



Plenary session 1 >
The Protection of Minors in a Connected Environment

Introduction & Objectives

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Introduction:

Keeping children safe while exploring the connected environment is a topic all European countries are paying a particular attention to.

In the EU context, the AVMS Directive left almost unaltered the TVWF provisions regarding the protection of minors on linear services (Article 27¹), though extending its scope to non-linear services and introducing graduated and less severe rules (Article 12²). Apart from the rationale explicated in the preamble (recital 59³), no mention is made of over-the-top services and connected devices and no indication is given to Member States on how to ensure an adequate protection to minors in this context.

Considering that minors are nowadays among the biggest users of online and mobile technologies in Europe and that they are using it at a steadily younger age, this may therefore not be enough.

The Digital Agenda for Europe aims to have "every European digital"⁴, to quote the *motto* of Vice President of the Commission Neelie Kroes, but children and their use of the internet and new media involve particular needs and exposures to risks, which implies a strong need for proper protection tools.

¹ Article 27, AVMSD:

"1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.

3. In addition, when such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration."

² Article 12, AVMSD:

"Member States shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services."

³ Recital 59, AVMSD:

"The availability of harmful content in audiovisual media services is a concern for legislators, the media industry and parents. There will also be new challenges, especially in connection with new platforms and new products. Rules protecting the physical, mental and moral development of minors as well as human dignity in all audiovisual media services, including audiovisual commercial communications, are therefore necessary."

⁴ Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the Regions "Strategy for a better internet for children", Com/2012/0196 final, available at

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0196:FIN:EN:HTML>.

Bearing in mind the deep impact that a long-term effect of not investing enough resources for the purposes of children protection may have on European society, in February 2011 the EU Commission advocated an "EU Agenda for the Rights of the Child"⁵, in order to "reaffirm the strong commitment of all EU institutions and of all Member States to promoting, protecting and fulfilling the rights of the child in all relevant EU policies and to turn it into concrete results. In the future, EU policies that directly or indirectly affect children should be designed, implemented, and monitored taking into account the principle of the best interests of the child enshrined in the EU Charter of Fundamental Rights and in the UNCRC".

This takes into account, among other initiatives, the protection of minors on audiovisual media services, as well as on the Internet. "The Commission will contribute to empowering and protecting children when they are vulnerable, notably by: (...) supporting Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and counter cyber-bullying behaviour, exposure to harmful content, and other online risks namely through the Safer Internet programme and cooperation with the industry through self-regulatory initiatives".

Following this path, in December 2011 Vice President Kroes⁶ addressed a call to the ICT sector to step up actions responding to the challenges posed by how young European now go online. In response to this call, stakeholders set out a "Coalition to make a better internet for children"⁷. The Coalition's working plan includes a series of concrete actions and policies to put in place for children's well-being and safety, including promoting child-friendly justice, better informing children about their rights, and, in a few words, making the Internet safer for kids.

On 24 April 2013, the Green Paper "Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values"⁸ opened the consultation on the appropriateness of the current rules of the AVMSD to address the challenges of protecting minors in a converging media world, the mechanisms to increase the awareness of parental control tools, the effectiveness of age verification devices, content rating and classification, on how complaints are handled and on the respective roles and responsibilities of public authorities, NGOs and providers of products and services.

The issue of the protection of minors has recurrently been at the centre of discussions for EPRA. It has been debated during the meetings taking place 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 (minors and media literacy), in 2009 in Tallinn, in 2010 in Barcelona, in 2011 in Brussels.

The recent initiatives at European level and the new challenges that lie ahead are giving new life to the debate. As reported in EPRA Annual Work Programme for 2012, this meeting will address content issues which are currently at the core of the debate between regulators and the industry.

⁵ COM(2011) 60 final.

⁶ Vice President Kroes speech SPEECH/11/703, available at http://europa.eu/rapid/press-release_SPEECH-11-703_en.htm?locale=en

⁷ The statement of purpose of the Coalition is available at http://ec.europa.eu/information_society/activities/sip/docs/ceo_coalition/ceo_coalition_statement.pdf

⁸ Green Paper: Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values, Brussels, 24.4.2013, COM(2013) 231 final: https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/convergence_green_paper_en_0.pdf

Objectives of Session:

The session aims to encourage a fruitful debate between regulators and between them and industry representatives, to find out possible actions and exchanges of best practices, in order to achieve a comparable and effective level of protection of minors and human dignity.

The purpose is to take a glance at how the former are willing to address the topic in the framework of the current European policy debate and how the latter are facing the questions following the development of the new media and the convergence between platforms.

Structure of Session:

The session will be divided into two main parts, the first being focused on regulators and the second on industry representatives, with the common concern to address the issues of how to ensure the most effective protection of minors in a connected environment.

The "**Regulatory Panel - The Protection of Minors on VOD**" will focus on the "Implementation of the Protection of Minors on VOD" with three regulatory authorities members of EPRA (from France, Slovakia and Slovenia) to address issues such as the interpretation of "seriously harming" content (art. 12 AVMS); "Appropriate measures" to prevent minors accessing seriously harming content, as well as other additional measures such as classification/Labeling.

The panel will be composed of:

- **Françoise Laborde**, CSA (FR),
- **Tanja Kerševan Smokvina**, APEK (SI),
- **Juraj Polak**, CBR (SK),

and will be followed by a Q&A session, before we move to the second part.

The "**Industry Panel: Towards cross-sectoral Convergence?**" will address two main themes, a) the protection of minors across the various media platforms and the articulation between traditional regulation, co and self-regulation and b) the articulation between regulation at the national, European and international level. The idea here is to address the benefits and challenges of a joined-up, horizontal approach to ensure a safe environment for children.

The panel will be composed of:

- **Monica Placidi**, Telecom Italia (IT);
- **Adam Kinsley**, BSkyB (UK),

and will be followed by a Q&A session with the panel.

Issues for Debate:

- Sharing the burden of responsibility: what are the respective roles of NRA, service providers and parents and guardians?
- Are current complaints handling mechanisms for the protection of minors on on-demand services appropriate? How could NRAs help to increase the awareness of users and parents as to where and how they can comment or complain concerning different types of content?
- What is the right regulatory mix between self, co and traditional regulation?
- How NRAs cooperate in practice with the industry to develop common tools and good practices to protect vulnerable audience on on-demand services?
- Do NRAs need to engage more seriously in media literacy initiatives?
- What is to be done to protect children from content which may seriously impair their development on websites operating from other countries, which are currently unregulated?