given to applying the safeguard procedure until such time as the obstacles in question have been removed even though, all other things being equal, the advisory procedure can usually be implemented more quickly — a fact that may be of importance for the matter in hand.

4.3.2. Recommendation

Consideration should be given to whether the committee proposed in Article 12 to assist the Commission, should apply the safeguard procedure laid down in Article 6 of Decision No 468/1999/EC instead of the suggested advisory procedure.

5. Conclusion

5.1. In principle, the Committee backs the proposal for a regulation.

5.2. The proposal should make clear how the new provisions are to operate in accordance with the existing bilateral and internationally binding air transport agreements between the Member States and third countries.

\[ \text{Brussels, 18 September 2002.} \]

\[ \text{The President of the Economic and Social Committee} \]

\[ \text{Göke FRERICHS} \]

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\[ \text{Opinion of the Economic and Social Committee on the ‘Proposal for a Decision of the European Parliament and of the Council amending Decision No 276/1999/EC adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks’} \]

\[ (\text{COM(2002) 152 final — 2002/0071 (COD)}) \]

\[ (2003/C 61/06) \]

On 12 April 2002 the Council decided to consult the Economic and Social Committee, under Article 153 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 2 September 2002. The rapporteur was Mrs Davison.

At its 393rd Plenary Session of 18/19 September 2002 (meeting of 18 September), the Economic and Social Committee adopted the following opinion by 132 votes in favour and four abstentions.

1. Introduction

1.1. The European Economic and Social Committee has given youth policy a special priority (1), one which it believes should be reflected by the EU generally. An overall coherent policy on children’s issues is badly needed in Europe.

1.2. The EESC has produced several opinions which refer to the need for child protection on the Internet in particular. They have helped to pave the way for the Internet Action Plan (IAP), which reflects many EESC proposals. The first such Opinion was produced in 1997, with Dame Jocelyn Barrow as

rapporteur (1), and the most recent, 'A programme of child protection on the Internet,' finalised November 2001 (2) was one of the EESC’s highest profile Opinions, reaching around 20 million consumers through national and regional media. This shows that the Committee's concern to see the necessary child protection put in place on the Internet is strongly reflected in the public at large.

1.3. In that Opinion, the Committee made suggestions for strengthening the IAP, some of which, such as establishing an EU Safer Internet Forum and addressing hate and racist content, have been taken up by the Commission. The Committee also recommended here, and in its Opinion on the Green Paper on Consumers Protection, a legal background to the IAP to ensure that all players use the excellent codes of practice and other schemes developed under the IAP but currently entirely voluntary and in some cases lacking the support of a critical mass.

2. Extent of the challenge

2.1. Around 38 % of EU homes had internet access at end of 2001 and schools throughout the EU are gradually coming fully on-line. Children learn about IT at school and take to the new medium easily, often ahead of their parents. When they use the Internet at home, they are generally unsupervised and unfortunately paedophiles have found that the anonymity of the net provides an opportunity for approach, sometimes ending in rape. Parents often understand the Internet less than their children. In a new Greek survey half the children using the Internet report that their parents never use it and about the same percentage say they do not know how to protect themselves on line (3).

2.2. A recent US survey of girl scouts (4) found that 30 % had been sexually harassed in a chat room. Only 7 %, however, told their mothers or fathers about this, as they were worried that they would be prevented from going on-line again. The Assembly of Madrid was presented with a similar 30 % figure of unpleasant approaches (5). One in five Irish 10-14 year olds report having been asked for personal details such as phone number on-line. This increases for teenage girls (6). Third generation mobile phones will allow even easier access to children.

2.3. The Internet has also provided an opportunity for the exchange of child pornography. There are estimates of 1 million pornographic images of children (7) and police report thousands of children being abused for photos and videos to be shown on line. Harmful content is also readily available on-line. Around 30 % of visits to the Internet are estimated to be to pornographic sites. Most of the girl scouts reported that they tried to avoid pornographic sites but frequently received pornographic spam or accidentally ended up on a porn site. In the Irish survey, eight out of ten parents agreed strongly or slightly with the statement 'I am concerned that my child/children might access harmful material, such as sexually explicit or violent material on-line'.

