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<u>COMMUNICATION FROM THE COMMISSION</u>

TO THE COUNCIL, THE EUROPEAN PARLIAMENT,
THE ECONOMIC AND SOCIAL COMMITTEE
AND THE COMMITTEE OF THE REGIONS

# Action Plan on promoting safe use of the Internet

Proposal for a

<u>COUNCIL DECISION</u>

**adopting a Multiannual Community Action Plan on promoting safe use of the Internet**

(presented by the Commission)

# Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions

## Action Plan on promoting safe use of the Internet

### 1. INTRODUCTION

Driven by its meteoric growth, the Internet is currently revolutionising a number of economic sectors. Simultaneously, the Internet has also become a powerful element in social, educational and cultural fields - empowering citizens and educators, lowering the barriers to the creation and the distribution of content, offering universal access to ever richer sources of digital information.

Reflecting these opportunities, the vast majority of Internet content is for purposes of information for totally legitimate business or private usage. However, the Internet also carries a limited amount of potentially harmful or illegal content or can be used as a vehicle for criminal activities. While the benefits of the Internet far outweigh its potential drawbacks, these aspects can not be ignored. They are pressing issues of public, political, commercial and legal interest. If left unanswered, they could become the object of strong resistance to Internet use, thus hampering a development which has the promise of extensive and varied benefits to all sectors of society. Reflecting those concerns, recent political discussions in the European Union have stressed the need for action and concrete solutions.

The Action Plan proposed in this communication is an important element to combat illegal and harmful content on the Internet. To be effective it will be closely co-ordinated with other initiatives in the area of illegal and harmful content. It builds a bridge to the growing co-operation between police and judicial authorities under the third pillar. More generally, it complements and reinforces the actions in the relevant domains, undertaken or in preparation in the Member States.

The Plan deals with illegal and harmful content. Illegal content is sometimes thought to be synonymous with child pornography. However, illegal content comprises more; it relates to a wide variety of issues:

- *national security* (instructions on bomb-making, illegal drug production, terrorist activities);
- *protection of minors* (abusive forms of marketing, violence, pornography);
- *protection of human dignity* (incitement to racial hatred or racial discrimination);
- *economic security* (fraud, instructions on pirating credit cards);
- *information security* (malicious hacking);
- *protection of privacy* (unauthorised communication of personal data, electronic harassment);
- *protection of reputation* (libel, unlawful comparative advertising);
- *intellectual property* (unauthorised distribution of copyrighted works, e.g. software or music).

Harmful content means both content which is allowed but whose distribution is restricted (adults only, for instance) and content which may offend certain users, although its publication is not restricted because of the principle of freedom of expression.

The intense activity of the European institutions in this area since 1996[1], the political direction given by the European Parliament[2] and the Council[3], the Ministerial Declaration resulting from the Bonn Conference and the developments in Member States show that Europe has in many respects been a pioneer in addressing the issues and proposing solutions based on industry self-regulation, filtering and rating, and increasing user confidence through awareness. The Commission aims to meet the challenges posed in two ways: through a proposal for a Council Recommendation on Protection of Minors and Human Dignity and through the present Action Plan, which is the result of the intensive consultations with all concerned carried out as part of this process.

The fight against illegal content needs industry co-operation in restricting circulation and a fully functioning system of self-regulation aiming at a high level of protection, which must go hand-in-hand with effective law-enforcement by the Member States and third countries. Harmful content needs to be treated differently from illegal content, and here industry also has a leading role to play in ensuring that users have available to them, and are aware of, the necessary tools.

The Commission has identified areas where concrete measures are needed and where Community resources should be made available in order to encourage an environment favourable to the development of the Internet industry:

• promotion of self-regulation and creation of content-monitoring schemes including an European network of hot-lines[4] to achieve a high level of protection (especially dealing with content such as child pornography, racism or antisemitism)

• demonstration and application of effective filtering services and compatible rating systems, which take account of cultural and linguistic diversity

• promotion of awareness actions directed at users, in particular children, parents and teachers, to allow them to use Internet resources provided by industry safely and with confidence.

To be effective these measures must be carried out in the framework of a multi-annual Action Plan for the following reasons:

• It gives a clear signal to industry and users in the EU that the way to achieve safe use of Internet is active co-operation between them with support from governments.

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[1]    see overview in annexe 2

[2]    European Parliament Resolution of 24 April 1997 on the Commission communication on illegal and harmful content on the Internet, European Parliament Resolution of 24 October 1997 on the Commission Green Paper on the protection of minors and human dignity in audiovisual and information services (COM(96) 483)

[3]    Resolution of the Council of the European Union and the Representatives of the Member States meeting within the Council OJ No. C70, 6.3.1997, p. 1 http://www.echo.lu/legal/en/internet/resol.html

[4]    A hot-line is a centre which allows users to report content which they come across in the course of their use of the Internet and which they consider to be illegal. Action will be taken according to the report. Reporting to a hot-line must be made easy to the user if the service is to be effective.

- It mobilises a European-wide process of co-operation and co-ordination to address these issues through concrete actions and projects.

- It offers a firm basis on which to plan both immediate actions and actions which will continue over a longer period.

- It includes a certain flexibility to deal with new challenges which can be expected in view of the speed of technological progress and market developments in the Internet.

- It ensures the continued involvement of the Member States in and the consultation of the European Parliament on the measures proposed.

## 2.    THE POLITICAL CONSENSUS FOR ACTION

In the past eighteen months, extensive work has been carried out, both at the level of the EU and in the Member States. In addition, various international fora have discussed and debated the issues raised. An overview of this work is contained in Annexe 2.

### 2.1.    The approach to be taken

The work already achieved within the EU, based on the Communication on illegal and harmful content and on the Green Paper on Protection of Minors and Human Dignity, has led to a broad agreement between European Parliament, Council and Member States on the approach to be taken. Illegal content must be distinguished from harmful content. The two categories require different measures to deal with them.

- **Illegal content** must be dealt with at source by law-enforcement agencies, and their activities are covered by the rules of national law and agreements of judicial co-operation. The industry can however give important help in reducing circulation of illegal content (especially dealing with content such as child pornography, racism and antisemitism) through properly-functioning systems of **self-regulation (such as codes of conduct and establishment of hot-lines)** in compliance with and supported by the legal system and with the support of consumers.

- In tackling **harmful** content, the priority actions should be **enabling users** to deal with harmful content through the development of technological solutions (**filtering and content rating systems),** to increase **parental awareness, and** to developing **self-regulation** which can provide an adequate framework, in particular for the protection of minors.

### 2.2.    Support from European Parliament, Council and European governments

Strong support has been expressed for this approach at the level of the European Parliament and of the Council and Member States, as well as in the wider European context of the Bonn declaration agreed to by Ministers from 29 European countries.

### 2.2.1. Self-regulation

The European Parliament has stated the need for self-regulation and urged Member States and the Commission to promote co-operation among industry (access and service providers), political decision-makers and users' associations.[5]

The Council requested Member States to encourage and facilitate self-regulatory systems including representative bodies for Internet service providers and users, effective codes of conduct and hot-line reporting mechanisms available to the public. The Commission was requested to foster co-ordination at Community level of self-regulatory and representative bodies and promote and facilitate the exchange of information on best practice in this area.[6]

In the Bonn Declaration, ministers stressed the role which the private sector can play in protecting the interests of consumers and in promoting and respecting ethical standards, through properly-functioning systems of self-regulation in compliance with and supported by the legal system.

### 2.2.2. Filtering and rating

The Parliament has recommended that filtering and screening devices should be extensively tested with participation of the European Union to establish their effectiveness, accessibility and cost.[7]

The Council encouraged the provision to users of filtering mechanisms and the setting up of rating systems and requested the Commission to foster research into technical issues, in particular filtering, rating, tracing and privacy-enhancing, taking into account Europe's cultural and linguistic diversity.

In the Bonn Declaration, ministers encouraged industry to implement open, platform-independent content rating systems, and to propose rating services which meet the needs of different users and take account of Europe's cultural and linguistic diversity.

### 2.2.3. Awareness

The Parliament called for the implementation of a European campaign and an information and awareness action programme, to be funded by the EU budget, to inform parents and all people dealing with children on the best way to protect minors against exposure to harmful content.[8]

The Internet Working Party, composed of representatives of Member States, industry and users, stated that awareness activities should be encouraged so that users understand the opportunities as well as the drawbacks of the Internet. Parents and educators, in particular, should be sufficiently informed so as to be able to take full advantage of parental control software and rating systems. Industry, self-regulatory bodies and user groups could collaborate in providing suitable material, including explanations, illustrations and animation. This should be made available on the Internet and

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[5]   European Parliament Resolution 24 April, recital P, points 23, 29, 35

[6]   Council Resolution 17 February 1997

[7]   EP resolution 24 October 1997, point 17

[8]   EP resolution 24 October 1997, point 23

to other media who should be encouraged to produce articles or programmes aimed at the target groups of parents, educators and young Internet users.

### 2.3. Initiatives by Member States

Practical steps taken recently by individual Member States in both areas are summarised in the second Working Party report. They cover *inter alia*: legislation, self-regulation, hot-line initiatives and technical solutions.

