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Working group 1:
Empowering Users: Focus on Protection Tools
Background paper (provisional version)¹
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Introduction

The objective of this Working Group is to cover the most significant developments in the field of the protection of minors with a focus on the practical consequences of implementing protection tools: level of acceptance, awareness of the audience, lessons learned. The Working Group will also try to explore any practical examples of any striking geographical dissimilarities especially ones that are challenged by the audience/industry of the neighbouring countries.

The protection of minors in a convergent world is one of the key challenges in today's world. The importance of this topic is illustrated by its presence in all the current documents aiming at evaluating and assessing the future regulatory challenges, such as European Commission's [Green Paper on Convergence](#), the summary of the responses to the Green paper released on 12 September or the recent ERGA discussion paper on the protection of minors in a converged environment.

Each of these documents as well as the actual responses featured in this background paper highlight the all-round lack of consensus on the topic. Views on general policy options (maintain or drop the gradual regulation, need for the regulation of the connected services that currently fall out of the AVMS scope) as well as the details (the actual protection tools of the possible new regulation) seem to vary throughout the whole opinion scale from maintaining of current status quo to changing everything.

This background paper is based on the responses to an online questionnaire on the EPRA website. It compiles answers from 23 regulatory authorities *The National Commission on TV and Radio (AM)*, *The Communications Regulatory Agency (BA)*, *The Flemish Council for the Media (BE)*, *The CSA of the French speaking Community of Belgium (BE)*, *The Federal Office of Communication OFCOM/BAKOM (CH)*, *The Director's Conference of Media Authorities of the Länder (DE)*, *The Catalan Audiovisual Council (ES)*, *the National Authority for Markets and Competition (ES)*, *Ofcom (GB)*, *The Greek National Council for Television and Radio (GR)*, *The Agency for Electronic Media (HR)*, *the Broadcasting Authority of Ireland (IE)*, *The Autorita per le Garanzie nelle Comunicazioni - AGCOM (IT)*, *The Radio and Television Commission of Lithuania (LT)*, *The Independent Audiovisual Authority (LU)*, *The Agency for Audio and Audiovisual Media Services (MK)*, *The Commissariaat voor de Media (NL)*,

¹ Disclaimer: This document has been produced by EPRA, an informal network of 52 regulatory authorities in the field of broadcasting. It is not a fully comprehensive overview of the issues, nor does it purport to represent the views or the official position of EPRA or of any member within the EPRA network.

The Norwegian Media Authority (NO), The National Broadcasting Council (PL), The National Audiovisual Council (RO), The Swedish Broadcasting Authority (SE), the Agency for Communication Networks and Services of the Republic of Slovenia (SI) and The Council for Broadcasting and Retransmission (SK).

I. UPDATE ON CURRENT STATUS

The aim of the first section was to explore whether any significant development in the field of the protection of minors occurred since the last EPRA session (Krakow in May 2013) devoted to this topic.

1.1 On-demand services

As mentioned in the introduction, the lack of consensus in the approach to the protection of minors in online world is also reflected in the responses to the first question of the questionnaire. Although age classification and labelling/restricting harmful content seems to be the most common practice from the variety of the responses, it differs from approaches of detailed legal obligation prescribing age groups and forms of warning symbols and technical protection tools to miscellaneous voluntary agreements with a different degree of complexity. Nevertheless, two opposite approaches may be observed from the responses on the update in this field - the background paper does not reflect all protection tools/mechanisms in place but rather on the latest ideas and future prospects: **legislation changes vs. support for voluntary agreements/self-regulatory initiatives.**

Legislation

New legislation concerning the protection of minors in on-demand services has been reported by a rather large group of RAs. However, the actual stage of the new legislation varies from drafts to legislation already in effect.

Drafts

A White Paper proposing a new Act on Protection of minors has been presented to the **Norwegian** Parliament. Mechanisms such as age classification with obligatory labelling are envisaged. In January 2014, the **Luxemburg** Government's Department for Media and Communications finalized the first draft of a regulation whose aim is to introduce a classification system seeking to better protect minors ("signalétique"). The **Agency for Audio and Audiovisual Media Services (MK)** was granted competencies in respect of on-demand audiovisual services only in January 2014. However, the preparation of the bylaw for protection of minors is already in progress and it is envisaged to address the issue of obligatory technical protection tools for on-demand contents, e.g. PIN codes, filtering of the contents previously categorized by the on-demand service provider, software that blocks access to unsuitable content, etc.

