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*****I**

REPORT

on the proposal for a decision of the European Parliament and of the Council establishing a multiannual Community programme on promoting safer use of the Internet and new online technologies
(COM(2004)0091 – C5-0132/2004 – 2004/0023(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Edith Mastenbroek

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a decision of the European Parliament and of the Council establishing a multiannual Community programme on promoting safer use of the Internet and new online technologies
(COM(2004)0091 – C5-0132/2004 – 2004/0023(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2004)0091)¹,
 - having regard to Articles 251(2) and 153, par.2 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0132/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets, (A6-0033/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Title

Proposal for a decision of the European Parliament and of the Council on establishing a multiannual Community **programme** on promoting safer use of the Internet and new online technologies

Proposal for a decision of the European Parliament and of the Council on establishing a multiannual Community **Programme** on promoting safer use of the Internet and new online technologies

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

¹ ..Not yet published in OJ.

Amendment 2

Recital 4

(4) There will be a continued need for action both in the area of content potentially harmful to children or unwanted by the end user and in the area of illegal content, *particularly* child pornography.

(4) There will be a continued need for action both in the area of content potentially harmful to children or unwanted by the end user and in the area of illegal content, *in particular* child pornography *and racist material*.

Amendment 3

Recital 5

(5) Reaching international agreement on legally binding rules is desirable but *will be difficult and* will not be achieved *rapidly*. Even if such agreement is reached, it will not be enough in itself to ensure implementation of the rules or to ensure protection of those at risk.

(5) Reaching international agreement on legally binding *basic* rules is desirable but will not be *easily* achieved. Even if such agreement is reached, it will not be enough in itself to ensure implementation of the rules or to ensure protection of those at risk.

Amendment 4

Recital 6

(6) The Safer Internet Action Plan¹ (1998-2004) has provided Community financing which has successfully encouraged a variety of initiatives and has given European added value. Further funding will help new initiatives to build on the work already accomplished.

¹ Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a Multiannual Community Action Plan on promoting safer use of the Internet and new online technologies by combating illegal and harmful content primarily in the area of the protection of children and minors OJ L 33, 6.2.1999, p.1 as amended by Decision No 1151/2003/EC of the European Parliament and of the Council of 16 June 2003 OJ L 162, 1.7.2003, p. 1).

(6) The Safer Internet Action Plan¹ (1998-2004) has provided Community financing which has successfully encouraged a variety of initiatives and has given European added value. Further funding will help new initiatives to build on the work already accomplished.

¹ Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a Multiannual Community Action Plan on promoting safer use of the Internet and new online technologies by combating illegal and harmful content primarily in the area of the protection of children and minors OJ L 33, 6.2.1999, p.1 as amended by Decision No 1151/2003/EC of the European Parliament and of the Council of 16 June 2003 OJ L 162, 1.7.2003, p. 1 *and by Decision No 787/2004/EC of the European Parliament and of the Council of 21 April 2004 amending Council Decision 96/411/EC and Decisions Nos*

276/1999/EC, 1719/1999/EC, 2850/2000/EC, 507/2001/EC, 2235/2002/EC, 2367/2002/EC, 253/2003/EC, 1230/2003/EC and 2256/2003/EC with a view to adapting the reference amounts to take account of the enlargement of the European Union, OJ L 138, 30.4.2004, p.12.

Amendment 5
Recital 7

(7) Practical measures are still needed to encourage reporting of illegal content to those in a position to deal with it, to encourage ***development of filtering technologies***, to spread best practice for codes of conduct embodying generally agreed canons of behaviour, and to inform and educate parents and children on the best way to benefit from the potential of new media in a safe way.

(7) Practical measures are still needed to encourage reporting of illegal content to those in a position to deal with it, to encourage ***assessment of the performance of filter technologies and the benchmarking of these technologies***, to spread best practice for codes of conduct embodying generally agreed canons of behaviour, and to inform and educate parents and children on the best way to benefit from the potential of new media in a safe way.

Amendment 6
Recital 10

(10) The measures ***necessary for the implementation of*** this Decision ***should be adopted in accordance with*** Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(10) The measures ***that the Commission is empowered to adopt under the implementing powers conferred on it by this Decision are essentially management measures relating to the implementation of a Programme with substantial budgetary implications within the meaning of Article 2(a)*** of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. ***Those measures should therefore be adopted in accordance with the management procedure provided for in Article 4 of that Decision.***

Amendment 7

Recital 11

(11) Complementarity and synergy with related Community initiatives and programmes should be ensured by the Commission.

(11) Complementarity and synergy with related Community initiatives and programmes should be ensured by the Commission, ***including, inter alia, by taking into account the work performed by other bodies.***

Amendment 8

Recital 12

(12) This ***act establishes a financial framework*** for the entire duration of the ***programme which is to be the principal point of reference for the budgetary authority***, within the meaning of point 33 of the ***Interinstitutional*** Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure.