The report demonstrates clearly both that action is possible and that further action is still necessary, since some Member States have made considerable progress on the actions described, others are at a stage of discussions between those concerned and others have yet to begin.

For instance, at the closing date for the report (30 June 1997), it appears that hotlines had been set up in Austria, Belgium, the Netherlands and the UK. Since then, a hot line has been established in Germany. Self regulatory bodies are in existence in Belgium, Germany and the UK. Discussions are at an advanced stage in France, Greece and Italy, and working parties have been formed in Denmark, Finland, Ireland and Sweden.

The report also compared the situation in Member States with that in the US, which is now following a similar approach to that decided earlier by the EU. Following the Supreme Court ruling on the relevant parts of the Communications Decency Act, President Clinton and Vice-President Gore organised and participated in a meeting in July 1997 where industry leaders and associations agreed to take steps to promote filtering and rating and awareness actions. Implementation of these steps will be discussed at an important industry summit in early December 1997.

The report states further that **most Member States advocate an active and catalytic role of the Commission**, in view of the international character and the complexity of the challenges encountered. Such an active role should be **aimed at ensuring co-ordination and convergence of measures** between Member States, for instance with respect to the scope and content of codes of conduct drafted, **thereby avoiding distortion of competition and legal insecurity and stimulating co-operation in a number of areas**.

The report also stresses the need to actively support the demonstration and application of technical solutions like advanced rating and filtering systems and to alert and inform educators, parents and other users about the possibilities to combat harmful content.

Recognising the speed of developments and the novelty of any of the issues concerned, the report puts also emphasis on the need for cross-border co-operation, exchange of experience and development of best practices.

In the area of illegal content, closer co-operation between industry and law enforcement authorities is recommended.


## 3. THE ACTION PLAN

The proposed Action Plan is specifically aimed at actions where financial support from the Community is necessary.

It builds on the political consensus that has emerged in the past eighteen months and on the findings of the Internet Working Party. It aims to:

- incite the actors (industry, users) to develop and implement adequate systems of self regulation;

- pump prime developments by supporting demonstrations and stimulating application of technical solutions;

- alert and inform parents and teachers, in particular through their relevant associations;

- foster co-operation and exchange of experiences and best practices;

- promote co-ordination across Europe and between actors concerned;

- ensure compatibility between the approach taken in Europe and elsewhere.

The Commission has recently also adopted a proposal to the Council to adopt a **Council Recommendation on the Protection of Minors and Human Dignity.** It is important to stress that these two documents, while self-standing, are fully complementary, since the Recommendation is of a legal nature and aims to promote common guidelines for the implementation, at national level, of a framework for self-regulation to protect minors and human dignity in audiovisual and information services, and the Action Plan in providing financial support will provide impetus for market adoption.

The Action Plan will be implemented in close co-ordination with the proposed Council Recommendation and the promotion of common guidelines for the implementation, at national level, of a self-regulation framework for the protection of minors and human dignity in audiovisual and on-line information services.

The Action Plan is also complementary to other actions under way. Co-ordination will in particular be ensured with the INFO 2000 programme, whose awareness actions are aimed at industry both as a content provider and as a user of multimedia and information services, including but not limited to use of the Internet. Care will be taken to use the experience gained in the context of the action plan "Learning in the information society", which is specifically aimed at the use of Internet as an aid to teaching.

The Action Plan comprises four Action lines:

### 3.1.    Action line 1 - Creating a safe environment

The first Action line is designed to restrict the circulation of illegal and harmful content and to encourage the development of self-regulation by the industry aiming at a high level of protection and addressing questions of traceability.

To this end it foresees specific support for content-monitoring schemes such as a European network of hot-lines, the development of common approaches across Europe and the exchange and transfer of expertise and best practices, in particular to Member States where Internet developments are in the initial stages.

To encourage self-regulation by the industry and the development of codes of conduct, as also foreseen in the Council Recommendation on Protection of Minors and Human Dignity, common

guidelines will be established and their application encouraged. Steps will be taken for exchange of information, both electronically and by regular meetings, between self-regulatory bodies and industry on operation of codes of conduct and best practice, dealing with both the issues of illegal and harmful content, in full consultation with national authorities and representatives of users and consumers. Measures will be taken to carefully monitor progress.

### 3.2. Action line 2 - Developing of filtering and rating systems

Technical solutions to avoid harmful content reaching persons for whom it is not suitable or who do not wish to receive it, such as filtering and rating systems, are becoming gradually available. However, their level of sophistication is still low an they are not very suitable to deal with European cultural and linguistic diversity. Consequently, their uptake by European content providers and users remains low.

To demonstrate their potential and encourage active involvement of European content providers and users, a number of joint projects will be started, bringing together various players in the Internet industry (content providers, software industry, service providers), users such as parents and teachers and consumers' associations. The results of these projects will be widely disseminated and best practices for content providers and users elaborated. These projects will also be an important element in the awareness actions foreseen under Action line 3.

In view of the global character of the Internet it is important that European solutions are compatible with systems applied elsewhere. Co-ordination with international initiatives will need to take place

### 3.3. Action line 3 - Encouraging awareness actions

Awareness about the potential of the Internet and, particularly for certain target groups, its drawbacks, is in Europe still relatively low. Awareness actions to promote the safe use of the Internet and targeted to specific groups such as parents, teachers and children, can help overcome this, for instance by using multiplier organisations such as consumer bodies and other relevant associations. Awareness is also the necessary complement of action lines 1 and 2, since the actions of industry to implement self-regulation and filtering and rating will only bear fruit if users and potential users are aware of them.

The awareness actions are intended to stimulate use in the home and schools of Internet services provided by industry by reducing the cause for concern that may be felt by parents and teachers about the availability of illegal and harmful content. In conjunction with the other action lines, this will allow the industry to be able to function in a secure environment.

The awareness initiatives foreseen under this Action line will be carried out in two steps. The first step will prepare the ground. It will encompass identification of the most appropriate channels, the preparation of basic material, and adaptation to linguistic and cultural specificities etc. The second step will be implementation of large-scale awareness actions across Europe. The demonstration projects under Action line 2.1 will make an important contribution to the content of the awareness actions. Community action will act to prime the pump of national measures and provide for co-ordination and exchange of experience.

Actions foreseen under this Action line will be carried out in co-ordination with comparable initiatives underway or planned in some Member States. Where no initiatives have been started yet, the work can help define and initiate actions, through transfer of information and expertise.

## 3.4. Action line 4 - Support measures

Contrary to what sometimes is suggested, the Internet does not exist in a legal vacuum. However, its unique characteristics and in particular its global nature pose questions such as applicable law and liability for criminal offences. These issues are discussed and debated in many fora. Case law is being developed in many countries. These developments require close monitoring and continuous assessment. It must also be ensured that the European initiatives taken under the Action plan are adequately co-ordinated with similar initiatives elsewhere.

The measures foreseen under Action line 4 will address these issues, ensure coherence of the plan as a whole, and evaluate its impact.

## 4. CONCLUSION

Safe use of the Internet has been recognised by the Internet industry and by policymakers as a prerequisite to full development of its potential. The Action Plan, together with the proposal for a Council Recommendation on Protection of Minors and Human Dignity, will promote this safe use by encouraging a favourable environment for the Internet industry and by assisting this industry to take practical steps necessary to achieve this.

It is encouraging to see that the approach to promote safe use of the Internet, as proposed by the European Commission and supported in the Council and Parliament in the past year, has generated extensive interest in other parts of the world and is increasingly being followed internationally.

The Commission therefore submits the attached proposal for a Council Decision to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

| TITLE | DESCRIPTION | JUSTIFICATION | ACTORS * |
|---|---|---|---|
| **1. Creating a safe environment** | | | |
| 1.1 Create a European network of hot-lines | Call for proposals for participating organisations (20-25) to<br><br>• establish a European network of hot-lines, and links between this network and hotlines in third countries,<br><br>• develop common approaches<br><br>• stimulate transfer of know-how and best practice | restrict circulation of illegal material<br><br>improve co-operation between industry and law-enforcement authorities<br><br>ensure Europe-wide coverage and co-operation<br><br>increase effectiveness through exchange of information and experience | a) industry: access and service providers, telecoms operators, national hot-line operators<br><br>b) national law-enforcement authorities |
| 1.2 Encourage self-regulation and codes of conduct | Calls for tender to assist self-regulatory bodies to<br><br>• develop guidelines at European level for codes of conduct<br><br>• build consensus for their application<br><br>• support their implementation<br><br>• monitor progress<br><br>aiming at a high level of protection and addressing traceability | Council Recommendation on Protection of Minors and Human Dignity | a) industry: self-regulatory bodies, access and service providers<br><br>b) consumer associations<br><br>c) government |