Legislation already in force

In **Italy**, after the conclusion of the work of a Technical Committee established within AGCOM two deliberations were adopted. The Committee was composed of all involved stakeholders and deliberations have entered into force in June 2013. Deliberation no. 51/13/CSP concerns the criteria

for the classification of the programmes. Deliberation no. 52/13/CSP approves a regulation regarding the technical tools to avoid children from watching seriously impairing programmes on VOD services. According to deliberation no. 51/13/CSP, “seriously impairing” programmes can be offered to the public only on VOD services and with a specific selective control system preventing children from viewing such programmes. The audiovisual content is now classified as seriously impairing on the basis of “thematic areas” (violence, pornography, practices against the fundamental rights) and “main ways of representation” of the scenes. With regard to technical devices, the regulation adopted with Deliberation no. 52/13 prescribes that the viewing of seriously impairing content may only be enabled by using a secret code, which has to be personnel, specific and individualized or - if technically possible - customizable through appropriate procedures.

In **Slovenia**, legislation concerning protection of minors was adopted in October 2013. PG/12/15/18 content may be available at any time (no watershed), however with appropriate symbols. Access to 18 content must also be restricted with technical protection. The on-demand audiovisual media service provider must classify any sexual content labeled 18 in a special section of the catalogue. Explicit sexual content may only be provided if access to such content is restricted and only enabled to adults by assigning users a PIN code or applying an equivalent protection system. In June 2014, the Ministry of culture adopted “Rules on determination of visual and audible warning for programming which is not suitable to children and adolescent”, which is solely technical (it defines the size, shape and colour of the symbol and the text of the warning).

Although not a legislative update directly aimed at protection of minors in on-demand services, there were some developments in **Switzerland** regarding procedures against harmful content. The Swiss Videogram Association ("Schweizerischer Video-Verband SVV) is reviewing its "Movie Guide Code of Conduct" of 2007 in order to extend its scope to the on line video market. The classification system itself is linked to the German FSK system as well as the classification system provided by the “Swiss Commission on the protection of minors in film” (“Schweizerische Kommission Jugendschutz im Film”). The Swiss Internet Industry Association (simsa) has put into force the “Code of Conduct Hosting” which features guidelines for Notice-and-takedown procedures. The goal of the code is to facilitate action against authors of illegal content by the affected persons. Illegal content is defined as “Content, which is regarded as a breach of rights by third persons, especially intellectual property rights, personal rights as well as offences against the Swiss Penal Code”. Protection of minors is not explicitly addressed under this definition, but content, which is harmful to minors, can in most cases also be subsumed under the mentioned law rules.

Self/Co- regulation initiatives

In the case of the voluntary initiatives/agreements the wide range of existing approaches is even more visible. Whereas in the **UK**, the effort is clearly focusing on the “platform providers”, in other countries (**NL, DE, PL**) the obligation seems to aim directly at the on-demand service providers.

In 2013 the **UK**'s four largest ISPs (BT, Sky, TalkTalk, Virgin Media) had reached an agreement on offering all new subscribers a network level filtering service. Under the measures, new subscribers should receive a prompt during their broadband set-up process, describing the family-friendly network level filtering service and offering them a pre-ticked option to use the filtering service. The consumer has to make an “unavoidable choice” as to whether to turn the family-friendly network level filtering on or off. The ISPs have also committed to present all existing customers with the

same unavoidable choice by the end of 2014. Virgin Media, Sky, Nomad, BT and Arqiva – which provide 90% of the UK's wifi hotspots – have also committed to providing filtered internet access “wherever children are likely to be present” in future. Everything Everywhere, O2, 3 and Vodafone (and the mobile virtual network operators using their networks) all provide free adult content filtering for PAYG and contract mobile devices and dongles, either as default or by request.