(12) This ***Decision lays down***, for the entire duration of the ***Programme, a financial framework constituting the prime*** reference, within the meaning of point 33 of the ***Interinstitutional*** Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure¹, ***for the budgetary authority during the annual budgetary procedure.***

¹ ***OJ C 172, 18.6.1999, p. 1, as amended by Decision 2003/429/EC of the European Parliament and of the Council of 19 May 2003 on the adjustment of the financial perspective for enlargement, OJ L 147, 14.6.2003, p. 25.***

Amendment 9

Recital 13 a (new)

(13a) This Decision respects the fundamental rights and observes the principles reflected in the Charter of Fundamental Rights of the European Union, in particular Articles 7 and 8 thereof,

Amendment 10

Article 1, paragraph 1

1. This Decision establishes a Community ***programme*** to promote safer use of the

1. This Decision establishes a Community ***Programme for the period 2005-2008*** to

Internet and new online technologies, particularly for children, and to fight against illegal content and content unwanted by the end user.

promote safer use of the Internet and new online technologies, particularly for children, and to fight against illegal content and content unwanted by the end user.

Amendment 11

Article 2, paragraph 1, subparagraph 2

It shall also be open to participation of candidate countries in accordance with bilateral agreements to be concluded with those countries.

It shall also be open to participation of ***legal entities established in the*** candidate countries in accordance with bilateral agreements ***in existence or*** to be concluded with those countries.

Amendment 12

Article 2, paragraph 2

2. Participation in the Programme may be opened to legal entities established in EFTA States which are contracting parties to the EEA Agreement, in accordance with the provisions of that Agreement.

2. Participation in the Programme may be opened to legal entities established in EFTA States, which are contracting parties to the EEA Agreement, in accordance with the provisions of that Agreement.¹

¹ *Decision of the EEA Joint Committee of 23/04/2004 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, OJ L 277,26/08/2004, p.29*

Amendment 13

Article 3, paragraph 2 a (new)

2a In the implementation of the Programme, the Commission shall, in close co-operation with the Member States, ensure that it is generally consistent with and complementary to other relevant Community policies, programmes and actions, in particular the Community research and technological development programmes and the Daphne¹, eContent² and Modinis³ programmes.

¹ *Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action on preventive measures to fight violence against children, young persons and women (OJ L 34, 9.2.2000, p.1), as amended by Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme), OJ L 143, 30.4.2004, p. 1.*

² *Council Decision of 22 December 2000 adopting a multiannual Community programme to stimulate the development and use of European digital content on the global networks and to promote linguistic diversity in the information society (OJ L 14, 18.1.2001, p. 32), as amended by Decision No /2004/EC of the European Parliament and of the Council of 2004 (OJ L , , p.).*

³ *Decision No 2256/2003/EC of the European Parliament and of the Council of 17 november 2003 adopting a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security, OJ L 336, 23.12.2003, p. 1.*

Amendment 14

Article 3, paragraph 3, point (a a) (new)

(aa) breakdown of budgetary expenditure;

Amendment 15

Article 3, paragraph 3, point (b a) (new)

(ba) assessment of the projects proposed following calls for proposals for Community funding where the estimated Community contribution is equal to, or more than, EUR 500 000;

Amendment 16

Article 3, paragraph 3, point (c a) (new)

***(ca) implementation of measures for
evaluating the Programme;***

Amendment 17
Article 3, paragraph 4

4. The Commission shall inform the ***committee*** of progress with the implementation of the Programme.

4. The Commission shall inform the ***Committee*** of progress with the implementation of the Programme.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Amendment 18
Article 4, paragraph 2

2. Where reference is made to this paragraph, ***Articles 3 and 7*** of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.

2. Where reference is made to this paragraph, ***Articles 4 and 7*** of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.

Amendment 19
Article 5, paragraph 2

2. The Commission shall monitor the implementation of projects under the Programme. ***On completion of a project***, the Commission shall evaluate the manner in which ***it has*** been carried out and the impact of ***its*** implementation in order to assess whether the original objectives have been achieved.

2. The Commission shall monitor the implementation of projects under the Programme. The Commission shall evaluate the manner in which ***the projects have*** been carried out and the impact of ***their*** implementation in order to assess whether the original objectives have been achieved.

Amendment 20
Article 5, paragraph 3, subparagraph 1

3. The Commission shall ***submit an evaluation*** report on the implementation of the action lines referred to in Article 1(2) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the

3. The Commission shall report on the implementation of the action lines referred to in Article 1(2) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by ***mid-2006*** at

Regions, by *[two years from date of publication]* at the latest.

the latest. *In this context, the Commission shall report on the consistency of the amount for 2007-2008 with the financial perspective. If applicable, the Commission shall take the necessary steps within the budgetary procedures for 2007-2008 to ensure the consistency of the annual appropriations with the financial perspective.*

Amendment 21

Article 5, paragraph 3, subparagraph 2

It shall submit a final evaluation report at the end of the Programme.