* a) actors who will play the main role in launching the action  b) and c) actors who will be consulted or involved

| TITLE | DESCRIPTION | JUSTIFICATION | ACTORS * |
|---|---|---|---|
| **2 Developing filtering and rating systems** | | | |
| 2.1 Demonstrate potential of filtering and rating | • Call for proposals for projects to demonstrate: <br><br> – validation of rating systems in relation to European content providers <br><br> – integration of rating into the content creation process <br><br> – - benefits of these technical solutions <br><br><br> • Call for proposals for demonstration of third party rating systems <br><br><br> • Call for tender for evaluation of demonstration projects and dissemination of results | ensure that filtering and rating is implemented and provides workable options in practice for users, parents and teachers <br><br> practical application of filtering and rating by European content providers and users has not yet reached critical mass <br><br> stimulate use of rating by content providers <br><br><br> need to meet specific requirements of business, institutional or educational users or end users <br><br> complements self-rating by content providers <br><br><br> assess impact of demonstration projects and ensure European-wide dissemination of results | a) software houses, content providers, access providers, <br><br> b) specialists in child protection, consumer issues, civil liberties <br><br><br> c) WWW standards bodies |
| 2.2 Facilitate international agreement on rating systems | • Concertation meetings | ensure co-ordinated European input to international accords on protocols and interoperable labelling systems <br><br> ensure that rating systems take into account European specificities | |

* a) actors who will play the main role in launching the action  b) and c) actors who will be consulted or involved

| TITLE | DESCRIPTION | JUSTIFICATION | ACTORS * |
|---|---|---|---|
| **3. Encouraging awareness actions** | | | |
| 3.1 Prepare the ground for awareness actions | • Call for proposals to select appropriate organisations for a preparatory action that will<br>– identify multiplier bodies and most appropriate channels, media and content to reach the target audience<br>– prepare basic material<br>– adapt it for linguistic and cultural specificities<br>– take account of results of demonstration projects**<br>– prepare implementation plan | Awareness is the necessary complement of action lines 1 and 2, since the actions of industry to implement self-regulation and filtering and rating will only bear fruit if users and potential users are aware of them<br><br>the need for awareness action was stressed particularly by the European Parliament<br><br>preparatory actions are needed to ensure that full-scale actions are based on in-depth understanding of requirements. | |
| 3.2 Encourage implementation of full-scale awareness actions | • Call for proposals to select multiplier bodies for follow-up action in all Member States<br>– organise seminars and workshops and distribute information packs for teachers<br>– assist in implementing large-scale awareness actions (create Web sites, distribute material, publicity campaigns, information packs for journalists)<br>– organise co-operation and exchange of experience | awareness actions contribute to trust and confidence of parents and teachers in safe use of the Internet by children<br><br>parents, teachers and children need to be made aware of potential of Internet and its drawbacks<br><br>European action will create a framework for synergy with action at level of Member States<br><br>European action will strengthen initiatives in Member States through exchange of information and experience | a) target audience: parents, teachers<br><br>b) industry : Internet service providers, content providers<br><br>c) multipliers e.g. consumer associations, education bodies |

* a) actors who will play the main role in launching the action  b) and c) actors who will be consulted or involved

** demonstration projects under action line 2.1 will make an important contribution to the content of awareness actions

| TITLE | DESCRIPTION | JUSTIFICATION |
|---|---|---|
| **4. Support actions** | | |
| 4.1 Assess legal implications | • Call for tenders for an assessment of legal questions raised by the content or the use of Internet | consider legal questions not dealt with by other Community initiatives including questions of applicable law and procedure. |
| 4.2 Co-ordinate with similar international initiatives | • Concertation meetings<br><br>• International conference | ensure coherence between European action and similar initiatives in other parts of the world |
| 4.3 Evaluate impact of Community measures | • Call for tenders to evaluate impact of the Action Plan and the Recommendation | evaluate whether the objectives of the Action Plan and the Recommendation have been achieved and, if not, identify possible further measures which could be taken by industry, Community institutions, Member States or consumer representatives |

# 1. WORK ALREADY CARRIED OUT AND UNDER WAY IN THE EU

## 1.1. Illegal and harmful content on the Internet

### 1.1.1. Commission Communication on illegal and harmful content on the Internet

The Communication[9] (COM(96) 487 final) was adopted on 16 October 1996. It has been debated by the European Parliament and the Committee of the Regions, who have adopted reports. It sets out proposals from the Commission for immediate action to deal with harmful and illegal content.

### 1.1.2. Working Party on illegal and harmful content on the Internet

The Telecommunications Council of 27 September 1996 agreed to extend the working party established previously to include representatives of the Ministers of Telecommunications as well as access and service providers, content industries and users. The Council requested the Working Party to present concrete proposals for possible measures to combat the illegal use of Internet or similar networks. The first report[10] was submitted to the Council held on 28 November 1996.

The report follows the proposals made in the Communication and elaborates on a number of issues such as self-regulation and liability.

A second report[11], submitted to the Council held on 27 June 1997, sets out the progress made in the Member States on measures to deal with illegal and harmful content and summarises activities since then in the EU institutions.

### 1.1.3. Council Resolution on illegal and harmful content on the Internet.

This resolution[12] was adopted on 17 February 1997. The Council welcomed the report of the Commission Working Party on illegal and harmful content on the Internet. They invited the Member States to commence with the following measures:

– Encourage and facilitate self-regulatory systems including representative bodies for Internet service providers and users, effective codes of conduct and possibly hot-line reporting mechanisms available to the public;

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[9] Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions COM(96) 487 http://www.echo.lu/legal/en/internet/communic.html

[10] http://www.echo.lu/legal/en/internet/wpen.html

[11] Interim report on Initiatives in EU Member States with respect to Combating Illegal and Harmful Content on the Internet http://www.echo.lu/legal/en/internet/wp2en-toc.html

[12] Resolution of the Council of the European Union and the Representatives of the Member States meeting within the Council OJ No. C70, 6.3.1997, p. 1 http://www.echo.lu/legal/en/internet/resol.html

- Encourage the provision to users of filtering mechanisms and the setting up of rating systems for instance the PICS (Platform for Internet Content Selection) standard launched by the international World-Wide-Web consortium with EC support should be promoted;

- Participate actively in the International Ministerial Conference to be hosted by Germany and encourage attendance by representatives of the actors concerned;

They requested the Commission, as far as Community competencies are concerned, to:

- Ensure the follow-up and the coherence of work on the measures suggested in the above-mentioned report, taking into account other relevant work in this field and to reconvene the Working Party as necessary to monitor progress and take further initiatives if appropriate;

- Foster co-ordination at Community level of self-regulatory and representative bodies;

- Promote and facilitate the exchange of information on best practice in this area;

- Foster research into technical issues, in particular filtering, rating, tracing and privacy-enhancing technologies, taking into account Europe's cultural and linguistic diversity;

- Consider further the question of legal liability for Internet content.

They recommended that the Commission, in the framework of Community competencies, and Member States take all necessary steps to enhance the effectiveness of the measures referred to in this Resolution through international co-operation building on the results of the International Ministerial Conference and in discussions in other international fora.

### 1.1.4. European Parliament resolution on illegal and harmful content on the Internet.

On 24 April 1997, the European Parliament adopted a Resolution on the Commission Communication on illegal and harmful content on the Internet, based on a report[13] by Mr Pierre Pradier. The Resolution contains a list of desiderata addressed to the Council, the Commission and the Member States.

With respect to illegal content, the Resolution inter alia calls on the Member States to define a minimum number of common rules in their criminal law and to strengthen administrative co-operation on the basis of joint guidelines and calls on the Commission to propose, after consulting the European Parliament, a common framework for self-regulation at EU level.

This framework should include:

I.      objectives to be achieved in terms of the protection of minors and human dignity,

II.     principles governing the representation of the industries concerned at EU level and the decision-making procedures,

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[13]   http://www.europarl.eu.int/dg1/a4/en/a4-97/a4-0098.htm

III.     measures to encourage the enterprises and industries involved in telematic networks to develop message protection and filtering software, which should be made available automatically to subscribers, and

IV.      appropriate arrangements for ensuring that all instances of child pornography uncovered on computer networks are reported to the police and shared with Europol and Interpol.

Furthermore, the Resolution stresses the need for international co-operation between the EU and its main external partners, on the basis of conventions or via the application of new international legal instruments and it calls upon the Commission to submit proposals for a common regulation of liability for Internet content. Finally, it urges the Member States and Commission to promote co-operation among Internet access providers, in order to encourage self-regulation.

With respect to harmful content the Resolution calls on the Commission and the Member States to encourage the development of a common international rating system compatible with the PICS protocol, and sufficiently flexible to accommodate cultural differences, which will benefit both users and content publishers.

### 1.1.5.   Rolling Action Plan on the Information Society

The Rolling Action Plan on the Information Society adopted in December 1996 included a reference to an Internet action plan.

"The Communication on illegal and harmful content ... indicates a number of policy options to combat this type of content on the Internet. The action plan ... will indicate the range of measures necessary to implement these policy options, the means to do this and the actors responsible. It will elaborate the measures necessary to ensure a coherent set of actions at the EU level and will especially address the question of liability for access and service providers."

## 1.2.    OTHER COMMISSION ACTIVITIES

The Action Plan takes into account the following activities which are also relevant to the issue of illegal and harmful content.