The **Netherlands** Institute for the Classification of Audiovisual Media (NICAM) started to develop a Kijkwijzer application for the classification of user generated videos online: 'You Rate It'. You Rate It is especially designed for online video portals such as YouTube where users can upload and share videos with others. You Rate It is an official NICAM/ BBFC coproduction. Through a rather simple to complete questionnaire, the tool instantaneously produces an age rating which can be used by websites, apps, filters, video websites, search functionalities, etc. The ratings can differ from country to country to reflect different national sensitivities and concerns over content. The tool contains six questions about the content of the UGC, on behaviour, drugs, horror, language, sex and violence. The European Commission has invited a coalition of large international internet companies to join in and investigate whether You Rate It is an effective classification tool for presently unrated non-professional content. In relation to this coalition, a pilot with Mediaset in Italy has been initiated for their own user generated video platform. NICAM and the BBFC would welcome the involvement of other ratings bodies and platforms to develop the tool still further for other markets.

Also worth mentioning is the recent agreement concluded between NICAM and the association of VOD service providers in the Netherlands: VodNed. The private operators have opted on voluntary basis to apply the classification system to their VOD services. As a consequence, the VOD service providers reunited in VodNed: RTL XL, MovieMax, Pathé Home, Videoland, WappZapp, Maxx-XS and meJane.com inform now in their video catalogues consumers by using the age symbols and content descriptors.

In May 2013 the Commission for the Protection of Minors in the Media – KJM (joint body of the state media RA in **Germany**) extended the certification of the two certified technical systems for the protection of minors (“anerkannte Jugendschutzprogramme”) regarding content which could impair minors under the age of 18 years. Before, German providers were only allowed to distribute content that could impair minors under the age of 16 years by using the “age-de.xml-labeling” without having to fear legal measures by the KJM and the competent media authority. This extension was connected with the commitment on the ongoing development of the technical systems, the work concerning the acceptance, the usability and the work on solutions for mobile devices. In the meantime, the KJM “accepted” (“Positivbewertung”) further age verification systems to ensure the proper functioning of closed user groups (distribution of pornographic content, certain listed (indexed) content and content which obviously seriously impairs minors), the technical systems for the protection of minors have become more popular and the two providers of the certified systems have developed solutions for mobile devices (youth protection apps: “Surfgarten” and “Vodafone Child Protect”).

Currently in **Poland** a draft of the Code of Good Practices on detailed rules of protecting minors in on-demand audiovisual media services is on the table. Its signing (not by all providers however) is envisaged in September 2014.

Two RAs reported being in the “pre-draft” stage: whereas in **Croatia** there are activities aimed at reviewing the existing rules, coordinated with the local UNICEF office, in Catalonia, the **Audiovisual**

Council is actively exploring the different software in relation to the technical protection tools for content provided through on demand and online services.

1.2. Linear services

With respect to the linear services, the situation seems more stable. Several RAs however reported that the regulation mentioned with regard to the on-demand services applies with slight or no changes also to the linear services. This is the case of **IT, PL** (the current drafted Code shall also cover the linear services), **NO** (Draft introduces several watersheds towards new age limits with the possibility of further technical protection tools) and **SI** (unlike the on-demand services providers broadcasters must comply with three different watersheds - 9/10/midnight).

Several other RAs (**GR, CAC-ES, and MK**) specifically reported about their existing regulation whereas the age classification and specific watersheds seems to be the most common practice with regard to the protection of minors. (This of course does not mean that the rest of the RAs do not regulate content with regard to the protection of minors since the questionnaire was focusing mainly on the update of the **new** legislation.)

The National Audiovisual Council (RO) adopted new secondary legislation in March 2014 regarding linear broadcasting services. It forbid broadcasters to transmit news about violence in schools without presenting also the point of view of the school management or without parents', or minors' legal representatives' approval. Images of minors involved in acts of violence or of implicit or explicit sexual nature may be broadcast only on condition that they serve a motivated public interest, the broadcaster acts in the minor's best interest and the minor's parents or legal representative expressed their approval. The broadcaster shall not provide any information liable to lead to the identification of the minors involved; webpages with images of the minors in such situations shall not be communicated. As regard for the watersheds, during the interval 6 a.m. - 11 p.m. , broadcast productions presenting: physical, psychological or verbal violence, repeatedly, sex scenes, obscene language or behaviour, persons in degrading situations, combats that are not regulated by national or international sports federations shall not be broadcast. Programmes classified "15" may be broadcast only during 11 p.m. -6 a.m. "18 +" programme services (that are forbidden under Romania's jurisdiction) of broadcasters under the jurisdiction of EU may be included in the offer of service distributors, if they are encoded within optional packages dedicated to adults, available only between 1:00 – 5:00, in the analogical system; or if they are encoded and restricted by parental control system, in the digital system.