The Commission shall submit a final evaluation report at the end of the Programme.

Amendment 22

Article 5, paragraph 3 a (new)

3a. The Commission shall forward the results of its quantitative and qualitative evaluations to the European Parliament and the Council together with any appropriate proposals for the amendment of this Decision. The results shall be forwarded before presentation of the draft general budget of the European Union for the years 2007 to 2009 respectively.

Amendment 23

Article 6, paragraph 2, subparagraph 1

2. The financial *reference amount* for the implementation of the *programme* for the period referred in paragraph 1 *shall be EUR 50 million.*

2. The financial *framework* for the implementation of the *Community actions under this Decision* for the period *from 1 January 2005 to 31 December 2008 is hereby set at EUR 45 million, of which EUR 20,050 million is for the period until 31 December 2006.*

Amendment 24

Article 6, paragraph 2, subparagraph 2 a (new)

For the period following 31 December 2006, the amount shall be deemed to be confirmed if it is consistent for this phase with the financial perspective in force for the period commencing in 2007.

Amendment 25
Article 6, paragraph 2, subparagraph 3

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial *perspectives*.

The annual appropriations *for the period from 2005 to 2008* shall be authorised by the budgetary authority within the limits of the financial *perspective*.

Amendment 26
Annex I, Title

ANNEX I

ANNEX I *to the ANNEX*.

Amendment 27
Annex I, point 1, paragraph 1

Hotlines allow members of the public to report illegal content. They pass the reports on to the appropriate body for action (Internet Service Provider (ISP), police or correspondent hotline). Civilian hotlines complement police hotlines, where these exist. Their role is distinct from that of the law enforcement authorities, since they do not investigate offences or arrest or prosecute offenders. They constitute centres of expertise providing guidance to ISPs as to what content might be illegal.

Hotlines allow members of the public to report illegal content. They pass the reports on to the appropriate body for action (Internet Service Provider (ISP), police or correspondent hotline). Civilian hotlines complement police hotlines, where these exist. Their role is distinct from that of the law enforcement authorities, since they do not investigate offences or arrest or prosecute offenders. They *may* constitute centres of expertise providing guidance to ISPs as to what content might be illegal.

Amendment 28
Annex I, point 1, paragraph 2

The existing hotline network is a unique organisation *which* would not have been set up without EU funding. As pointed out in the *programme* evaluation 2002, the

The existing hotline network is a unique organisation *that* would not have been set up without EU funding. As pointed out in the *Programme* evaluation 2002, the

network has been very successful in expanding membership and has an international reach. In order for the hotlines to develop their full potential, it is necessary to ensure Europe-wide coverage and co-operation, and to increase effectiveness through exchange of information, best practice and experience.

network has been very successful in expanding membership and has an international reach. In order for the hotlines to develop their full potential, it is necessary to ensure Europe-wide coverage and co-operation, and to increase effectiveness through exchange of information, best practice and experience. ***Community funds should also be used to raise public awareness of the hotlines, thereby making them more effective.***

Amendment 29

Annex I, point 1, paragraph 3

Funding will be provided ***to*** hotlines selected following a call for proposals to act as nodes of the network and to ***network co-ordination for carrying on the work of*** the European network of hotlines.

Funding will be provided ***for*** hotlines, selected following a call for proposals, to act as nodes of the network and to ***co-operate with other nodes within*** the European network of hotlines.

Amendment 30

Annex I, point 1, paragraph 3 a (new)

If necessary, telephone help lines could be supported, where children could raise concerns about illegal or harmful content on the Internet.

Amendment 31

Annex I, point 1, paragraph 3 b (new)

For the purpose of evaluating the effectiveness of hotlines, several indicators should be taken into account. Qualitative and quantitative data should be collected on the establishment and operation of hotlines, the number of national nodes, the geographical coverage in the Member States, the number of reports received, the number and level of

experience of staff of the hotlines, the reports forwarded for action to the public authorities and ISPs, and, to the extent available, actions taken as a result, in particular the number and kind of web pages withdrawn by internet service providers as a result of information provided by the hotlines. Those data should be made public if possible and should be forwarded to the competent authorities.

Amendment 32
Annex I, point 1, paragraph 4

New hotlines are required in Member States and candidate countries where none currently exists. These must be incorporated quickly and effectively into the existing European network of hotlines. Links between this network and hotlines in third countries (particularly in other European countries where illegal content is hosted and produced) should be promoted, enabling the development of common approaches and transfer of know-how and best practice. **Existing** mechanisms for co-operation between **the national** hotlines and law enforcement must be further improved. There **is** a need for legal and technical training of hotline staff. Active participation by hotlines in networking and cross-border activities will be mandatory.