### 1.2.1.   Green Paper on the Protection of Minors

The *Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services*[14] (COM(96) 483 final) was adopted by the European Commission on October 16th, 1996, together with the *Communication on Illegal and Harmful Content on the Internet*. The Green Paper has provided all those involved in the audiovisual and information sectors of Europe and beyond with a springboard for reflection and debate. Its scope is the much needed adaptation of regulatory frameworks and attitudes in the context of the emergence of new audiovisual and information services across the spectrum from television to the Internet with a specific focus on "the protection of minors and human dignity". The Communication, on the other hand, whilst concentrating on the Internet has a broader scope in terms of tackling "illegal and harmful content". The two instruments thus complement each other in that they address a number of issues in different ways.

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[14]   COM(96) 483 http://europa.eu.int/en/record/green/gp9610/protec.htm

The Council of Ministers, on 16 December 1996, welcomed the Green Paper and requested the Commission to further its work. The results of the consultation were presented at the Audiovisual/Culture Council on 30 June 1997. The Green Paper has been debated by the other Union institutions (the European Parliament, the Economic and Social Committee, the Committee of the Regions). The report drafted by Mr Philip Whitehead was adopted by the European Parliament on 24 October 1997.

The **results of the consultation**[15] on the Green Paper, which displayed a broad measure of agreement with the Commission's approach, were presented to the Council on 30 June 1997. This led to a Commission Communication[16] on the follow-up of the Green Paper including a proposal for a Council Recommendation. The draft Recommendation includes a co-ordination of national initiatives through the adoption of common principles for conduct, orientations and objectives for action by Member States, industries and parties concerned

### 1.2.2. International Ministerial Conference, Bonn

The International Ministerial Conference entitled "Global Information Networks: Realising the Potential" was held in Bonn on 6-8 July 1997. The Conference was hosted by the Federal Republic of Germany and organised in co-operation with the European Commission. Ministers from 29 European countries took part (European Union, EFTA, Central and Eastern European countries and Cyprus), as did government representatives from the USA, Canada, Japan and Russia as guests, businesses which are global players (content providers, access and service providers, network providers, equipment manufacturers), representatives of users and as observers, representatives from European Union institutions or organs and from other European and International organisations.

The Conference was concluded by three Declarations: by European Ministers, by industry and by users.[17]

In the Ministerial declaration, ministers stressed the role which the private sector can play in protecting the interests of consumers and in promoting and respecting ethical standards, through properly-functioning systems of self-regulation in compliance with and supported by the legal system.

Ministers encouraged industry to implement open, platform-independent content rating systems, and to propose rating services which meet the needs of different users and take account of Europe's cultural and linguistic diversity. They noted that the EU Council Resolution of 17 February 1997 on illegal and harmful content on the Internet strongly supports such an approach.

### 1.2.3. Activities in the field of Justice and Home Affairs

In the context of the structures of the Justice and Home Affairs Council a reflection exercise on the Internet issue is taking place. This aims at developing practical co-operation among the law

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[15] http://www2.echo.lu/legal/en/internet/gpconsult.html

[16] COM(97) 570 final du 18.11.1997

[17] http://www2.echo.lu/bonn/final.html

enforcement authorities concerning Internet related activities. Specific working groups are in particular looking into the question of the lawful interception of Internet telecommunications. Hence, work is being carried on with a view to investigating any measures which can be considered in the context of cooperation in the field of Justice and Home Affairs comprising both the police and mutual judicial assistance in criminal matters involved in the use of the Internet.

The P8 Senior Level group on transnational organised crime (Lyon group) has started work to develop legal and technical mechanisms that allow for timely international law enforcement response to computer-related crimes i.e. to enhance abilities to locate, identify and prosecute criminals; co-operate with and assist one another in the collection of evidence; and commit resources to training law enforcement personnel to fight high-tech and computer related crime.

The Commission is involved in the implementation of the **Action Plan to combat organised crime** endorsed by the European Council in Amsterdam[18] and which includes a recommendation to combat the criminal use of new technologies and means of communication and another inviting the Commission and the Council to address the issue of fraud and counterfeiting relating to all payment instruments including electronic payment instruments.

The Commission is also participating in work under way in the Council of Europe Committee of Experts on Crime in Cyber-Space which was assigned the task of examining problems of criminal procedural law connected with information technology and look into the possibilities of drawing up a binding legal instrument with particular emphasis on questions of international co-operation in the investigation of cyber-space offences.

### 1.2.4. Activities in the field of education

The Commission adopted the action plan "Learning in the information society, 1996-1998" on October 2, 1996. The plan aims at reinforcing the impetus of the activities at national and local level to connect schools to communication networks, train instructors and develop products which meet pedagogical needs. It contributes to mobilise a large number of users more rapidly, reinforce the European dimension in education and create a genuine European educational multimedia market.

The Commission services are also participating in the expert group on "Misuse of International Data Networks" which was established by the Ministers and Advisors of Science of the G7 States and Russia (Carnegie Group) in 1996. The expert group's mandate is to suggest recommendations at international level, especially in the field of education and research, to combat illegal and harmful activities on the Internet.

### 1.2.5. Study on Liability

The European Commission has published a call for tenders for a study on legal liability systems in Member States regarding Information Society services. The study will draw up an inventory of laws, regulations, administrative practices and forms of self-regulation which are in existence or in preparation in the Member States, and which establish forms of legal liability applicable to operators

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[18] http://ue.eu.int/amsterdam/en/conclusions/freedom/main.htm

and users of Information Society services, including copyright and neighbouring rights. First results are expected at the beginning of 1998.

### 1.2.6. Digital signatures and encryption

On 8 October 1997, the Commission adopted a Communication "Ensuring security and trust in electronic communication - Towards a European Framework for Digital Signatures and Encryption."[19]

In order to make good use of the commercial opportunities offered by electronic communication via open networks, a more secure environment needs to be established. Cryptographic technologies are widely recognised as essential tools for security and trust on open networks. Two important applications of cryptography are digital signatures and encryption. The main objectives of this Communication are to develop a European policy in particular with a view to establishing a common framework for digital signatures, ensuring the functioning of the Internal Market for cryptographic services and products, stimulating a European industry for cryptographic services and products and stimulating and enabling users in all economical sectors to benefit from the opportunities of the global information society.

## 2. INTERNATIONAL ACTIVITY

### 2.1. OECD

At its 31st session on 27-28 February 1997 the ICCP Committee agreed to undertake a study aimed at reviewing the existing legislation and practices in Member countries concerning the Internet and gathering the views of the different actors involved, based on proposals by the French and Belgian Delegations. The Secretariat Report presenting the results of the study will be submitted to the Committee at its 32nd session in October 1997. An Ad hoc Meeting was held on 1-2 July 1997 to discuss a first draft of the Report. A second ad hoc meeting will be held on 22 October 1997. The Report will focus on content issues related to the Internet; it will be presented as a fact-finding study which includes an inventory of national approaches, private sector initiatives, and other international efforts in this field, with emphasis on defining and describing terminology and main concepts. A short supplementary paper on "issues and options for future work" will be presented to the ICCP Committee for discussion of follow-up work in this area.

### 2.2. United States

In June 1997 the US Supreme Court struck down provisions of the Communications Decency Act which made it an offence to distribute indecent content which a minor might be able to access, since this would interfere with the constitutionally protected right of free speech, although it upheld the provisions relating to obscene content[20]. On 16 July, President Clinton and Vice President Gore

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[19] COM (97) 503 Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions http://www.ispo.cec.be/eif/policy/97503exec.html

[20] http://www.aclu.org/court/renovacludec.html

announced a strategy for making the Internet "family friendly"[21]. This strategy is designed to give parents and teachers the tools they need to prevent children from getting access to inappropriate material on the Internet, and to guide them towards high-quality educational resources. Industry leaders and associations agreed to take steps to promote filtering and rating and awareness actions.

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[21] http://www.whitehouse.gov/WH/New/Ratings/

# PROPOSAL FOR A COUNCIL DECISION

## of .....

### adopting a Multiannual Community Action Plan on promoting safe use of the Internet

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130(3) thereof,

Having regard to the proposal from the Commission, [22]

Having regard to the Opinion of the European Parliament,[23]

Having regard to the Opinion of the Economic and Social Committee,[24]

Having regard to the Opinion of the Committee of the Regions,[25]

(1) Whereas the Internet by developing into an industry offering services to the general public offers positive benefits in particular in education, by empowering citizens, lowering the barriers to the creation and distribution of content and offering wide access to even richer sources of digital information, as recognised by the Council and the Representatives of the Governments of the Member States, meeting within the Council on 17 February 1997[26];

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can seriously hamper the development of the emerging Internet industry and thus, adversely affect the set-up of the necessary favourable environment for initiatives and undertakings to flourish;

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet in particular for offences against children;[27]

(4) Whereas promotion of industry self-regulation and content-monitoring schemes, development of filtering tools and rating mechanisms provided by the industry and increased awareness of industry services as well as fostered international co-operation between all parties concerned will play a crucial role in consolidating that safe environment and will contribute to remove obstacles to the development and competitiveness of the concerned industry;

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[22]

[23]

[24]

[25]

[26]  OJ No C 70, 6. 3. 1997, p. 1.

