

34th EPRA meeting
Working group 3:
Industry roundtable: New Media & Protection of Minors
Brussels, 5-7 October 2011

Introduction & Objectives
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Introduction:

The EPRA Work Programme identifies content regulation and new media as a core theme for 2011, including ensuring the effective application of the rules around the protection of minors. Although the remit of broadcasting regulators varies from country to country, the protection of minors constitutes, as a rule, a major component of their field of activity. Considering all delivery platforms, the protection of minors has been at the centre of discussions at EPRA meetings in Paris in 1996, Fredrikstad in 1998, Vevey in 1999, Barcelona in 2001, Malta in 2002, Naples and Cyprus in 2003, Stockholm in 2004, Budapest in 2005, Riga in 2008, through the prism of media literacy¹, in 2009 in Tallinn and in 2010 in Barcelona. In May 2009, the discussion revolved around “baby channels” and unencrypted pornographic content over satellite channels, which both raised issues of transnational cooperation between regulatory authorities. At the Barcelona meeting, the issue of the protection of minors in on-demand audiovisual media services was addressed, whereby the French CSA presented the outcome of their public consultation.

Protection of minors in on-line services is also a major theme in current EU media policy debates.

The **Audiovisual Media Services Directive** extended provisions for the protection of minors from traditional TV services to ‘on-demand audiovisual media services’ through a system of graduated regulation. In particular, it provides that services containing material which might seriously impair persons under the age of eighteen must be made available in a manner which secures that such persons will not normally see or hear it.

The AVMS Directive is complemented by two **Recommendations** on the protection of minors, which apply to the content of audiovisual and information services made available to the public through all forms of delivery, from broadcasting to the Internet. As such, they also apply to on-line services that fall outside the scope of the AVMS Directive.

The 1998 Council *Recommendation*² was the first legal instrument at EU-level to set common objectives for protecting minors to be pursued by Member States, industry and the Commission and to promote the development of consistent national self-regulatory frameworks across the EU.

¹ http://www.epra.org/content/english/press/papers/literacy_final.pdf

² Recommendation of the European Council on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity

Its scope covers activities such as awareness raising and media literacy, research, and handling complaints about illegal content. It has been complemented by a 2006 Recommendation³, intended to respond to new challenges from mobile and fixed Internet technologies and new data services.

In light of these Recommendations, industry has voluntarily adopted a '**European Framework for Safer Mobile use by younger teenagers and children**' in 2007 and '[The Safer Social Networking Principles for EU](#)' in 2009, among other initiatives. For example, the social networking principles ask providers to carry out awareness raising among children, parents and teachers; work to ensure services are age-appropriate for the intended audience (e.g. promoting parental controls); empower users through tools and technology (e.g. set full profiles of minors to private by default – in a June 2011 assessment the Commission called for this aspect to be adopted by more providers); provide reporting tools; or act on notifications of illegal content.

The European Commission's 2010 **Digital Agenda** contains actions to further enhance the safety of minors on-line, referring to reporting points for offensive or harmful content, sharing of best practice between Member States, and encouraging further self-regulation.

Most recently, on 13 September 2011, the Commission published a **report**⁴ and staff working paper on the application of the 1998 and 2006 Recommendations, '*Protecting Children in the Digital World*⁵', which sought to take account of recent developments in technology, commercial offers and consumer behaviour. The Report found that '*A policy mix, with a significant component of self-regulatory measures, seems best suited to address in as flexible and responsive a way as possible the convergence between platforms (TV, PC, smartphones, consoles, etc.) and audiovisual content*'. The Commission decided not to open the Recommendations for review, but in particular called for self-regulatory initiatives to be more visible to the public, consistent, ambitious and for implementation to be monitored. It highlighted effective handling of reports of harmful and illegal content, social networking sites and privacy, and age classification and rating systems.

On publication of the Report, Commissioner Kroes stated: "*... we urgently need to step up a gear on what we do, and how we work together to empower and protect children in this ever changing digital world. We need to give parents and teachers the confidence to take on their responsibilities. The strategy I will present later this year will tackle these problems head on*". At her 27 September speech to the Internet Governance Forum, Mrs Kroes added that "*Parents must be confident that their children are safe online and I am working on a new initiative to ensure informed choices about online behaviour and to protect from threats like bullies or sexual predators*".

³ Recommendation of the European Parliament and of the Council on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry of 20 December 2006: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006H0952:EN:NOT>

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0556:EN:NOT>

⁵ http://ec.europa.eu/avpolicy/docs/reg/minors/2011_report/swp_en.pdf

Objectives of Session:

The aim of this roundtable is to bring together representatives of relevant players across the new media space (TV, IPTV, Internet) to discuss how the industry responds to the challenges for the protection of minors online and what measures seem best suited to address the convergence between platforms (TV, PC, smartphones, consoles, etc.) and audiovisual content.

Structure of Session & Issues for debate:

To open the session, a panel of speakers from the industry will report on how their respective companies rise up to meet the challenges raised by the protection of minors on new media and address some of the issues raised in the current European policy debate.

The panel will be composed of:

- **Luc Delany**, European Policy Manager, *Facebook*
- **Adam Kinsley**, **Head of Policy**, Head of Policy, *BSkyB*,
- **Lisa di Feliciantonio**, Secretary General at *Associazione Italiana Operatori IPTV* and Head of Regulatory Policy, *Fastweb*, Italy

The three presentations will be followed by a questions and answers session with the panel, before we move to a broader debate.

In particular, in the wake of the Commission's September 2011 Report, the panellists and EPRA members will be asked to **comment on the following points**. We encourage all participants to think (creatively!) about these in advance of the meeting:

- *Highlight some examples of best practices;*
- *Give their views on the right policy mix between regulatory, self-regulatory and co-regulatory measures and the role played by media literacy;*
- *Comment on the issue of the consistency of measures and actions across the European landscape characterised by a great diversity;*
- *Touch upon the issue of the implementation of measures in practice – e.g. any practical obstacles;*
- *Consider how well the AVMS Directive, Recommendations and self-regulatory initiatives complement one another;*
- *Debate the merits of a reinforced cross-sectoral and pan-EU approach for the protection of minors on new media services.*