To ensure that the Programme is effective, hotlines are required in **all** Member States and candidate countries where none currently exists. These **new hotlines** must be incorporated quickly and effectively into the existing European network of hotlines. **Incentives must be given to speed up the process of setting up hotlines.** Links between this network and hotlines in third countries (particularly in other European countries where illegal content is hosted and produced) should be promoted, enabling the development of common approaches and transfer of know-how and best practice. **In accordance with national legislation, and where appropriate and necessary**, mechanisms for co-operation between **civilian** hotlines and law enforcement **authorities** must be further improved, **including, for example, the development of codes of conduct for such hotlines.** **Where appropriate**, there **may be** a need for legal and technical training of hotline staff. Active participation by hotlines in networking and cross-border activities will be mandatory.

Amendment 33
Annex I, point 1, paragraph 5

Hotlines should be linked to Member State

Hotlines should be linked to Member State

initiatives, supported at national level and should be financially viable to ensure continued operation beyond the duration of the present *programme*. Co-funding is intended for civilian hotlines *which complement the activities of law enforcement but are not part of the mechanism of law enforcement*, and so will not be provided for hotlines run by the police. Hotlines will make clear to users the difference between their activities and those of the police, and will inform them of the existence of alternative ways of reporting illegal contact, such as directly to the police.

initiatives, supported at national level and should be financially viable to ensure continued operation beyond the duration of the present *Programme*. Co-funding is intended for civilian hotlines and *therefore* will not be provided for hotlines run by the police. Hotlines will make clear to users the difference between their activities and those of *public authorities*, and will inform them of the existence of alternative ways of reporting illegal *content*.

Amendment 34

Annex I, point 1, paragraph 7, indents 1 and 2

- *provide* a single identity and entry point providing simple access to the appropriate national contact;

- *promote the network as a whole, so as to generate its European-level visibility and raise public awareness thereof throughout the European Union, providing eg. a single identity and entry point providing simple access to the appropriate national contact;*

- *promote the network as a whole, generating European-level visibility;*

Amendment 35

Annex I, point 1, paragraph 7, indent 9

- maintain a close working with the awareness co-ordinating node (see point 4 below) to ensure the cohesion and effectiveness of overall programme operations and so as to increase public awareness of the hotlines;

- maintain a close working *relationship* with the awareness co-ordinating node (see point 4 below) to ensure the cohesion and effectiveness of overall programme operations and so as to increase public awareness of the hotlines;

Amendment 36

Annex I, point 1, paragraph 8

The co-ordinating node will monitor effectiveness of hotlines and collect accurate and meaningful statistics on their operation (number *of* and type reports received, action taken and result etc.).

The co-ordinating node will monitor effectiveness of hotlines and collect accurate and meaningful statistics on their operation (number and type *of* reports received, action taken and result etc.). ***These statistics should be comparable across Member States.***

Justification

Comparability is essential to assess the overall effectiveness of hotlines and the scale and type of problems faced as a result of unwanted, illegal or harmful content. Comparability would also help to identify best practice.

Amendment 37 Annex I, point 1, paragraph 9

The hotline network should ensure coverage and exchange of reports of the major types of illegal content of concern - extending beyond the area of child pornography. Different mechanisms and ***different*** expertise may be required to deal with other areas such as racist content, which might involve ***different*** types of ***national*** nodes dealing with the different issues. Since the financial and administrative resources of the ***programme*** are limited, not all such nodes would necessarily receive funding, which might have to be concentrated on a reinforced role for the co-ordinating node in these areas.

The hotline network should ensure coverage and exchange of reports of the major types of illegal content of concern - extending beyond the area of child pornography. Different mechanisms and expertise may be required to deal with other areas such as racist content, which might involve ***other*** types of nodes dealing with the different issues. Since the financial and administrative resources of the ***Programme*** are limited, not all such nodes would necessarily receive funding, which might have to be concentrated on a reinforced role for the co-ordinating node in these areas.

Amendment 38 Annex I, point 1, paragraph 10

Further types of activity attracting financial support at EU level could for instance include software development to assist hotlines in managing their workload and handling reports more efficiently.

deleted

Justification

Various forms of interoperable software already exist that can be helpful in managing the hotline workload and in creating an interoperable filing system.

Amendment 39

Annex I, point 2, paragraph 1

In addition to action to fight illegal content at its source, the ***appropriate*** tools ***should be*** available to users - responsible adults in the case of minors - to make their own decisions how to deal with unwanted and harmful content (user empowerment).