[27]  Ibid.

(5) Whereas the Council of Ministers requested the Commission on 24 April 1996 to produce a summary of problems posed by the rapid development of Internet, and to assess, in particular, the desirability of Community or international regulation;

(6) Whereas the Council requested a Working Party composed of all interested parties (Ministers of Telecommunications, access and service providers, content industries and users) to present concrete proposals for possible measures to combat illegal use of Internet or similar networks;

(7) Whereas this Working Party submitted its first report to the Council of 28 November 1996; whereas a second report, submitted to the Council of 27 June 1997, sets out the progress achieved in the Member States on measures to deal with illegal and harmful content and summarises activities since then in the EU institutions;

(8) Whereas the Council and the Ministers for education within the Council in their meeting of 20 December 1996 adopted a declaration on protection of children and countering paedophilia;

(9) Whereas the Commission submitted to the Dublin European Council in December 1996 an updated version of the 'Europe's way to the information society' action plan in order to clarify the coherence of the various steps undertaken;

(10) Whereas the Commission transmitted on 23 October 1996[28] a communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on illegal and harmful content on the Internet, and a Green Paper on the protection of minors and human dignity in audio-visual and information services[29];

(11) Whereas the Council and the Representatives of the Governments of the Member States, meeting with the Council in their Resolution of 17 February 1997 welcomed the report of the Commission working party on illegal and harmful content on the Internet and requested Member States and the Commission to undertake a number of actions;

(12) Whereas the European Parliament in its Resolution of 24 April 1997 called on the Member States to define a minimum number of common rules in their criminal law and to strengthen administrative co-operation on the basis of joint guidelines and called on the Commission to propose, after consulting the Parliament, a common framework for self-regulation at EU-level and to submit proposals for a common regulation of liability for Internet content;

(13) Whereas in the Ministerial declaration adopted during the International Ministerial Conference entitled "Global Information Networks: Realising the Potential", held in Bonn on 6-8 July 1997 at the initiative of the German Government, Ministers stressed the role which the private sector can play in protecting the interests of consumers and in promoting and respecting ethical standards, through properly-functioning systems of self-regulation in compliance with and supported by the legal system ; whereas they encouraged industry to implement open, platform-independent content rating systems, and to propose rating services which meet the needs of different users and take account of Europe's cultural and linguistic diversity; whereas Ministers further recognised that it is

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[28] COM (96) 487 final

[29] COM(96) 483 final

crucial to build trust and confidence in Global Information Networks by ensuring that basic human rights are respected and by safeguarding the interests of society in general, including producers and consumers;

(14) Whereas the Council adopted on ...... a Recommendation concerning the protection of minors and human dignity in audiovisual and information services, whereas this Action Plan will be implemented in close co-ordination with the Council Recommendation;

(15) Whereas special attention continue to be paid by the Commission and Member States to co-ordination of the efforts of groups working in all the relevant fields;

(16) Whereas co-operation from the industry and a full functioning system of self-regulation are essential to limiting the flow of illegal content on the Internet;

(17) Whereas, to this effect, industry self-regulatory systems including representative bodies for Internet service providers, consumers and users, and effective codes of conduct should be encouraged and possibly hot-line reporting mechanisms available to the public should be established; whereas European co-ordination of representative and self-regulating bodies is essential for the Europe wide effectiveness of such systems;

(18) Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it; whereas it is inevitable to this effect to have at least common European, if not global standards, given that the Internet is by its nature cross-national, as underlined by the Ministerial declaration adopted during the Bonn Conference (par. 41 et seq.);

(19) Whereas, as emphasised by the Bonn Declaration (par. 55 et seq.), it is necessary to promote on a European level the provision to users of filtering mechanisms and the setting up of rating systems, for example the PICS (platform for Internet content selection) standard launched by the international World-Wide-Web consortium with Community support;

(20) Whereas awareness activities should be encouraged so that users understand the opportunities as well as the drawbacks of the Internet in order to increase use of services provided by industry; whereas parents, educators and consumers, in particular, should be sufficiently informed so as to be able to take full advantage of parental control software and rating systems;

(21) Whereas it is essential to engage in international co-operation activities with international organisations and third countries for the purpose of implementing this action plan and extending its reach beyond the European Union, given the global character of the problems encountered in the Internet, requiring global solutions;

(22) Whereas supporting the creation of industry self-regulation mechanisms and the provision to users of filtering mechanisms and the setting up of rating systems encourage an environment favourable to initiative and foster the development of undertakings throughout the Community; whereas increasing user awareness fosters better exploitation of the potential of the industrial potential of policies of innovation, research and technological development with regard to the Internet and similar global networks;

(23) Whereas any content policy actions must be complementary to other ongoing national and Community initiatives, as outlined notably in the Commission's action plan "Europe's way to the

information society: an action plan", and shall be performed in synergy with other Community activities in the field such as the INFO 2000 programme[30], with Community research programmes (programmes concerned with advanced technology, technology, advanced communications services and telematics) and with Community education training, cultural and SME actions and initiatives, and with the Structural Funds;

(24) Whereas the activities under this Action Plan take account of the work accomplished in the field of Justice and Home Affairs;

(25) Whereas the action plan "Learning in the information society" adopted by the Commission[31] on October 2, 1996 is intended to promote the widespread use of electronic networks in schools;

(26) Whereas progress of this Action Plan should be continuously and systematically monitored with a view to adapting it, where appropriate, to developments in the audiovisual and multimedia content market; whereas in due course there should be an independent assessment of the progress of the Action Plan so as to provide the background information needed in order to determine the objectives for subsequent content policy actions; whereas at the end of this Action Plan there should be a final assessment of results obtained compared with the objectives set out in this Decision;

(27) Whereas, in conformity with the principle of subsidiarity as expressed in Art. 3 B of the Treaty, the objectives of the envisaged actions cannot be sufficiently achieved by the Member States due to the transnational character of the issues at stake and can, therefore, by reason of the paneuropean effects of the action be better achieved by the Community;

(28) Whereas it is necessary to fix the duration of the Action Plan,

HAS ADOPTED THIS DECISION:

## Article 1

1.      The Multiannual Community Action Plan on promoting safe use of the Internet ("The Action Plan"), as described in Annex I to this decision, is adopted.

2.      The Action Plan shall cover a period of four years from 1 January 1998 to 31 December 2001.

## Article 2

The Action Plan has the objective of encouraging an environment favourable to the development of the Internet industry by promoting safe use of the Internet.

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[30]  Council decision of 20 May 1996 adopting a multiannual Community programme to stimulate the development of a European content industry and to encourage the use of multimedia content in the emerging information society, OJ No L 129, 30 May 1996, p. 24).

[31]  COM(96) 471

# Article 3

In order to attain the objective referred to in Article 2, the following actions shall be undertaken under the guidance of the Commission, in accordance with the action lines set out in Annex I and the means for implementing the Action Plan set out in Annex III:

- promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, racism and antisemitism)

- encouraging industry to provide filtering tools and rating mechanisms, which allow parents or teachers to select content appropriate for children in their care while allowing adults to decide what legal content they wish to access, and take account of linguistic and cultural diversity;

- increasing awareness of services provided by industry among users, in particular of parents, teachers and children, so that they can better understand and take advantage of the opportunities of the Internet;

- support actions such as assessment of legal implications;

- activities fostering international co-operation in the areas enumerated above

- other actions furthering the objective set out in Article 2.

# Article 4

1. The Commission shall be responsible for the implementation of the Action Plan.

2. The procedure laid down in Article 5 shall apply to:

- the work programme,

- the breakdown of the budgetary expenditure,

- the criteria and content of calls for proposals,

- the measures for programme evaluation,

- any departure from the rules set out in Annex III,

- participation in any project by legal entities from third countries and international organisations.

# Article 5

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The Commission representative shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.

3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

## Article 6

1. In order to ensure that Community aid is used efficiently, the Commission shall ensure that actions under this Decision are subject to effective prior appraisal, monitoring and subsequent evaluation.

2. During implementation of projects and after their completion the Commission shall evaluate the manner in which they have been carried out and the impact of their implementation in order to assess whether the original objectives have been achieved.

3. The selected beneficiaries shall submit an annual report to the Commission.

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Article 2. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the action plan.

## Article 7

Participation in this Action Plan may be open, in accordance with the procedure laid down in Article 5, to legal entities established in the EFTA countries which are member of the EEA and to European International Organisations. Participation may be opened, in accordance with the procedure laid down in Article 5, and, as a general rule, without financial support by the Community from this Action Plan, to legal entities established in non-EEA third countries and to non-European international organisations, where such participation contributes effectively to the implementation of the Action Plan and taking into account the principle of mutual benefit.

## Article 8

This Decision is addressed to the Member States.