It seems that in the **UK**, there is a "tradition" of the protection tools provided by the platform operators, e.g. facility for viewers to lock certain channels or put channels behind PIN protection, a facility to restrict programmes based on age certifications, and to hide adult channels from their EPGs.

1.3 Common standards across multiple platforms

It is apparent from the responses that currently there is no single protection tool which applies common standards across **all** platforms including connected services so far falling outside the AVMS

Directive scope. However, it is evident that labelling content based on the age classification and filtering harmful content in both linear and non-linear services is rather common practice.

The approach, according to which watershed only applies with regard to the linear services seems more a rule than an exception. This concept is in use with RAs from **BA, SE, SI, CSA - BE** and **SK**. Exception in terms of watershed applying to on-demand services so far seems to work only in **DE**.

Data also show that several countries apply common or rather “integrated” approach not only towards linear and non-linear services but also for the whole (regulated) audiovisual sector such as movie theatres, DVD rentals, producers and distributors of audiovisual works etc. This is the case of **SK** where age classification system and labelling is (with certain specialities for each sector) used in all regulated audiovisual sector. A very well known (and successful) example of such approach is **Kijkwijzer in the Netherlands** which generally applies to whole audiovisual sector. Another example already mentioned is the **Swiss** Videogram Association’s “Movie Guide Code of Conduct” and its possible extension to on-demand services. Another example of the “intersection” among the different AV platforms is the use of classification framework set out by the **British** Board of Film Classifications (BBFC) as a basis for some protection tools which are mandated for film content on linear broadcasting, and also for mandatory access controls on regulated on demand services.

The closest example of the common standard across multiple platforms might be the rules applied by **CAC (ES)** where among detailed age classification rules and watersheds applicable to linear services, all television audiovisual media services providers, including on-demand providers, shall use a digital coding for its contents rating which allows the exercise of parental control.

II. LEVEL OF ACCEPTANCE/AWARENESS

2.1 Research/measurement on the level of acceptance/awareness of protection tools by the industry and/or the audience.

A great number of RAs [*The Communications Regulatory Agency (BA), The Flemish Council for the Media (BE), The CSA of the French speaking Community of Belgium (BE), The Federal Office of Communication OFCOM/BAKOM (CH), The Director's Conference of Media Authorities of the Länder (DE), The Catalan Audiovisual Council (ES), National Authority for Markets and Competition (ES), The Greek National Council for Television and Radio (GR), The Radio and Television Commission of Lithuania (LT), the Independent Audiovisual Authority (LU), The Commissariaat voor de Media (NL), The Norwegian Media Authority (NO), The Swedish Broadcasting Authority (SE), the Agency for Communication Networks and Services of the Republic of Slovenia (SI) and The Council for Broadcasting and Retransmission (SK)*] reported that their agency do not conduct any research or measurement on the level of acceptance/awareness of protection tools.

However, **The Director's Conference of Media Authorities of the Länder (DE)** reported several examples of similar researches conducted by different entities either on ad hoc level² or based on steady routine³.

² such as the ones conducted by the Hans-Bredow-Institut für Medienforschung at the University of Hamburg on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women (2012) or by the Fraunhofer-Institut für intelligente Analyse- und Informationssysteme (2013).

In **Italy** the evaluation has been made ex ante (with the involvement of stakeholders, both on the side of AVMS providers and consumers' protection organisations), during the co-regulation process based on the works of the Technical Committee, which led to the adoption of the aforementioned deliberations.

In 2013 **KRRiT (PL)** ordered external research on evaluation of existing signing system. The main conclusions were the general acceptance and support for existing legal regulations, but the need to develop more protection tools and parents' control. Parents trust the classification system and in their opinion it has to be used also for the Internet.