In addition to action to fight illegal content at its source, users - responsible adults in the case of minors - ***may need technical tools. Accessibility to these tools may be promoted in order to empower users*** to make their own decisions ***on*** how to deal with unwanted and harmful content (user empowerment).

Amendment 40

Annex I, point 2, paragraph 2

Further funding should be provided to increase the information available about performance and effectiveness of filtering software and services so that user can exercise that choice.

Further funding should be provided to increase the information available about performance and effectiveness of filtering software and services so that ***the*** user can exercise that choice. ***User organisations and scientific research institutes can be valuable partners in this effort.***

Amendment 41

Annex I, point 2, paragraph 3

In addition to research on innovative technology funded under research programmes, it would also be appropriate to fund projects for innovative uses of existing technology, for widening the scope of filtering software and services to content delivered by new technologies or for adapting filtering software and services to the specific needs of European users (including increasing the number of languages covered).

deleted

Justification

The Programme's financial resources should be used to finance those activities that the private sector is reluctant to invest in. Various forms of filter software have been developed without public investment. Research into the performance and the transparency of filter software however, should be a priority as this empowers parents and other consumers to make an informed choice.

Amendment 42

Annex I, point 2, paragraph 4

Rating systems and quality labels, in combination with filtering technologies, can help **empowering** users to select the content they wish to receive and provide European parents and educators with the necessary information to make decisions in accordance with their cultural and linguistic values. Funding could be given to projects which aim to adapt rating systems and quality labels to take account of the convergence of telecommunications, audio-visual media and information technology and to self-regulatory initiatives to back-up the reliability of self-labelling and services to audit the accuracy of self-rating labels. Further work may be also be needed to encourage take-up of rating systems and quality labels by content providers.

Rating systems and quality labels, in combination with filtering technologies, can help **to empower** users to select the content they wish to receive and provide European parents and educators with the necessary information to make decisions in accordance with their cultural and linguistic values. **Taking account of the results of previous projects**, funding could be given to projects which aim to adapt rating systems and quality labels to take account of the convergence of telecommunications, audio-visual media and information technology and to self-regulatory initiatives to back-up the reliability of self-labelling and services to audit the accuracy of self-rating labels. Further work may be also be needed to encourage take-up of rating systems and quality labels by content providers.

Amendment 43

Annex I, point 2, paragraph 5

It would be desirable to try to take account of the possible effect of new technologies on their safe use by children when they are being **elaborated**, instead of trying to deal with consequences of the new technologies after they have been devised. The safety of the end-user is a criterion to be taken into account along with technical and commercial considerations. One way of doing this would be to foster an exchange of views between child welfare specialists

It would be desirable to try to take account of the possible effect of new technologies, on their safe use by children when they are being **developed**, instead of trying to deal with **any** consequences of the new technologies after they have been devised. The safety of the end-user is a criterion to be taken into account along with technical and commercial considerations. One way of doing this would be to foster an exchange of views between child welfare specialists and technical experts. **However**,

and technical experts.

it should be taken into account that not every product developed for the online world is intended for use by children.

Amendment 44

Annex I, point 2, paragraph 6, introductory part

The *programme* will therefore provide funding for technological measures which empower *users* to limit the amount of unwanted and harmful content which they receive, and to manage unwanted spam that they receive, including:

The *Programme* will therefore provide funding for technological measures *which meet the needs of users and* which empower *them* to limit the amount of unwanted and harmful content which they receive, and to manage unwanted spam that they receive, including:

Amendment 45

Annex I, point 2, paragraph 6, indent 1

- assessing the effectiveness of available filtering technology and providing information to the public;

- assessing the effectiveness of available filtering technology and providing *this* information to the public *in a clear, simple way that facilitates comparison*;

Justification

In order for the public to be able to take maximum advantage of the available filtering technology, they must be able to make easy comparisons. This in turn will provide an incentive to manufacturers of filtering software to improve their technology.

Amendment 46

Annex I, point 2, paragraph 6, indents 2 and 3

- facilitating and co-ordinating exchanges of information and best practices on effective enforcement against *spam (see the Commission Communication on unsolicited commercial communications or 'spam')*;

- *development of effective filtering technology, particularly in the second part of the programme*;

- facilitating and co-ordinating exchanges of information and best practices on effective enforcement against *unwanted and harmful content*;

Amendment 47
Annex I, point 2, paragraph 6, indent 4 a (new)

- if necessary, contributing to the accessibility of filter technology notably in languages not adequately covered by the market. Where appropriate, the technologies used should safeguard the right to privacy pursuant to Directives 95/46/EC and 2002/58/EC.