Done at ...,

For the Council

The President

## ANNEX I : ACTION LINES - ACTION PLAN ON PROMOTING SAFE USE OF THE INTERNET

The action lines, in conjunction with the proposal for a Council Recommendation on Protection of Minors and Human Dignity, are a means of implementing a European approach to safe use of Internet, based on industry self-regulation, filtering and rating and awareness. Strong support has been expressed for this approach at the level of the European Parliament and of the Council and Member States, as well as in the wider European context of the Bonn declaration agreed to by Ministers from 29 European countries.

The action lines have the following objectives:

- incite the actors (industry, users) to develop and implement adequate systems of self regulation;

- pump prime developments by supporting demonstrations and stimulating application of technical solutions ;

- alert and inform parents and teachers, in particular through their relevant associations;

- foster co-operation and exchange of experiences and best practices;

- promote co-ordination across Europe and between actors concerned;

- ensure compatibility between the approach taken in Europe and elsewhere.


## 1. CREATING A SAFE ENVIRONMENT

Co-operation from the industry and a fully functioning system of self-regulation are essential elements in limiting the flow of illegal content on the Internet.

### 1.1 Create a European network of hot-lines

An effective way to restrict circulation of illegal material is to set up a European network of centres (known as hot lines) which allow users to report content which they come across in the course of their use of the Internet and which they consider to be illegal. Responsibility for prosecuting and punishing those responsible for illegal content remains with the national law-enforcement authorities, while the hot line aims at restricting circulation of illegal material. Differences in national legal systems and culture must also be respected.

So far, hot lines exist only in a limited number of Member States. Their creation needs to be stimulated so that there are hot lines operating covering the EU both geographically and linguistically. Mechanisms for exchange of information between the national hotlines, and between the European network and hotlines in third countries need to be put in place.

In order for this network to develop its full potential, it is necessary to improve co-operation between industry and law-enforcement authorities, ensure Europe-wide coverage and co-operation, and increase effectiveness through exchange of information and experience.

This action will take the form of a call for proposals for participating organisations (20-25) to establish a European network of hot-lines, and links between this network and hotlines in third countries, develop common approaches and stimulate transfer of know-how and best practice.

The participating organisations will be supported by a cross-section of industry actors (access and service providers, telecoms operators, national hot-line operators). They will have to demonstrate a forward-looking and innovative approach, in particular in their relationship with national law-enforcement authorities

## 1.2 Encourage self-regulation and codes of conduct

For the industry to contribute effectively to restricting the flow of illegal and harmful content, it is also important to encourage enterprises to develop a self-regulatory framework through co-operation between them and the other parties concerned. The self-regulatory mechanism should provide a high level of protection and address questions of traceability

In view of the transnational nature of communications networks, the effectiveness self-regulation measures will be strengthened, at European Union level, by co-ordination of national initiatives and of the bodies responsible for their implementation.

Under this action line, it is foreseen to develop guidelines at European level for codes of conduct, to build consensus for their application, and support their implementation. This action will be carried out through a call for tender to select organisations that can assist self-regulatory bodies to develop and implement codes of conduct. Measures will be taken to carefully monitor progress. This will be done in close co-ordination with the promotion of common guidelines for the implementation, at national level, of a self-regulation framework as advocated by the Council Recommendation on Protection of Minors and Human Dignity.

## 2. DEVELOPING FILTERING AND RATING SYSTEMS

To promote safe use of the Internet, it is important is to make content easier to identify. This can be done through a rating system which describe the content in accordance with a generally recognised scheme (for instance where items such as sex or violence are rated on a scale) and by filtering systems which empower the user to select the content he/she wishes to receive. Ratings may be attached by the content provider, or provided by a third party rating service. There are a number of filtering and rating schemes which are possible. However, their level of sophistication is still low and none have yet reached the "critical mass" where users can be sure that content in which they are interested and content which they wish to avoid will be rated appropriately and that perfectly innocuous content will not be blocked. Uptake of rating systems by European content providers and users remains low.

The measures under this action line will focus on demonstrating the potential and the limitations of filtering and rating systems in a real world environment, with the objective of encouraging establishment of European systems and familiarising users with their use. Filtering and rating schemes must be internationally compatible and interoperable and developed with full co-operation of representatives of industry, consumers and users.

## 2.1 Demonstrate benefits of filtering and rating

Rating systems will be stimulated which are relevant to European requirements and which ensure that filtering and rating is implemented in a way which provides workable options in practice for users, parents and teachers. In order to build critical mass, a wide coverage of sites should be obtained. Action will therefore be taken to stimulate use of rating by content providers. Rating carried out by independent third parties ensures a standard approach to content rating and deals with cases where the content provider fails to rate properly. There is a need to meet specific requirements of business, institutional or educational users as well as those of end users not met by the content provider's rating system.

Following a call for proposals, projects will be selected to validate rating systems in relation to European content, to encourage integration of rating into the content creation process and to demonstrate benefits of these technical solutions. Emphasis will be placed on usefulness and practicality in "real-world" situations involving a large cross-section of typical users.

A second call for proposals will particularly target the validation and demonstration of third party rating systems .

In order to obtain maximum benefit from the demonstration projects, it is necessary to assess their impact and to ensure European-wide dissemination of their results. Evaluation of the demonstration projects and dissemination of their results will be the subject of a call for tenders.

The demonstration projects under this Action line can make an important contribution to the awareness actions to be carried out under Action line 3.

The demonstration projects will involve industry: self-regulatory bodies, industry (access and service providers, content providers, network operators, software houses) user, consumer and citizens rights groups and government bodies involved in industry regulation and law-enforcement.

## 2.2 Facilitate international agreement on rating systems

International co-operation between operators and other concerned parties in the European Union and their partners in other regions of the world is particularly necessary in the field of rating, in order to ensure interoperability.

Work is already under way in a number of bodies dealing with protocols and with the design of a rating system to deal with the various requirements. It is essential that Europe's voice be heard in international discussions, and concertation meetings will be organised to ensure this.

## 3. ENCOURAGING AWARENESS ACTIONS

The public is increasingly engaging in Internet activity, reaping the benefits of the new services. At the same time there is a degree of uncertainty as to how to deal with every aspect of network communication; parents, teachers and children need to be made aware of potential of Internet and its drawbacks and do not always have sufficient knowledge about means to protect children from undesirable content. Awareness actions contribute to trust and confidence of parents and teachers in safe use of the Internet by children.

Awareness is also the necessary complement of action lines 1 and 2, since the actions of industry to implement self-regulation and filtering and rating will only bear fruit if users and potential users are aware of them.

The European Parliament has called for the implementation of a European campaign and an information and awareness action programme, to be funded by the EU budget, to inform parents and all people dealing with children (teachers, social workers, etc.) on the best way (including technical aspects) to protect minors against exposure to content that could be harmful to their development, so as to ensure their well-being.

European action will create a framework for synergy with action at level of Member States, and will strengthen initiatives in Member States through exchange of information and experience. The Action Plan will initiate awareness actions that will build on the dissemination of information from access providers to customers and develop material for use in educational institutions.

Electronic distribution of material should be supplemented by more widespread traditional packages for use in schools and libraries. The awareness initiatives will take advantage of the awareness actions carried out under other programmes, in particular the MIDAS-NET established under INFO 2000.

This action will be carried out in two stages. In the first stage the best means of achieving the objectives will be identified and in the second stage multiplier organisations in the Member States - such as consumer bodies and other relevant associations - will be assisted to implement actions nationally.

### 3.1 Prepare the ground for awareness actions

In the first phase a call for proposals will be launched for a preparatory action will identify multiplier organisations and most appropriate channels, media and content to reach the target audience, prepare basic material, adapt it for linguistic and cultural specificities and take account of results of demonstration projects under action line 2.1, which will make an important contribution to the content of awareness actions. An implementation plan will be prepared.

The target audience are parents, teachers and the action will involve industry (Internet service providers, content providers) and multipliers e.g. consumer associations, education organisations.

### 3.2 Encourage implementation of full-scale awareness actions

A second call for proposals will select initiatives for Community support for follow-up action in all Member States using the multiplier organisations and the channels, media and content identified in the preparatory action. The purpose of the action is to make adults (parents and teachers) aware of the potential and the drawbacks of the Internet, and of the means to identify useful content and how to block harmful content.

Actions will be appropriate for the needs of Member States and may differ according to their size, population, degree of Internet use etc. Actions will be of two types: those focused on teachers and educational institutions and those with a broader focus aimed at the general public (parents and children).

Actions aimed at teachers will include seminars and workshops and preparation and distribution of specific printed and multimedia material to a large cross-section of members of the profession. Special netdays - a series of special events aimed at increasing user awareness - will be organised in collaboration with the *Learning in the Information Society Action Plan*, which has wide support from industry. Typical actions aimed at the general public would include: creation of Web Sites, distribution of information material in schools, through access providers and through shops and other outlets selling computers, distribution of CD-ROMs on computer magazines. More specific information would be given when targeting families already owning a computer. Traditional media (press, television) would also be used to stimulate awareness through publicity campaigns and information packs for journalists. Using the platform of the European Network of Schools, which is being set up with the support of the education ministries of Member States, special web-pages will be created and maintained.