The National Audiovisual Council (RO) has commissioned several researches regarding the awareness of protection tools in the primary and in the secondary legislation. These researches focused on exposure and patterns of media content consumption as well as on awareness of legislation and audiences' rights in the audiovisual field.

The **Broadcasting Authority in Ireland** undertakes research ad hoc in the context of the review of the operation and effectiveness of broadcasting codes and rules.

Only two RAs reported legal obligation to conduct such research.

The Agency for Audio and Audiovisual Media Services (MK) is obliged to make researches and analyses on different issues in the field of audio and audiovisual media services. The Agency in its regular research about the needs and the opinion of media audience, sometimes include questions about the level of acceptance/awareness of protection tools.

Ofcom (UK) has a duty under section 11 of the Communications Act 2003 to promote media literacy. Ofcom publishes media literacy research which is designed to provide a range of stakeholders with benchmarked data on the attitudes and behaviour of adults, as well as parents and children, so that they can prioritise their resources and focus for the promotion of media literacy in the areas they consider there to be most need.

Following the agreement by the UK's four major ISPs to implement network level filters, Ofcom was asked by the Department for Culture, Media and Sport to produce three reports on internet safety:

1. The first, published in January 2014 looked at parental strategy for protection of children online reviewing Ofcom's Media Literacy research from 2012 and 2013;
2. The second, published in July 2014, looks at the approach taken by each ISP to implement family-friendly filtering services which block content that may be inappropriate or harmful for children;
3. The final report, which will be published in early 2015, will review Ofcom's Media Literacy research from 2014 on parental strategies for protection of children online.

The Agency for Electronic Media (HR) reported plans to conclude, by the end of 2014, research and surveys on this issue. The Agency also participated at the regional conference "How to communicate with children", organized by UNICEF (in Budva, Montenegro) with the aim of defining the relevant

³ SIP-Benchmark III (2013), miniKIM 2012 (2-5 years old users) and KIM 2012 (6-13 years old users): questions to acceptance/awareness concerning filtering systems

topics in the field of children's rights and the media. The study, to be conducted by a team of experts, will result in recommendations for further action.

In **Norway** surveys conducted among parents illustrates that parents normally complies with set age limits on films and regulation regarding watershed.

2.2. Objections raised by industry or by audience/ specific court cases.

In terms of protection tools for linear and non-linear media, **Ofcom (UK)** commissioned audience research by Ipsos MORI which published in January 2012 on Protecting Audiences in a converged world. One of the key findings of that research was that UK viewers have high expectations of content regulation on broadcast television and associated VOD and catch up services. The report also found that on devices that incorporate broadcast, VOD and open internet services (e.g. smart TVs, connected set top boxes), were considered to be closer to a TV-like experience and that consumers expected a more consistent degree of protection across content appearing on a TV screen regardless of how it is delivered.

The **Director's Conference of Media Authorities of the Länder (DE)** reported that "Internet activists" see any kind of youth protection tool-solution as censorship. There are further some journalists in the technical area who doubt the functionality of the technical systems for the protection of minors. In addition, the audience criticizes that the technical systems for the protection of minors are not popular enough. Many parents do not know them and that is why children are in a more dangerous situation.

In **Norway**, the industry is in favour of a more platform independent regulation. Most parts of the industry is positive to the Draft Act of Protection of minors as the Act states the same obligations and protection tools across platforms. What causes the most irritation among the industry, is that they have to compete with online services from outside the EU, for ex. Netflix, HBO and also You Tube.

The Agency for Communication Networks and Services of the Republic of Slovenia reported that in the process of public consultation, some representatives of the industry claimed that the definitions were too open and vague and that it was difficult to determine when the presence of potentially harmful elements was inappropriate for certain age group. Some providers of AVMS, especially VOD, believed that definitions and protection tools were too strict and that they might have negative effects on the editorial freedom and business models of VOD providers. Some small local TVs used to broadcast explicit sexual content after midnight. Under the new regulations this type of content is now only allowed on linear AVMS if it is protected by PIN, which is what these small TVs oppose to.

In the **Slovak Republic**, an on-demand provider (who is also a major commercial broadcaster) regularly complains about the lack of level playing field with regard to unregulated internet services as well as foreign linear service accessible through Slovak operators. The provider also used this argumentation at court in a case where a fine was imposed for a wrong usage of the age classification sign. The court however refused these arguments and confirmed the decision.