Amendment 48
Annex I, point 2, paragraph 8

Development of filtering technologies will take due account of technological evolution, and the need for the Commission to take a 'technology neutral'-approach. ***deleted***

Amendment 49
Annex I, point 3, paragraph 1

A fully functioning system of self-regulation is an essential element in limiting the flow of harmful and illegal content. Self-regulation involves a number of components: consultation and ***representativeness*** of the parties concerned; ***code(s)*** of conduct; national bodies facilitating co-operation at Community level; national evaluation of self-regulation frameworks.¹ There is a continuing need for Community work in this area to encourage implementation of codes of conduct by the European Internet and new online technologies industries.

¹ See the indicative guidelines for the implementation, at national level, of a self-regulation framework for the protection of minors and human dignity in on-line audiovisual and information services. Council Recommendation of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national

A fully functioning system of self-regulation is an essential element in limiting the flow of harmful and illegal content. Self-regulation involves a number of components: consultation and ***appropriate representation*** of the parties concerned; ***codes*** of conduct; national bodies facilitating co-operation at Community level; national evaluation of self-regulation frameworks.¹ There is a continuing need for Community work in this area to encourage implementation of codes of conduct by the European Internet and new online technologies industries.

¹ See the indicative guidelines for the implementation, at national level, of a self-regulation framework for the protection of minors and human dignity in on-line audiovisual and information services ***in*** Council Recommendation of 24 September 1998 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 OJ L 270, 7.10.1998, p. 48.

frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity, OJ L 270, 7.10.1998, p. 48.

Amendment 50
Annex I, point 3, paragraph 2

The Safer Internet Forum to be developed in 2004 under the current Safer Internet Action Plan is to become a **unique** discussion forum including representatives of industry, law enforcement authorities, **child welfare organisations and policy makers, and** will provide a platform for national co-regulatory or self-regulatory bodies to exchange experience. It will also give the opportunity to discuss ways in which industry can contribute to the fight against illegal content.

The Safer Internet Forum to be developed in 2004 under the current Safer Internet Action Plan is to become a discussion forum including representatives of industry, law enforcement authorities, **policy makers, user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies, civil and digital rights organisations).** It will provide a platform for national co-regulatory or self-regulatory bodies to exchange experience. It will also give the opportunity to discuss ways in which industry can contribute to the fight against illegal content.

Amendment 51
Annex I, point 3, paragraph 4

The Forum will span all action lines, facilitating discussion and stimulating action relevant to illegal, unwanted and harmful content. Consisting of plenary sessions and working groups, it will be a meeting place for actors from all areas – including government agencies and programmes, standards bodies, industry, other services within the European Commission, user organisations (e.g. parent and teacher associations, child protection groups, consumer protection bodies). The Forum will provide an opportunity for people active at national level, especially those involved in Member State programmes and initiatives, to exchange views, information and experience. It will liaise with other Community initiatives such as the network and information security agency.

The Forum will span all action lines, facilitating discussion and stimulating action relevant to illegal, unwanted and harmful content. Consisting of plenary sessions and, **where necessary for specific issues, of** working groups **with clear objectives and deadlines,** it will be a meeting place for actors from all areas – including government agencies and programmes, standards bodies, industry, other services within the European Commission, user organisations (e.g. parent and teacher associations, child protection groups, consumer protection bodies **and civil and digital rights organisations**). The Forum will provide an opportunity for people active at national **and European** level, especially those involved in Member State programmes and initiatives, to exchange views, information

and experience. *Where appropriate, the Safer Internet Forum should exchange information and cooperate with relevant organisations active in related areas, such as in network and information security.*

Amendment 52

Annex I, point 3, paragraph 5, point 2

2. Stimulating consensus and self-regulation on issues such as quality rating of web-sites, *code of conduct for service providers*, cross-media content rating *and extending* rating and filtering techniques beyond the Internet to other areas such as mobile phones and online games.

2. Stimulating consensus and self-regulation on issues such as quality rating of web-sites, cross-media content rating, rating and filtering techniques, *extending them to new forms of content* such as online games *and new forms of access* such as mobile phones.

Amendment 53

Annex I, point 3, paragraph 5, point 2 a (new)

2a. Encouraging service providers to draw up codes of conduct on issues such as handling Notice and Take Down procedures in a transparent and conscientious manner, information to users about safer use of Internet and the existence of hotlines for reporting illegal content.

Amendment 54

Annex I, point 3, paragraph 5, point 2 b (new)

2b. Promoting research into the effectiveness of rating projects and filtering technologies. User organisations and scientific research institutes can be valuable partners in this effort.

Amendment 55

Annex I, point 3, paragraph 6

Working groups will be convened by the Commission for specific issues, with clear objectives and deadlines. Results and findings from ongoing and completed projects co-funded by programme will feed into the process. By providing an open platform, it will help to raise levels of awareness and attract the involvement of the candidate states and other countries outside the EU, providing an international arena to address a global problem. The Forum will, therefore, ensure that key associations, industries and public bodies are aware of, are consulted on and contribute to safer use initiatives within the EU and internationally.