The purpose of the Community support is to pump-prime large-scale awareness actions and to provide overall co-ordination and exchange of experience so that lessons can be drawn from the results of the action on an ongoing basis (for instance by adapting the material distributed). Community funding will in general not exceed one third of eligible costs. The use of existing networks will permit cost-saving, but additional financing is required to produce the relevant content.

## 4. SUPPORT ACTIONS

### 4.1 Assess legal implications

The Internet operates on a global basis. The law operates on a territorial basis - national or in the case of Community law, covering the European Union. It will contribute to the effectiveness of the other action lines to consider legal questions not dealt with by other Community initiatives, in particular including questions of applicable law and procedure.

A call for tenders will be organised for an assessment of legal questions raised by the content or the use of Internet

### 4.2 Co-ordinate with similar international initiatives

The Council Recommendation on Protection of Minors and Human in audiovisual and information services calls on the Commission to promote international co-operation in the various fields covered by this recommendation, particularly through the sharing of experience and good practices between operators and other concerned parties in the European Union and their partners in other regions of the world. Therefore it is necessary to ensure coherence between European action and similar initiatives in other parts of the world. Regular concertation meetings will help to achieve this

An International conference will allow the experience gained through the Action Lines to be shared with actors concerned both in Europe and more widely. This would deal with all of the issues addressed by the Action Plan and bring together industry (access and service providers, content providers, network operators, software houses) user, consumer and citizens rights groups and government bodies involved in industry regulation and law-enforcement. Such a Conference can also be instrumental in disseminating the results of the Action Plan.

## 4.3 Evaluate impact of Community measures

It is obviously important to make an in-depth evaluation whether the objectives of the Action Plan and the Recommendation have been achieved. Also possible further measures which should be taken by industry, Community institutions, Member States or consumer representatives, could be identified that way. The evaluation foreseen will be done in liaison with evaluating the measures taken to protect minors and human dignity foreseen by the Council Recommendation on Protection of Minors and Human in audiovisual and information services, and will be launched through a call for tenders.

## ANNEX II : INDICATIVE BREAKDOWN OF EXPENDITURE

|   |   |   |
|---|---|---|
|   |   | 14-18 % |
| 1. | Creating a safe environment | 37-43 % |
| 2. | Developing filtering and rating systems |   |
| 3. | Encouraging awareness actions | 35-41 % |
| 4. | Support actions | 5-7 % |
| Total: |   | 100 |

## ANNEX III: THE MEANS FOR IMPLEMENTING THE ACTION PLAN

1. The Commission will implement the Action Plan in accordance with the technical content specified in Annex I.

2. The Action Plan will be performed through indirect action and wherever possible on a shared-cost basis.

3. The selection of shared-cost projects will normally be based on the usual procedure of calls for proposals published in the Official Journal of the European Communities. The content of the calls for proposals will be defined in close consultation with the relevant experts and according to the procedures referred to in the Decision. The main criterion for supporting projects through calls for proposals will be their potential contribution to achieving the objectives of the Action Plan.

4. Applications for Community support should provide, where appropriate, a financial plan listing all the components of the funding of the projects, including the financial support requested from the Community, and any other requests for or grants of support from other sources.

5. The Commission may also implement a more flexible funding scheme than the call for proposals in order to provide incentives for the creation of partnerships, in particular involving SMEs and organisations in less favoured regions, and for the establishment of long term measures against illegal and harmful content on Internet. This scheme might be operated on a permanent basis.

6. The Commission will make provision for considering in exceptional cases unsolicited project proposals which involve a particularly urgent measure following technological changes that call for change of action.

7. The detailed arrangements for the procedures referred to under points 5 and 6 will be implemented through the Advisory Committee procedure (type I) and in accordance with the Commission's financial regulations. They will be published in the Official Journal of the European Communities.

8. Projects fully financed by the Commission within the framework of study and services contracts will be implemented through calls for tenders in accordance with the financial provisions in force. Transparency will be achieved by consulting external groups of experts (the Internet Working

Party and the Legal Advisory Board) as well as actively using the information services of the Commission in connection with the awareness measures.

9. In the course of the Action Plan, the Commission will also undertake preparatory, accompanying and support activities designed to achieve the general objectives of the Action Plan and the specific aims of each action line. This includes activities such as: studies in support of the general goals of the Action Plan; preliminary actions in preparation of future activities; measures aimed at facilitating participation in measures under the Action Plan as well as facilitating access to the results produced by Action Plan initiatives.

10. All projects receiving financial support will be required to display an acknowledgement of the support received.

# FINANCIAL STATEMENT

Item B5-336 : Multiannual Community Action Plan on promoting safe use of the Internet.

## 1. TITLE OF OPERATION

Multiannual Community Action Plan on promoting safe use of the Internet

## 2. BUDGET HEADING INVOLVED

Item B5-336 : Multiannual Community Action Plan on promoting safe use of the Internet.

## 3. LEGAL BASIS

Treaty establishing the European Community and in particular Article 130(3) thereof.

## 4. DESCRIPTION OF OPERATION

### 4.1 General objectives

The action plan pursues the following objectives with a view to promoting safe use of the Internet:

- promotion of self-regulation and content monitoring systems, including the creation of a European network of hot-lines (dealing especially with content such as child pornography or racism) aimed at providing a high level of protection

- application of effective filtering services and compatible rating systems which take account of cultural and linguistic diversity

- raising awareness amongst consumers and users, in particular children, parents and teachers, to allow them to use Internet resources safely and with confidence

- fostering international cooperation in the areas enumerated above.

### 4.2 Period covered and arrangements for renewal

The action plan will be implemented over the period 1998 to 2001

## 5. CLASSIFICATION OF EXPENDITURE OR REVENUE

NCE DA

Any revenue arising from contributions by third parties to the activities under the action plan will, if need be, be re-used pursuant to Article 27(2) of the Financial Regulation of 21 December 1977, as amended by Regulation No 610/90 of 13 March 1990.

## 6. TYPE OF EXPENDITURE OR REVENUE

On the basis of invitations to tender pursuant to the financial regulations of the Commission, 100% financing will generally apply to activities such as studies, workshops, seminars, awareness-raising and publicity campaigns and assistance with projects.

There is provision for shared-cost actions on the basis of calls for proposals.

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# 7. FINANCIAL IMPACT

## 7.1 Method of calculating the total cost of the action for 1998 - 2001

The four action lines focus on points where action at European level can provide added value and strengthen the European position. They will be used to initiate more long-term actions at national level.

### Action line 1 : Creating a safe environment

### 1.1 Create a European network of hot-lines

The Community contribution of ECU 5.0 million will be used for a call for proposals from organisations to participate in setting up a European network of hot-lines and in establishing links between this network and hot-lines in non-Member countries, so as restrict the circulation of illegal content, improve cooperation between industry and the police and law-enforcement authorities and ensure Europe-wide coverage.

### 1.2 Encourage self-regulation and codes of conduct

A call for tenders will be launched to select bodies whose task will be to assist the self-regulatory organisations to develop guidelines for codes of conduct at European level, to build the consensus needed for their application and assist with their implementation. The codes of conduct will provide a high level of protection and will deal with the issue of tracing. Progress will be monitored. The cost of this action, which will also provide backing for the implementation of the Council recommendation on the protection of minors and human dignity, is estimated at ECU 0.6 million.

### Action line 2 : Developing filtering and rating systems

### 2.1 Demonstrate the potential of filtering and rating systems

To ensure that filtering and rating will be applied and will offer workable solutions for users, parents and teachers, and since the practical application of filtering and rating by European content providers has not yet achieved critical mass, a call for proposals will be launched to select projects validating the rating systems in liaison with European content providers, so as to promote the integration of rating into the process of content creation and demonstrate the potential of such technical solutions.

A second call for proposals will be launched to validate and demonstrate third-party rating systems, in order to meet the specific requirements of business, institutional or educational users, or as an optional service offered by access providers to final users, and to complement the self-rating operated by the content providers.

A call for tenders will be launched to assess demonstration projects and to disseminate results.

These calls will require a Community contribution of ECU 12.7 million.

## 2.2 Facilitate international agreement on the rating systems

Concertation meetings will be organised to ensure a coordinated contribution by Europe to the international agreements on protocols and labelling systems and to ensure that the rating systems take account of European diversity. A sum of ECU 0.3 million is earmarked for this purpose.

## Action line 3 : Encouraging awareness actions

### 3.1 Prepare the ground for awareness-raising actions

As a first step, a call for proposals will be launched for a preparatory action to identify the bodies which can have a multiplier effect as well as the most appropriate channels, media and content for reaching the target public, to prepare the basic material and adapt it to linguistic and cultural diversity, to take account of the results of demonstration projects and prepare an implementation plan. The cost of this action is estimated at ECU 2 million.

### 3.2 Raise awareness at all levels

A further call for proposals will subsequently be launched for a follow-up action in all 15 Member States, taking into account the experience gained in the preparatory action. The task of the selected "multiplier" bodies will be to organise seminars and workshops, distribute information packs to teachers and provide assistance with the implementation of large-scale awareness-raising measures (creation of Web sites, distribution of material, publicity campaigns, information packs for journalists), as well as to organise cooperation and the exchange of experience.

