

# Procedure file

Basic information		
CNS - Consultation procedure Recommendation	1997/0329(CNS)	Procedure completed
Audiovisual and information services: protection of minors and human dignity. Follow-up of Green Paper		
Subject		
3.30.16 Ethical information policy		
4.10.03 Child protection, children's rights		

Key players			
European Parliament			
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights	PPE <a href="#">CASINI Carlo</a>	06/01/1998
	<b>LIBE</b> Civil Liberties and Internal Affairs	V <a href="#">LINDHOLM MaLou</a>	17/12/1997
Council of the European Union			
	Council configuration	Meeting	Date
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2117</a>	24/09/1998
	Culture	<a href="#">2100</a>	28/05/1998

Key events			
18/11/1997	Legislative proposal published	COM(1997)0570	Summary
16/01/1998	Committee referral announced in Parliament		
23/04/1998	Vote in committee		Summary
23/04/1998	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0153/1998</a>	
12/05/1998	Debate in Parliament		
13/05/1998	Decision by Parliament	T4-0274/1998	Summary
24/09/1998	Act adopted by Council after consultation of Parliament		
24/09/1998	End of procedure in Parliament		
07/10/1998	Final act published in Official Journal		

Technical information
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Procedure reference	1997/0329(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Recommendation
Legal basis	EC before Amsterdam E 130-p3
Stage reached in procedure	Procedure completed
Committee dossier	CULT/4/09620

### Documentation gateway

Legislative proposal		COM(1997)0570	18/11/1997	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0153/1998</a> <a href="#">OJ C 167 01.06.1998, p. 0003</a>	23/04/1998	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0626/1998</a> <a href="#">OJ C 214 10.07.1998, p. 0025</a>	29/04/1998	ESC	
Text adopted by Parliament, 1st reading/single reading		T4-0274/1998 <a href="#">OJ C 167 01.06.1998, p. 0080-0132</a>	13/05/1998	EP	Summary
Committee of the Regions: opinion		<a href="#">CDR0054/1998</a> <a href="#">OJ C 251 10.08.1998, p. 0051</a>	13/05/1998	CofR	
Non-legislative basic document		COM(2001)0106	27/02/2001	EC	Summary
Document attached to the procedure		<a href="#">00731/2001</a> <a href="#">OJ C 213 31.07.2001, p. 0010</a>	23/07/2001	CSL	Summary
Follow-up document		<a href="#">COM(2003)0776</a>	12/12/2003	EC	Summary
Non-legislative basic document		<a href="#">COM(2011)0556</a>	13/09/2011	EC	Summary
Follow-up document		SEC(2011)1043	13/09/2011	EC	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

EP/Council Recommendation 1998/560 <a href="#">OJ L 270 07.10.1998, p. 0048-0055</a>
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## Audiovisual and information services: protection of minors and human dignity. Follow-up of Green Paper

**OBJECTIVE:** to propose a series of recommendations to protect minors in audiovisual and information services. **SUBSTANCE:** the Commission proposes a series of recommendations to the Member States and the various parties concerned (consumers, audiovisual industries, etc.) with a view to the protection of minors in the audiovisual and information services which are based on the work and the outcome of the Green Paper on the protection of minors in information services (COS0490). It also proposes common guidelines to be applied voluntarily by the parties concerned with a view to the implementation of self-regulation mechanisms for the protection of minors. These guidelines include inter alia a code of conduct setting out the rules for self-regulation to be implemented for on-line services. The recommendations are addressed to: 1) the Member States and seek to: - evaluate the national measures for the protection of minors and establish a common assessment methodology at European level, - encourage the establishment of a national framework for self-regulation for on-line services, - encourage experiments for new means of protecting minors and viewers, - take measures to fight against the circulation of illegal content in the audiovisual services, - encourage young people to make responsible use of the new audiovisual and information services (improving awareness among parents, better identification of contents, etc.); 2) the industries and parties concerned and seek to: - cooperate with the national authorities in setting up a structure representing all the parties concerned in order in particular to improve coordination of

work at European level, - draw up codes of conduct applying to on-line services based on the principles contained in the code of conduct proposed in the annex to the recommendation (including respect for freedom of expression and free movement of services but establishment of techniques able to restrict access to certain services, the content of which would be detrimental to the physical, moral or mental development of minors; support for parental control and handling of complaints, etc.); - seek initiatives which facilitate access by young people to audiovisual and information services, - assesses periodically the initiatives carried out in application of this recommendation; 3) the Commission and seek to: - facilitate through appropriate financial instruments the networking of bodies responsible for self-regulation and the sharing of good practices in this field, - encourage cooperation between police and judicial authorities in the Member States in order to combat illegal content, - promote international cooperation in this area, - develop a methodology for evaluating the measures taken to protect minors in audiovisual services. ?

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The information society has arrived. In addition to traditional means of communication, an extraordinary expansion in electronic methods of production and distribution is taking place, in particular through on-line technology. This clearly raises issues such as the protection of minors and human dignity. The whole area is the subject of a Council recommendation on which Parliament has been asked to state its position under the consultation procedure. The report by Philip WHITEHEAD (PES, UK) adopted by the Committee endorses the approach of the Commission, which is to encourage self-regulation involving all concerned (the industry plus access and service providers). As the rapporteur says, the new services are too varied, too novel, to adapt to regulation from on high of the kind familiar in the development of European broadcasting. Although self-regulation should be tried, a degree of watchfulness is needed. National practices will vary depending on the culture of each country. This means there should be an attempt to make codes of conduct converge. The report therefore calls for common labelling of content guidelines to be devised in order to facilitate the transfrontier identification of illegal and harmful content. A regular and systematic review should also be carried out of the self-regulatory frameworks. Two years after the entry into force of the recommendation, an evaluation of their effectiveness should be made to determine whether regulatory action is needed. ?