2.4. Racist sites are also proliferating. In Germany, which has an internal security watchdog and some of the world’s toughest racism laws, the number of extreme right-wing homepages has nonetheless jumped to 330 in 2000, about 10 times more than four years ago, the watchdog says. The European Monitoring Centre on Racism and Xenophobia tracked one racist site in 1995, 600 in 1997, 1 430 in January 1999 and 2 100 by July. Such sites may receive 20 000 to 30 000 visits per day (8). There is evidence that the number of racist sites has grown since 11 September with sites supporting suicide bomber reaching around 100 (9).

(3) EKATO, the Hellenic Consumers Association, Spring 2002.
(8) Simon Wiesenthal Centre. See http://www.wiesenthal.com
(9) Simon Wiesenthal Centre. See http://www.wiesenthal.com
2.5. An increase in gambling sites and their use has been reported in most of Europe (1). Online gamblers tend to be young unmarried and have low income and education levels. A much higher percentage of online gamblers (74 %) than offline gamblers were classed as having either problematic or pathological problems (2).

2.6. The US Federal Trade Commission found that many child-orientated online game sites carried ads for age-restricted gambling websites. The Commission also visited over 100 popular gambling websites and found that it was easy for minors to access the sites because few effective blocking mechanisms. The study also found that a large number of gambling sites had inadequate or hard-to-find warnings about underage gambling prohibitions, while 20 % of sites had no warnings at all.

2.7. Children can easily find violent computer games and videos, hate and race sites on-line. In a recent survey, almost two fifths of UK and Austrian children aged 11-14 said they had found ‘nasty’ sites and a further two out of five in the UK and nearly a third in Austria said they had found violent sites (3). A thorough US trawl of research on the subject found that violence in the media made children more fearful, more aggressive and less sensitive.

2.8. The presence of harmful material is acting as a deterrent to families going on-line. Just over one in five of the parents surveyed in Ireland gave this as the main reason for not getting home Internet access, so there is a commercial interest in better protection of human dignity. The EU Safer Internet Action Plan is part of the response to these challenges, along with the Council of Europe Convention on cybercrime (4).

3. **Summary of the Commission’s proposals**

3.1. The current Safer Internet Action Plan ends on 31 December 2002. The Safer Internet Action Plan has four action lines:

- **Creating a safer environment**
  - Creating a European network of hot-lines for consumers to report any suspicion of child pornography (5).
  - Encouraging self-regulation and codes of conduct.

- **Developing filtering and rating systems**
  - Demonstrating the benefits of voluntary filtering and rating such as ICRA (6).
  - Facilitating international agreement on rating systems.

- **Encouraging awareness actions**
  - Preparing the ground for awareness actions.
  - Encouraging implementation of full-scale awareness actions.

- **Support actions**
  - Assessing legal implications.
  - Co-ordination with similar international initiatives.
  - Evaluating the impact of Community measures.

3.2. The Commission proposes to extend the Action Plan for another two years and to have closer links between the activities in these different action lines. Coverage would be extended to new on-line technologies, including mobile and broadband content, on-line games, peer-to-peer file transfer, and real-time communication such as chat rooms and instant messaging. A broader range of illegal and harmful content would be covered, including racism and violence and awareness of consumer protection issues, data protection/privacy and network security. Discussion has begun with candidate countries, with a view to their future involvement.