The actions will be of two types: those directed at teachers and those aimed at the general public. In the first instance, seminars and workshops will be organised and specialist material will be distributed. For the general public, Web sites will be created, the information material will be distributed in schools, by access providers, in computer sales outlets and on CD-ROM in information technology journals. The traditional media will be used for publicity campaigns and information packs will be distributed to journalists. Arrangements will be made for the coordination and exchange of information at European level. A sum of ECU 7.4 million will be required for the various actions.

## Action line 4 : Support actions

### 4.1 Assess the legal implications

A call for tenders will be launched to assess the legal issues raised by the content or use of the Internet. The sum required for this action is estimated at ECU 1.0 million.

### 4.2 Coordinate with simiilar international initiatives

A sum of ECU 0.4 million is earmarked for concertation meetings and the organisation of an international conference, which are needed to ensure coherence between European actions and those undertaken in other parts of the world, and also to share experience.

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### 4.3 Evaluate the impact of Community measures

The cost of the two evaluation exercises is estimated at ECU 0.6 million.

### 7.2 Schedule for the multiannual actions

Fully effective implementation of the Community action plan requires resource planning for the entire period covered.

The European Union must earmark the funds needed to implement its political priorities in the field of the information society and to envisage, even at this stage, some additional support in anticipation of the establishment of the future financial outlook.

It should be noted that this effort and the intensification which it requires fits in with the financial framework as defined by the Commission in its Communication relating to Agenda 2000, which provides for the establishment of a number of programmes where the funds for these programmes need to increase faster than GNP. These programmes are regarded as having priority owing to the added value that can be generated by intervention at Community level, in particular in terms of growth and employment, as well as the development and dissemination of new technologies.

In view of the key role which use of the Internet can play in promoting Europe-wide networks, research and innovation, education and training and SMEs, it is vital to devote substantial efforts to this action.

The action covers four action lines

1. Creating a safe environment

2. Developing filtering and rating systems

3. Encouraging awareness actions

4. Support actions

Million ecus

|       | 1998 | 1999 | 2000 | 2001 | TOTAL |
|-------|------|------|------|------|-------|
| TOTAL | 7    | 7    | 8    | 8    | 30    |

*The following breakdown is given only by way of illustration*

Million ecus

| Action line | 1998 | 1999 | 2000 | 2001 | TOTAL |
|---|---|---|---|---|---|
| 1. Creating a safe environment | 1.5 | 1.5 | 1.3 | 1.3 | 5.6 |
| 2 Developing filtering and rating systems | 3.0 | 4.0 | 3.2 | 2.8 | 13.0 |
| 3. Encouraging awareness actions | 2.0 | 1.0 | 3.0 | 3.4 | 9.4 |
| 4. Support actions | 0.5 | 0.5 | 0.5 | 0.5 | 2.0 |
| TOTAL | 7.0 | 7.0 | 8.0 | 8.0 | 30.0 |

## 8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

Overall control is provided by a Committee composed of representatives of the Member States. Commission officials, assisted where necessary by independent experts, ensure the correct execution of projects and studies before any payment is made, taking into account contractual obligations and the principles of sound management. Administrative control will be exercised by the administrative services of DG XIII and by DG XIX and DGXX. In compliance with the Treaty, the Court of Auditors will carry out audits. After two years, and at the end of the programme, independent experts will compile a report evaluating the results achieved through implementation of the actions.

## 9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

First, it must be emphasised that the action plan responds to a wish expressed clearly by the politcy-making bodies of the Community, the major objective of which is not primarily economic.

Effectiveness therefore cannot be measured in economic terms such as jobs created, although effectiveness indicators can be set up. (cf. 9.1).

It is also true that the action plan will contribute to the development of the information society, in particular by encouraging its use by children who will thus be better trained to handle this increasingly indispensable tool.

Community action will foster the coordination which is indispensable at Community level to avoid purely national solutions, thereby strengthening the internal market.

Lastly, by promoting international coordination, it will enable Europe to retain its driving role in this field.

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## 9.1 Specific and quantified objectives; target population

### 9.1.1 Creating a safe environment

The work programme could define objectives relating to

- the proportion of access providers who are members of a self-regulating body and

- the number and geographical and linguistic coverage of the "hot-lines" which have been set up and are operational.

*Target population*

- Services handling content belonging to third parties, content providers, access providers

### 9.1.2 Developing filtering and rating systems

The quantified objectives could cover:

- the proportion of the content circulating in the European Union for which the providers use a rating system

- the proportion of the content circulating in the European Union for which the suppliers use a rating system suited to the needs of European users

- the number of rating systems provided by third parties which users are free to choose, and their content coverage in relation to the needs of European users.

*Target population*

Associations or groups proposing rating systems, software producers, services handling content belonging to third parties, content providers, access providers, users

### 9.1.3 Encouraging awareness actions

The quantified objectives could cover

- the existence in each Member State of awareness-raising measures aimed at the target public, i.e. parents, teachers and children.

- the proportion of parents owning a computer and of teachers using a computer in their teaching who have been made aware of these measures.

*Target population*

- Users, particularly parents, teachers and children

### 9.1.4 Support actions

Since the type of support action can vary according to the circumstances and the main action line involved, it is not appropriate to set specific objectives for this action line.

### 9.2 Grounds for the operation

The work which has already been carried out within the EU, based on the work of the Commission as part of the Working Party on the Internet, and on the Green Paper on the protection of minors and human dignity in audio-visual and information services, achieved broad consensus between the European Parliament, the Council and the Member States on the approach to be adopted.

A distinction must be made between illegal content and harmful content. The two categories require different measures.

**Illegal content** must be dealt with at source by the police and law-enforcement authorities, and their activities are covered by other instruments. Nonetheless, the industry can contribute to sharply reducing the circulation of illegal content (in particular content such as child pornography, racism and anti-semitism) by means of **self-regulatory** systems which operate effectively (**such as codes of conduct and the establishment of hot-lines**), with due regard for and with the support of the legal system.

In the case of **harmful content**, the priority actions should:

**empower users** to deal with the harmful content by developing technological solutions (**filtering systems and content rating**)

increase **parental awareness,**

**develop self-regulation,** which can provide an adequate framework, in particular for the protection of minors. The exchange of information between self-regulatory bodies and the industry will also cover self-regulatory activities in connection with harmful content.

The practical measures taken recently by the Member States in these two fields are summed up in the second report of the Working Party. This report clearly demonstrates that action is possible and also that such action must be strengthened in the light of the fact that some Member States have failed to make serious progress on the actions outlined, others are at the stage of dicsussions between the parties involved, while others are only starting.

The report establishes that most Member States advocate an active role as catalyst for the Commission, in view of the international character and complexity of the challenges. Such an active role should aim to encourage the coordination and convergence of measures between Member States, for example in terms of the scope and content of codes of conduct, thereby avoiding a distortion of competition and legal uncertainty and promoting cooperation in a number of fields.

### 9.3 Monitoring and evaluation of the operation

After two years, and on completion of the programme, a report will be drawn up evaluating the results achieved following implementation of the actions.

Apart from measuring developments in the initial position and the impact of the actions under the programme on this position, more accurate performance indicators will be observed for each of the activities enumerated.

## 10. ADMINISTRATIVE EXPENDITURE (PART A OF SECTION III OF THE GENERAL BUDGET)

The effective mobilisation of the necessary administrative resources will depend on the annual decision of the Commission on the allocation of resources, in particular in the light of the additional staff and funds granted by the budgetary authority.

### 10.1 Impact on the number of posts

| Type of posts | | Staff to be allocated to management of the action | | of which | | duration |
|---|---|---|---|---|---|---|
| | | permanents posts | temporary posts | by using existing resources within the DG or department concerned | by using additional resources | |
| Officials | A | 2 | | 2 | | 4 years |
| or temporary agents | B | 0 | | 0 | | 4 years |
| | C | 1 | | 1 | | 4 years |
| Other resources | | | | | | |
| Total | | 3 | | 3 | | 4 years |

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## 10.2 Increase in other administrative expenditure arising from the operation

(ecus)

| Budget heading (No and title) | Amount | Method of calculation |
|---|---|---|
| A-250 Meeting of experts | 576 000 | = 4x12x12 000. An overall budget for 12 meetings at an average cost of ECU 12 000 is required to finance the meetings of experts, in particular those of the Internet Working Party set up at the request of the Council, which groups some 50 persons representing the computer industry, users and the public sectors. |
| A-2510 Committee meeting | 180 000 | = 4x3x15 000. The Action Plan Committee will hold an average of 3 meetings annually at an average cost of ECU 15 000, which takes account of the synergy to be secured with the combined INFOCOM-MLIS Committee, set up as part of the INFOR2000 and MLIS programmes, in order to ensure optimum coherence and effectiveness. |
| A-130 Missions | 160 000 | = 4x5x20x400. The total cost of missions for Commission staff and seconded national experts is estimated at ECU 160 000, based on an average of one mission every two weeks at an average cost of ECU 400/mission for 5 persons. |
| Total | 916 000 | |

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