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In adopting the report by Mr Phillip WHITEHEAD (PSE, UK) on the protection of minors in audiovisual and information services Parliament approved the recommendation as put forward by the Commission, but called for the development of common tools and more particularly common labelling of content guidelines in order to facilitate the transfrontier identification of illegal and harmful content. Stressing that the development of the audiovisual industry was dependent on the effective protection of minors, it expressed its support for strengthening cooperation at European level with a view to developing new tools and services in this area. Cooperation should also be strengthened with third countries and in particular with the applicant countries to the Union. In order to ensure a high level of protection of the general interest, it called for the strengthening of the definition of a common ethical approach to the information society. To this end, Parliament supported a systematic review of the various self-regulatory frameworks and their success in achieving the objective of providing adequate protection for minors and human dignity. It also called for regular consultations to be organized with the Member States and for an evaluation report to be submitted to Parliament and the Council within two years. This report would include inter alia an assessment of whether regulatory action was needed. ?

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The Council adopted the conclusions on the Commission's Evaluation Report on the application of the recommendation concerning the protection of minors and human dignity. On the basis of this report, the Council invites the Member States to: - continue their work to promote the application of the recommendation and, within that context, to pay particular attention to the need to encourage the participation of users, including consumers; - disseminate the results of the application of the recommendation to the parties concerned including, inter alia, users, consumers, industry and authorities, with the aim of promoting the exchange of experience, the development of new skills and good practice regarding the protection of minors. Moreover, the Commission is invited to: - continue its work, on the basis of the encouraging results in which have been achieved hitherto, and promote the application of the recommendation by facilitating the exchange of experience and good practice at Community level on the protection of minors in respect of all audiovisual media; - report to the Council, with reference to the fact that two years may be a relatively short period for fully applying the recommendation, at an appropriate moment, and preferably before 31/12/2002; - continue the dialogue with the different parties involved, and particularly with the industry, on the possibilities for implementing technical systems for parental control in the digital environment. ?

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The European Commission presented its second evaluation report on the application of Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity. Illegal, harmful and undesirable content and conduct on the Internet continues to be a concern for law-makers, industry and parents. There will be new challenges both in quantitative (more "illegal" content) and qualitative terms (new platforms, new products) Taking into account the ever-increasing processing power and storage capacity of computers, and the fact that broadband technologies allow distribution of content such as video on 3G mobile telephones, the need for a safe environment is greater than ever; - the Recommendation is still being applied in different ways by the Member States (as well as the accession countries and the other States which replied to the questionnaire). However, the number of hotlines and codes of conduct has increased significantly, and the fact that

two of the accession countries which replied to the questionnaire have established hotlines is also a positive sign. The launch of campaigns in most Member States to encourage safer use of the Internet is a very positive development. However, based on the replies to the questionnaire, the measures concerning the protection of minors in the accession countries do not seem to be as far-reaching as in the Member States. Even though self- or coregulation is still less developed in the broadcasting sector, the relevant systems seem to be working quite well. However, the involvement of consumer associations and other interested parties in the establishment of codes of conduct and other self-regulatory initiatives still leaves a lot to be desired; - in most Member States and accession countries the measures or initiatives concerning UMTS and the control of chat-groups are still quite abstract or left to self-regulation; - as far as industry is concerned, ICRA is still working on the development of reliable filter and rating systems for the Internet. The European Parliament further encouraged the DVB consortium to work on the development of reliable filter and rating systems for digital broadcasting. As yet, no further information concerning this issue has been received from the DVB. One of the conclusions of the independent Study on the rating practice used for audiovisual works in the European Union, was that there is no urgent pressure from either industry or the consumer for homogeneity of rating systems. In the light of this supposed absence of pressure for homogeneity in age-rating, the PEGI age-rating system, which replaces most national age rating systems in respect of video games, is indeed an interesting initiative; - the Safer Internet programme provides funding for measures as a coherent response by the European Union to illegal and harmful content on the Internet. The coverage of the Safer Internet Action Plan will extend to new online technologies, including mobile and broadband content, online games, peer-to-peer file transfer, and all forms of real-time communications such as chat-rooms and instant messages, primarily with the aim of improving the protection of children and minors. Action will be taken to ensure that a broader coverage of areas of illegal and harmful content and conduct giving rise to concern, including racism and violence; - as far as online media are concerned, the right of reply could be enshrined in the Recommendation as a first step towards an effective right of reply applicable to all media, for instance in cases where the allegation has been published in another country. The Commission will also be actively involved in the work of the Council of Europe concerning the right of reply in the online-environment; - the responsibility to protect minors from harmful effects of the media is a commonly shared one. Regulators, the audiovisual industry and parents all have to play their part to achieve the goal. Media-literate children and parents supported by efficient self-regulatory and rating systems are best equipped to prosper in the world of the future. Hence, the idea of including media literacy among the subjects covered by the Recommendation seems very appropriate; - rating or classification of audiovisual content serves an essential role in the protection of minors. Because of the cultural and social diversity among Member States, rating of programmes is carried out at national level. Nevertheless, there could be a "bottom-up" harmonisation through collaboration between self-regulatory and coregulatory bodies in the Member States, and through the exchange of best practices concerning such issues as a system of common, descriptive symbols which would help viewers to assess the content of programmes. The Commission intends to follow up on the public consultation process concerning the TVWF directive and this evaluation report by proposing an update of the Recommendation during the first half of 2004. This could cover issues relating to media literacy, the right of reply, and measures against discrimination or incitement to hatred on the grounds of race, sex or nationality in all online media.?