(1) http://www.netvalue.com
(2) http://www.nua.com/surveys
(5) Reports can be made to any of melding@stopline.at in Austria, http://www.childfocus-net-alert.be in Belgium, redbarnet@redbar-net.dk in Denmark, contact@pointdecontact.net in France, hotline@jugendschutz.net or hotline@fsm.de in Germany, report@hotline.ie in Ireland, crimino@unige.it in Italy, meldpunt@meldpunt.org in the Netherlands, a.acpi@icra.net in Spain, minor@press.rb.se in Sweden and report@iwf.org.uk in Britain. Portugal has a website on www.pgr.pt/.
(6) ICRA: Internet Content Rating Association.
3.3. The aim is to involve industry and governments more closely in the new Plan and to progress towards an integrated European network, linked to the Safer Internet Forum and an international Round Table. Improved visibility is a key target. A web-portal would be created and sociological research into on-line child protection continued.

3.4. The self-regulatory model is continued and examined, with the creation of an 'observatory' for legal and technology/market watch. Work on rating will take account of convergence, filtering systems will be benchmarked and the Community R&D programme will be used.

4. General comments

4.1. The Committee agrees with the generally favourable assessment of the Internet Action Plan itself. It should benefit from greater governmental and industry support.

4.2. The Committee also welcomes the mention in the Commission document of the need for positive space on-line including for children. The availability of more exciting, positive content can gradually change the media environment. Children have much to gain from the information, entertainment, education and communication opportunities on-line. For example, a list of 20 top recommended kids sites in French and in German have just been published under the IAP (1). The EESC welcomes the Commission’s intention to encourage Internet content for children and the best practice of industry in signposting children’s areas. We need to transfer the best traditions of public service broadcasting over to the new medium. It may be that an enlarged walled garden could be created and moderated for children under a.kids.eu domain as envisaged in the US. However, it would have to be protected from paedophile activity and the need for more filtering and ‘notice and take down’ on the rest of the Internet would remain, since children could not be expected to be limited to such an area (they would want to visit museums etc. at least) and since adult views on taste and decency also require a response.

4.3. Hot-lines

4.3.1. It is to be hoped that hotlines can be set up in the remaining countries. Action to trace and help child victims of on-line abuse is being sponsored by the EU, but must be re-doubled and especially in those candidate countries where child protection is still weak. EU guidelines are needed on NGOs dealing with children and for cross-border adoption agencies in order to reinforce protection.

4.4. Self-regulation

4.4.1. The Committee is sceptical about the sufficiency of self-regulation. In particular, self-regulation has not achieved content protection for children, because rating systems have not been adopted by a critical mass, although Microsoft and AOL have recently followed EESC advice to put pressure on content providers to rate their material.

4.4.2. The Committee sees Internet protection as a consumer issue (the Internet is a service) and believes that classing it as such would reinforce protection. The Commission Green Paper on Consumers Protection provides an opportunity to do so. It could be used to create a legal backdrop to give force to voluntary rating/filtering and ‘notice and take down’ systems on the Internet to protect children from the harmful content the Committee has shown to be reaching them in large quantities (2). A general legal duty on ISPs to protect children on-line would also imply safety messages and systems to reduce paedophile approaches and child pornography on-line.

In sum, the Committee would recommend a background of legislation with supporting codes, in other words co-regulation rather than self-regulation.

(1) See the site of the European Research into Consumer Affairs at ‘www.net-consumers.org/erica/policy/topsites.htm’.

(2) See ESC opinion on ‘A programme for child protection on the Internet’, CES 1473/2001 annexe II p 15. EKATO, the Hellenic Consumers Association has revealed alarming cases of on-line gambling by children and also found that 36 % said that they misled their parents to use their credit cards on-line.
4.4.3. Racism on the Internet also needs a much firmer approach, as called for in the EESC Opinion on cybercrime (1). Ninety per cent of the sites operate through US ISPs, safe in the knowledge that the EU authorities cannot compel US providers to reveal the identity of the site provider (2).

