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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL
COMMITTEE**

Study on Parental Control of Television Broadcasting

INTRODUCTION

Article 22b.2. of the amended Television Without Frontiers Directive¹ required the Commission to carry out an investigation of the possible advantages and drawbacks of further measures with a view to facilitating the control exercised by parents or guardians over the programmes that minors may watch. According to the Directive, this survey was to consider, inter alia, the desirability of:

- the requirement for new television sets to be equipped with a technical device enabling parents or guardians to filter out certain programmes;
- the setting up of appropriate rating systems²,
- encouraging family viewing policies and other educational and awareness measures,

whilst taking into account experience gained in this field in Europe and elsewhere as well as the views of interested parties such as broadcasters, producers, educationalists, media specialists and relevant associations.

The carrying out of this investigation constitutes a legal obligation for the Commission. The investigation has now been completed. The purpose of this Communication is to present its main results and recommendations, as well as the Commission's initial reactions.

BACKGROUND

Following an open tender procedure, the contract for the study was awarded to the Oxford University Centre for Socio-legal Studies on 24 July 1998. The Report was published on the World Wide Web on 19 March 1999.³ The Commission is pleased to note the high quality of the study and considers it to be a major contribution to the debate and the body of knowledge concerning the protection of minors and television broadcasting.

The Commission attaches a high importance to the protection of minors with regard to audiovisual content which is potentially harmful. Following the publication of the Commission's Green Paper on the Protection of Minors And Human Dignity in Audiovisual And Information Services⁴ the Community adopted a Recommendation on the Protection of Minors and Human Dignity in Audiovisual and Information

¹ Directive 97/36/EC of the European Parliament and of the Council amending Council Directive 89/552/EEC on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities; OJ EC L202 of 30.7.1997, p. 60.

² Rating systems assess the suitability of media (in this case television) content for particular age groups.

³ http://europa.eu.int/comm/dg10/avpolicy/key_doc/parental_control/index.html

⁴ COM (96) 483 final

Services on September 24th, 1998⁵. On 25 January 1999, on the basis of a proposal from the Commission, the Council also adopted an Action Plan on Promoting Safer Use of the Internet⁶.

The recently completed study reaffirms the importance accorded to the protection of minors by the Commission and confirms the view that a significant public interest lies in protecting children from viewing excessive television violence and other programming that may produce harmful effects. Children are presumed to be different from adults, to be more vulnerable, less able to apply critical judgmental standards, and more at risk.

THE MAIN CONCLUSIONS OF THE STUDY

- The time in which the family as a single unit watches programming together has declined, and this process will be accentuated in a multi-channel, multi-set digital era. This change is occurring at the same time as an explosion in the number of available television channels in Europe, many of which are transnational channels. These developments make it more difficult for regulatory authorities to monitor the way broadcasters comply with programming standards based upon cultural sensitivities.
- The adoption of “V-chip” technology as used in the United States and Canada is not technically feasible in Europe. Moreover, since television broadcasting has already embarked on a transition from analogue to digital transmission methods, regulatory approaches in Europe should be based on the opportunities and capacities opened up by digital technology, which offers the chance to develop far more reliable, sophisticated and secure filtering systems.
- Technical measures alone cannot, at least for the foreseeable future, completely substitute for broadcaster responsibility with regard to the protection of minors. This is particularly true with regard to free-to-air television broadcasting. Current levels of broadcaster responsibility must therefore be maintained and methods such as the ‘watershed’⁷ remain effective in this context. However, with regard to encrypted services such as pay-TV, pay-per-view and video on demand and so on, technical devices could make a valuable contribution to ensuring that minors are not exposed to harmful content. Ensuring the effective operation of such systems also requires broadcaster responsibility.⁸

⁵ Council Recommendation 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. (Official Journal L 270 of 07.10.1998, p.48).

⁶ Decision 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a Multiannual Community Action Plan on promoting safer use of the Internet by combating illegal and harmful content on global networks.

⁷ Broadcasting certain programmes late in the evening or at night.

⁸ With regard to conditional access systems, the Commission would also point out the importance of the prevention and pursuit of piracy. Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (Official Journal L 320 of 28.11.1998, p.54-57).

- Open and interoperable technical standards for television sets and set-top boxes should be supported, since this would allow parents and guardians to choose from a range of filtering software reflecting different cultures and value systems. Equally important would be a standardised technical protocol for transmitting rating information about particular programmes: this would allow filtering software reflecting particular cultural values to filter pan-European broadcasting services. Given the transition to digital transmission, the study therefore recommends a *pluralistic* approach to filtering and rating systems.
- A harmonised approach to rating audiovisual content is ruled out by the great cultural diversity which characterises the European audiovisual market: however, drawing up *common descriptive criteria* would allow audiovisual content to be described in similar ways, whilst leaving the *evaluation* of such content to the competent national and regional authorities. This would facilitate comparability between the rating systems in operation in Member States and would allow technical devices to filter transnational television channels according to specific cultural norms but on the basis of the same (descriptive) information about each programme. The study also recommends that, to the extent possible, evaluative judgements should be based on transparent criteria, so that viewers may understand the basis for particular ratings.
- There is a need for rating systems used in the different media – cinema, television, video games, Internet – to be brought more into line with each other and made more coherent. Children increasingly use all these media and, whilst the techniques for protecting minors may be different, there should be a consistent level of protection from harmful content.
- The study also places great emphasis on the importance of educational and awareness measures, in particular media literacy education and critical approaches to television viewing, for parents and children alike.

CONCLUSIONS AND FOLLOW-UP ACTIONS

The study constitutes an important input to the evaluation of the application of the amended Television Without Frontiers Directive which, as laid down in Article 26 of that Directive, must be completed by 31 December 2000 (this evaluation may be accompanied by appropriate proposals for amendment of the Directive).

In addition to this, the Commission will, in the framework of its regular contacts with the Digital Video Broadcasting (DVB) Project, discuss the findings of the study. Starting from its origins in Europe, the Digital Video Broadcasting Group (DVB) has expanded into a global consortium with a membership of over 220 broadcasters, manufacturers, network operators and regulatory bodies in more than 30 countries worldwide. Developed by the market actors in an environment of self-regulation, DVB digital television transmission systems are being used all over the world. Their global success owes much to Europe's own diversity, which enabled the DVB to include all conceivable user requirements and specify technologies accordingly. The DVB is currently developing working an open second generation digital television receiver architecture, the Multimedia Home Platform.

The Commission's discussions with the DVB will focus on the technical and commercial feasibility of implementing the concepts contained in the study, notably the operational requirements of technical devices to facilitate the control exercised by parents or guardians over the programmes that minors watch. As with earlier DVB work, it will be important to develop user requirements that cover all European requirements. Finally, the Commission will pursue its discussions with the relevant bodies (boards of film classification, broadcasters, Internet operators, the video industry, Member States, viewers and users, and so on) with the purpose of promoting the development of descriptive rating systems adapted to the digital environment in Europe. In this context, the Commission will also discuss to what extent and in what ways educational and awareness measures should be undertaken with regard to television viewing in the future.