



# The protection of minors in a connected environment

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## Legal scope of the CSA regulation

### ■ Television

CSA has jurisdiction over **linear audiovisual media services** irrespective of the delivering network (terrestrial, cable, satellite, internet, etc.).

➤ A well-known regulation from the viewers and the broadcasters on warning symbols and watersheds

### ■ On-demand audiovisual media services

Since March 2009, CSA has jurisdiction over **non-linear audiovisual media services (ODAVMS)**.

➤ A very recent regulation adapted to their nature: CSA's binding *délibération* of 20 December 2011.

# 1. Background



## Legal qualifications of the services available on the internet

Electronic communication to the public (signals, texts, images, sounds, electronic messages which are not of the nature of private correspondence)				
Legal qualification	Applicable text	Type of services	Regulation and monitoring	
<b>Audiovisual communication</b>	<p>Directive on audiovisual media services (2010/13/UE) of 11 December 2007</p> <p>Freedom of communications Act of 30 September 1986</p>	<p><b>IP television, television in streaming, VOD, catch up TV, radio</b></p>	<p><b>Regulation and monitoring by the CSA</b></p>	<p><b>Decisions of the CSA can be appealed before the administrative court</b></p>
<b>Online communication to the public</b>	<p>Directive on electronic commerce (2000/31/CE) of 8 June 2000</p> <p>Trust in the digital economy Act of 21 June 2004</p>	<p><b>Blogs, forums, user-generated content</b></p>	<p><b>No monitoring by public authorities</b></p>	<p><b>Decisions are made by the judicial courts</b></p>



## Connected TV: a rising issue in an emerging market

- Numerous ODAVMS under the CSA's jurisdiction (>150) mostly available on the internet and on multiple devices: tv sets through IPTV, mobile screens (tablets, smartphones), connected TVs
- High penetration of foreign services on ODAVMS
- Foreign newcomers on connected TV
- An expected rolling out of connected television
- Co-existence of audiovisual services in both regulated and less regulated environments
- Some services excluded from the scope of the AVMSD such as UGC.



### Common rules for television and on-demand services

- Same **rating system** for programmes



- **Warning symbols** shall appear:

- **in the catalogue**, every time the programme is mentioned, and on trailers

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- **when watching the programme**, either before it starts, during 5 seconds in full screen,  
OR during the whole programme, at the right bottom of the screen

- **Watersheds** for non pay  programmes (allowed only from 10:30 pm to 5 am)



# Adapted rules for on-demand services

*Creation of two distinct zones on the service*

- **A « trust » zone, dedicated to all-viewers programmes**
  - Composed only of programmes which are suitable to all viewers
  - Free of commercial communications for services or content which are restricted to minors (ads, trailers, etc.).
  
- **A locked zone, dedicated to adults' programmes**
  - These programmes cannot be offered for free
  - Locked zone with a specific 4-digit pin code
  - Pin code set up in 3 steps: login / disclaimer / confirmation to be sent by the provider by an adapted means)
  - Mandatory code at every access to the zone and impossible to deactivate the code



## Reflection report on the protection of minors in the converging environment of audiovisual media and internet (March 2012)

### ▪ 3 observations:

- Larger use of internet at a younger age in spite of a rising consumption of TV
- Low use of parental control software on the internet
- Fragmented regulation by device in spite of the convergence of media

### ▪ 3 proposals:

- Start a reflection on the regulation of **all audiovisual content**, regardless of the means of delivery and the devices
- Create a national institutional **contact point for the protection of minors**:
  - Follow-up of the *Safer internet* programme
  - Coordination of filtering softwares and systems on all devices
  - Extension of the rating system to all audiovisual content
- Create a national institutional **contact point for media literacy**:
  - Raise awareness of families
  - Increase content dedicated to media literacy.

# 3. Works on connected TV



## First set of recommendations of the follow-up commission on the uses of connected TV

- 5 multi-stakeholder working groups launched in February 2012, one dedicated to the protection of sensitive audiences and their profiling
- Main purposes:
  - Draw up a **state of play** of the existing content offer on connected TV
  - Identify the issues, benefits and risks as regards the specific needs of sensitive audiences
- 14 proposals in December 2012 among which:
  - Extend and adapt current **systems of protection of minors** to the content and media available on connected TV through coregulation with the industry
  - Draft a **code of good practice** on the protection of personal data (CSA-CNIL-industry)
  - Improve viewers' level of information: **create a portal which lists all safe content and websites**