4.4.4. The E-Commerce Directive 2000/31/EC requires ISPs to take action to remove or block access if they are put on notice of illegal material. This means that a company hosting Websites on its computers is not liable for distributing illegal material if it is not aware of its existence. But if an ISP, or any web host, becomes aware that information is illegal, it must immediately remove it or bar access. The implementation of the EU E-Commerce directive should have taken place on 17 January 2002 (3), but only five member states have enacted it so far.

4.4.4.1. The Committee is very concerned that this is being undermined by the US courts. In France two cases have been brought under Section R 645-1 of the French Criminal Code, which prohibits the exhibition of racist propaganda and artefacts for sale. They required ISPs to block racist sites. However a US court, in San José ruled on 7 November, 2001 that the ISP does not have to comply with the French court ruling. An international agreement is urgently needed that the law of the user applies.

4.4.5. Content providers should always register real world addresses so that police access to potentially suspicious online material can be improved. Whilst freedom of expression is to be valued, it should not be an excuse for allowing crime to flourish.

4.5. Filtering and rating systems

4.5.1. No filtering software can replace the need for parents to keep an eye on what their children see on-line, and it is currently difficult to find protection against violent sites especially. However, recent testing by Test Achats, co-financed by the EU Internet Action Plan, shows good filters are probably the best way to block at least most 'adult' sites and the Committee considers their further development an important priority (4).

4.5.2. Filtering systems work in a number of ways

4.5.2.1. 'No' lists: A 'No' list of sites that should be avoided is drawn up (containing rude, violent or racist material for example) and if a child clicks on one of these sites, his or her access is blocked. Some programmes also work on lists of banned words. Once these words have been found in an address or in the site itself, access to the site is blocked. The problem with 'No' lists is that they need to be updated very often.

4.5.2.2. Real-time filtering: the filter checks words and/or pictures as they are called up and stops a page with an unwanted text or picture from being shown. The problem is that a page can be partially seen before the filter finds the offending word or picture. Also, the system can slow down access to websites.

4.5.2.3. Site labelling/rating: Owners of sites voluntarily give their web pages a label which shows whether their site contains certain material (e.g. violence, nudity, gambling, ‘adult’, etc). The label and categories have been created by ICRA. The filter reads these labels and decides whether to allow access, depending on what parents have chosen to allow their children to see. The problem with this system is that it depends on owners of web sites voluntarily rating their own sites and so far not many sites are rated.

4.5.2.4. Walled gardens: Lists of websites that are suitable for young children are drawn up and then access is only allowed to a site which is on the list. This is the safest way to protect younger children.

4.5.3. Many of the filtering products are American. This means that the criteria for filtering can be very much influenced by American values, for example very strict about nudity, but

(2) Simon Wiesenthal Centre. See http://www.wiesenthal.com
(4) For results see www.net-consumers.org/erica/policy/tafilter.htm
not so strict about weapons or violence. Many of the filtering products work mainly in English. There can be a big difference in price between filtering products and the more expensive ones are not necessarily better.

4.5.4. Recently consumer organisations in Belgium, Spain, Italy and Portugal carried out tests into 18 filtering software packages currently on the market and their best-buy was a free download. In general, pornographic sites were found to be filtered out rather well. At the same time, the programmes did not generally filter out inoffensive sites, including those where the name could have caused confusion. On the other hand, weapons sites, violence, hate, racism, drugs or sects passed fairly easily through the filters. Another problem was that filters tested were in general not able to withstand attempts by cyber-savvy children to switch them off. Many of the programmes were also not very user-friendly.

4.5.5. Efforts in the new plan should therefore focus on telling consumers what is available (for example, simple advice on filtering should be available with computers at point of sale) and on making systems easier to use (in a range of languages) as well as more effective against violent content. The Committee also repeats its call for all content providers to label their sites e.g. with ICRA (the Internet Content Rating Association). As stated in its Opinion on cyber crime, the Committee believes that the definition of illegal content should be expanded to include hate and racist material and dangerous sites such as bomb-making/suicide.