Ofcom (UK) reported about three cases where on-demand service providers were sanctioned by financial penalties or failing to have adequate measures in place to ensure that children cannot access their services. In one case, a provider informed the regulator about “transferring editorial responsibility for the service to a non-UK company” and itself went to the voluntary liquidation. Since the liquidators did not wish to make any representations, Ofcom proceeded to make the decision without written or oral representations from the Service Provider. In two other cases, providers raised almost the same arguments focusing on topics such as lack of jurisdiction to impose a penalty; breach of the Service Provider’s legitimate expectation; mistake as regards the Service Provider’s intentions in taking steps with the effect of moving jurisdiction outside the UK; the existence of any contravention; and seriousness.

In **Sweden**, there have been two juridical cases related to protection tools. In 2012, the Swedish chancellor of justice came to the conclusion that the TV series *The Pacific*, which contained scenes of realistic violence, provided on the VOD service of the Swedish public service broadcaster SVT, was in breach with the Swedish Radio and Television Act. The broadcaster had failed to take appropriate measures to hinder children from watching the programme. Also in 2012, the Swedish chancellor of justice came to the conclusion that the movie *Gränsen*, which also contained realistic violence, provided on linear TV of the broadcaster C More Entertainment AB, was in breach with Swedish Radio and Television Act. The channel for C More is encrypted and it had an optional “parental control function” for the holder. Regardless of these measures, the broadcaster was deemed to have failed to take appropriate measures to hinder children from watching the programme.

III. FUTURE PROSPECTS

From the lack of substantial responses concerning industry or public policy initiatives or research on the effectiveness of existing protection tools in the converged world, it can be deduced that this topic is not quite high on the agenda. The somewhat unpredictable outcome of the review of the AVMS Directive may explain this careful approach.

Nevertheless there are some ongoing processes throughout Europe. In the **UK**, the government in its communications strategy paper “Connectivity, Content and Consumers: Britain’s digital platform for growth”, asked Ofcom to work with industry and other regulators to deliver a framework that sets out a consistent approach to media standards regulation, across the board, building on existing standards that already apply in many places. The works already started with the aim to ensure that consumers have a clear understanding of the protections that apply to different types of content, including content accessed online, and know which regulatory body to turn to if they have a concern.

In **Croatia**, the AEM plans to launch in autumn a procedure for amendments to the Ordinance on the Protection of Minors Act in order to comply with the Electronic Media Act. The RA intention is to amend the regulations to define certain categories (12, 15 and 18) and liberalize the time of presentation of individual categories. Representatives of the Croatian Audiovisual Centre supported the RA, and agreed upon the adoption of amendments to the Regulations on the Protection of Minors and Rules on Classification to be compliant with the Regulation on the protection of minors.

Agcom (IT) has decided to evaluate the overall media services panorama and to analyse the behaviour of children and teenagers in their relationship with the media. With this scope, Agcom approved the project of an interdisciplinary study aimed at drawing up a "White Paper on the relationship between media and minors" and, consequently, constituted an interdisciplinary working group. The paper takes into consideration both the audiovisual content for minors and the use by minors of the audiovisual media services offered. The results of the research, conducted with CENSIS, have been officially presented on January 2014 with a public workshop, during which the need for an improved education of children and adults to the use of media has been stressed, making them more aware of pros and cons, with particular regard to the Internet, which at the moment is falling outside of the scope of the existing regulation.

In **Switzerland**, a public initiative concerning the future structure of protection of minors is in place. In addition, there will be recommendations regarding the need for further regulatory measures.

The **Irish** RA has recently undertaken research in the context of the review of the Code of Programme Standards. The research asked the public's views on tools currently used to protect audiences such as prior warnings and the Watershed. The majority of those surveyed supported the use of the tools including prior warnings and the use of a Watershed (after 9pm on TV) where programming suitable for adults is broadcast. The research also indicates that such tools minimise the potential for offence and harm.

