended proposal. The Council also considers that it has taken due account of the objectives pursued by the European Parliament in its amendments to the Commission's proposal and looks forward to an agreement with the Parliament in the near future with a view to the early adoption of the Recommendation.