4.5.6. The Committee believes that the ICRA system, which relies on sites to rate and label themselves will only reach the critical mass needed if governments and industry support it much more strongly. It is vital that this should happen.

4.6. Awareness raising

4.6.1. The Committee has actively supported the IAP’s efforts in this area, including through its Opinion on a programme of child protection on the Internet and its related hearing of industry and other interested parties. We offer to host one of the sessions of the new Safer Internet Forum. In addition, the Committee will use its network of Joint Consultative Committees with many of the candidate countries to inform them about this initiative. Policing cannot on its own solve the challenges of the Internet.

4.6.2. The Committee has often found that comparative pan-European statistics are lacking to provide the needed back-up to action plans and legislation. This area is no exception. The new awareness raising projects should be used to help generate statistics on the level of risk to children on-line. For example, the EU should have readily available comparative data on the number of internet related crimes against children. Data from hotlines only indicate the number of reports of on-line child pornography.

4.6.3. Industry should take an active part, for example posting safety messages especially at entrances to chat rooms, providing information on and downloads of effective filtering systems (1), promoting rating of sites and providing ‘notice and take down’ systems including for children. The example of the Irish code of conduct which provides that ‘customers may not use the ISP’s services to create, host or transmit any unlawful, libellous, abusive, offensive, vulgar or obscene material’ should be followed (2).

4.6.4. The Commission can maximise the impact of awareness raising messages by incorporating them in existing programmes such as E-Europe and E-learning and through decentralisation. IT training for parents and children should incorporate safety training. The schools have a key role to play.

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(1) Sample safety tips to print off and stick to the computer:
  ‘It’s a really bad idea to meet someone from the Internet — unless your parents go with you, in a public place.’
  ‘Remember, people can pretend on-line, no-one can see them.’
  ‘So do not give them personal stuff like your address, school name, photo or password either. They might be a freak!’
  ‘If you spot something really rude, or get someone bothering you on-line, it’s not your fault. Tell your parents.’

(2) Internet Service Providers of Ireland Code of Practice and Ethics, point 5.1.1, p. 11; available on www.iab.ie/Publications/Reports/d33.PDF.
4.7. International co-operation

4.7.1. The Committee supports the proposed programme of international co-operation. It recognises however that the US feels constrained to some extent by the first amendment in favour of ‘free speech’ whereas the EU is seeking to balance this with safety needs and human dignity. In the end, the EU is a big enough market to take action on its own and this is an important example where citizens are looking to the EU to protect them.

Brussels, 18 September 2002.

The President
of the Economic and Social Committee
Göke FRERICHES

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(COM(2002) 162 final/2 — 2002/0082 (COD))

(2003)C 61/07

On 6 May 2002, the Council decided to consult the Economic and Social Committee, under Article 175 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 2 September 2002. The rapporteur was Mr Morgan.

At its 393rd Plenary Session held on 18 and 19 September 2002 (meeting of 18 September) the Economic and Social Committee adopted the following opinion by 127 votes for, three against and one abstention.

1. Introduction


1.2. This proposal does not relate to the whole of EU energy policy but specifically to actions in the fields of energy efficiency and renewable energy. It deals only with the EC treaty and not with Euratom and it excludes consideration of research and development which will be covered by the 6th Framework Programme. Intelligent energy is about the improved use of energy (energy efficiency) and encouraging the use of renewable sources of energy.

1.3. The programme aims to complement and help implement the various legislative measures agreed by the Community in the fields of energy efficiency, renewable energy sources and transport. These include the Directive for the promotion of electricity produced from renewable energy sources in the internal market (Directive 2001/77/EC); proposal for a Directive on the promotion of the use of biofuels for transport (1); proposal for a Directive on the energy performance of buildings (2); proposal for a Directive on the promotion of co-generation based on a useful heat demand in the internal energy (3).

1.4. The programme is designed as the main Community instrument for non-technical support in the field of energy. This is a new programme but it also provides continuity for the actions under the Altener, SAVE and Synergy

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