Results and findings from ongoing and completed projects co-funded by the Programme will feed into the process. By providing an open platform, it will help to raise levels of awareness and attract the involvement of the candidate states and other countries outside the EU, providing an international arena to address a global problem. The Forum will, therefore, ensure that ***key associations, such as user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies, civil and digital rights organisations)***, industries and public bodies are aware of, are consulted on and contribute to safer use initiatives within the EU and internationally.

Amendment 56

Annex I, point 4, paragraph 1

Awareness actions should address a range of categories of illegal, unwanted and harmful content (including e.g. content considered unsuitable for children, racism and xenophobia, ***spam***) ***and deal with consumer protection, data protection, information and network security issues (viruses)***. They should deal with content distributed over the World Wide Web as well as new forms of interactive information and communication brought about by the rapid deployment of the Internet and mobile telephony (e.g. peer-to-peer services, broadband video, instant messaging, chat-rooms, etc.).

Awareness actions should address a range of categories of illegal, unwanted and harmful content (including e.g. content considered unsuitable for children, racism and xenophobia) ***and, where appropriate, take into account related issues of consumer protection, data protection, information and network security issues (viruses/spam)***. They should deal with content distributed over the World Wide Web as well as new forms of interactive information and communication brought about by the rapid deployment of the Internet and mobile telephony (e.g. peer-to-peer services, broadband video, instant messaging, chat-rooms, etc.).

Amendment 57

Annex I, point 4, paragraph 2

The Commission will continue to take steps to encourage cost-effective means of

The Commission will continue to take steps to encourage cost-effective means of

distribution to large numbers of users, notably by using multiplier organisations and electronic dissemination channels so as to reach the intended target groups.

distribution *of information* to large numbers of users, notably by using multiplier organisations and electronic dissemination channels so as to reach the intended target groups. ***The Commission could consider in particular the use of mass media and the distribution of information material to schools and to Internet Cafés.***

Justification

Many internet users are not aware of the dangers and risks connected to internet use by children. Also, many internet users are unaware of the risks of using the internet without proper security. A vast majority of parents prefer mass media like radio and television to receive information about a safer internet according to the Eurobarometer survey.

Amendment 58

Annex I, point 4, paragraph 4

Bodies seeking to act as ***national*** nodes will need to show that they have the strong support of national authorities. They should have a clear mandate to educate the public in safer use of the Internet and new media or in media and information literacy, and must have the necessary financial resources to implement that mandate.

Bodies seeking to act as ***awareness*** nodes will need to show that they have the strong support of national authorities. They should have a clear mandate to educate the public in safer use of the Internet and new media or in media and information literacy, and must have the necessary financial resources to implement that mandate.

Amendment 59

Annex I, point 4, paragraph 5, introductory part and indents 1 to 4

National nodes will be expected to:

- devise a cohesive, hard-hitting and targeted awareness campaign using the most appropriate media, taking into account best practice and experience in other countries
- establish and maintain a partnership (formal or informal) with key players (government agencies, press and media groups, ISP associations) and actions in their country relating to safer use of Internet and new media

Awareness nodes will be expected to:

- devise a cohesive, hard-hitting and targeted awareness campaign using the most appropriate media, taking into account best practice and experience in other countries;
- establish and maintain a partnership (formal or informal) with key players (government agencies, press and media groups, ISP associations, ***user organisations, education stakeholders***) and actions in their country relating to safer use of Internet and new media;

- co-operate with work in the wider field of media and information literacy

- inform users about European filtering software and services and about hotlines

- promote dialogue and exchange of information notably between stakeholders from the education and technological fields;

- where appropriate, co-operate with work in areas related to the Safer Internet plus Programme such as in the wider fields of media and information literacy or consumer protection;

- inform users about European filtering software and services and about hotlines and self-regulation schemes;

Amendment 60

Annex I, point 4, paragraph 7

To ensure maximum co-operation and effectiveness, a co-ordinating node will be funded to provide logistical and infrastructural support for **national** nodes, ensuring European-level visibility, good communication and exchange of experience so that lessons learnt can be applied on an ongoing basis (for instance by adapting awareness material).

To ensure maximum co-operation and effectiveness, a co-ordinating node will be funded to provide logistical and infrastructural support for nodes **in each Member State**, ensuring European-level visibility, good communication and exchange of experience so that lessons learnt can be applied on an ongoing basis (for instance by adapting awareness material).