Geographical dissimilarities and issues of jurisdiction

Audiovisual media services falling under jurisdiction of another Member State accessible through cable or satellite operators throughout Europe often cause complaints in the State of reception whereas the field of the protection of minors usually cause the biggest turmoil. This of course is a result of the great variety (also reflected in this paper) of the regulations of individual States.

The questionnaire responses indicate that the highest number of complaints with regards to the protection of the minors towards channels under a different jurisdiction are reported by the **Romanian regulator**. The RA has been notified by parents that channels for children or for teenagers that are under the jurisdiction of other Member States bring to children's attention unsuited content, either too violent and/or using bad language. The Romanian audience, parents and parents' associations not being familiar with the EU jurisdiction principle has notified the Council on various aspects that infringe the national legislation. Out of 43 complaint received, 28 complaints were for violent content and bad language during watershed, 9 complaints were for advertising addressed to children, 3 complaints for content referring to homosexual relations, 3 complaint for other topics. It is reported that effort is being made both by the NRA and by the editorial teams of the children's channels to take into consideration the target country specificities and to adapt content to national preferences.

In **Luxembourg**, the newly created ALIA is in charge of monitoring a number of services which hold a Luxembourg license but are mainly targeting the public in neighbouring countries. The Authority reported that they might take into account existing foreign protection tools while fulfilling its

monitoring mission. As a matter of fact, ALIA is observing a tendency among operators to invoke the legal rules of the country that suits them best.

Such a discussion about the different levels of the regulation also exist among the channels accessible in **Norway**. Norwegian broadcasters complain about the fact that the Norwegian regulation is in some areas stricter than the British and Swedish regulation. Several channels targeting Norway are under Swedish or UK jurisdiction, and Norwegian broadcasters feel that they do not have an even playing field.

A similar discussion emerged in the **Slovak Republic** where a commercial broadcaster often complains about the Czech channels being broadly accessible in Slovakia (while Czech language is generally understandable for Slovaks) since there is no age classification system in the Czech Republic. The “protest” of the broadcaster went recently even further when he filed for a licence with the regulator in the Czech Republic for the same TV channel that he operates in Slovakia.

In the French speaking Community of **Belgium**, the on-demand OTT operators which are required to register with the CSA are reluctant to enter the field of regulation in an environment where their direct competitors are not subject to any regulation or a lighter regulation than the one applicable in this part of Belgium. The CSA is currently discussing with operators a possible adaptation of the requirements to avoid that they may jeopardise the existence of providers while making sure that the regulatory objectives of the protection of minors are properly delivered. A change in the regulation may also be proposed to the government, but this would mean toning down the current protection system. Two requirements are currently deemed problematic for operators: the obligation to communicate a PIN code to users of over 18 years and the possibility to apply the parental code to content labelled “12” and “16” in addition to “18”; whereby the parental control default settings is set to “18” and can be modified later by the user to “12”.

Conclusions and suggestions for discussion

Despite its undeniable importance, the topic of protection of minors and protection tools in a convergent world seems to divide legislators, regulators, industry or audience greatly. There seems to be a widely shared “perception” that the endless number of approaches towards protection tools and the variety of tools actually used pose a serious problem for minors and parents and guardians who are legally and morally responsible for their well and healthy development. This was partly expressed in the recent draft ERGA discussion paper on the protection of minors in a converged environment.

But even if one ignores regulatory policy scenarios (e.g. downgrade or level up the regulation), the ultimate question however stays the same: how to effectively ensure that parents and guardians of minors are provided with enough relevant tools and resources to protect their children and to make sure that such tools and resources will withstand the risks and traps of the online/converged world?

The great variety of approaches and actual tools used fully supports the aim and focus of this working group – **the need to exchange and share the most efficient as well as the least successful experiences among regulators.**

Suggestions for Discussion

What protection tools or combination of protection tools seem the most effective taking into account all related aspects e.g. effectiveness, accessibility, affordability, acceptance of the industry and audience etc.?

What were the key findings of recent studies or evaluations of existing or future protection tools? What is the best mean to overall evaluate and measure the effectiveness and acceptance of the protection tools? Is there any low-budget possibility available for regulators to carry out this evaluation?

How significantly may the variety of the protection tools (or their absence) used in different European countries (in particular neighbouring ones) affect the effectiveness of domestic protection tools?