Amendment 61

Annex I, point 4, paragraph 8, indents 2 to 6

- provide training in safer use of Internet and new technologies for **national** node staff (training for trainers)

- provide technical assistance to candidate countries wishing to set up awareness actions

- co-ordinate **national** nodes' provision of expertise and technical assistance to start-up awareness nodes

- propose indicators and manage collection, analysis and exchange of statistical information about **national** awareness-raising activities so as to assess their

- provide training in safer use of Internet and new technologies for **awareness** node staff (training for trainers);

- provide technical assistance to candidate countries wishing to set up awareness actions;

- co-ordinate **awareness** nodes' provision of expertise and technical assistance to start-up awareness nodes;

- propose indicators and manage collection, analysis and exchange of statistical information about awareness-raising activities so as to assess their impact;

impact

- provide infrastructure for a single, comprehensive trans-national repository (web portal) of relevant information and awareness and research resources with localised content (or local sub-sites as appropriate) **including** news snippets, articles, monthly newsletter in several languages as well as providing visibility for Forum activities

- provide infrastructure for a single, comprehensive trans-national repository (web portal) of relevant information and awareness and research resources with localised content (or local sub-sites as appropriate), **which may include** news snippets, articles, monthly newsletter in several languages as well as providing visibility for Forum activities;

Amendment 62
Annex II, title

ANNEX II

ANNEX II to the ANNEX

Amendment 63
Annex II, point 1)

1) Fighting against illegal content **23-28 %**

1) Fighting against illegal content **25 - 30 %**

Amendment 64
Annex II, point 2)

2) Tackling unwanted and harmful content
16-23 %

2) Tackling unwanted and harmful content
10 - 17 %

Amendment 65
Annex II, point 3)

3) Promoting a safer environment **5-9 %**

3) Promoting a safer environment **8 - 12 %**

Amendment 66
Annex II, point 4)

4) Awareness-raising **43-50 %**

4) Awareness-raising **47-51 %**

Amendment 67
Annex III, title

ANNEX III

ANNEX III *to the ANNEX*

EXPLANATORY STATEMENT

Introduction

Internet penetration and use of new technologies such as mobile phones is still growing considerably in the Community. Alongside this, dangers, especially for children, and abuse of the technologies continue to exist and new dangers and abuses are emerging. In order to encourage the exploitation of the opportunities offered by the Internet and new online technologies, measures are also needed to promote their safer use and protect the end-user from unwanted content. The Safer Internet Action Plan (1998-2004) has provided Community financing which has successfully encouraged a variety of initiatives and has given European added value. Further funding will help new initiatives to build on the work already accomplished but with an adapted focus. The new Programme, Safer Internet Plus, the subject of this codecision procedure, focuses on the end-user, the rise of new technologies (such as third generation mobile phones) and the importance of awareness raising. It distinguishes between illegal content, on the one hand, and unwanted or harmful content, on the other hand, concepts which require different techniques to deal with them. Illegal content and conduct is whatever is so defined by the applicable national law. Unwanted content is content that certain users do not wish to receive. Harmful content means content which adults responsible for children (parents or teachers) consider to be harmful to those children.

Action Lines of the Safer Internet Plus Programme

The Programme can be divided into four action lines and the budget is divided along these lines:

1. *Fighting against illegal content*: (23-28%) the establishment of hotlines where citizens can report illegal and/or harmful content. New hotlines have to be set up on a co-funding basis, (i.e. together with the Member States) in the new Member States and their work should be co-ordinated.
2. *Tackling unwanted and harmful content*: (16-23%) Development and evaluation of filter software while stressing user empowerment. The end-user should decide how he/she wants to deal with unwanted content.
3. *Promoting a safer environment*: (5-9%) Through self-regulation (involves consultation, representativeness of the parties concerned, codes of conduct and bodies facilitating consultation on national and community level) the Programme aims to obtain a safer internet environment. This process will be facilitated by a Safer Internet Forum.
4. *Awareness raising*: (43-50%) By informing the end-users (parents and children) about the risks on the internet through the appropriate means

The rapporteur welcomes the Safer Internet Plus Programme as proposed by the Commission, as it contains various good proposals for continuation of existing Programmes and the establishment of new ones. Focussing on the end-user is the most realistic approach and stressing awareness raising is its main strength. The Programmes' limited financial resources should be used to finance those activities that the private sector is reluctant to invest in. This means that further investment in the development of filter software or rating should not be a

priority of the Programme. Research into the performance and the transparency of filter software however, should be a priority. Also because some forms of filtering might threaten the freedom of information. The Programme should stress the importance of transparency and representation of all stakeholders on all levels.

The rapporteur wants to make the following suggestions:

- Action Line 1: Fighting illegal content: Currently, hotlines exist in 13 of the 25 Member States. Incentives should be given to organisations to take lead and set up such hotlines. The Programme should stress the importance of establishing hotlines in all Member States. Besides more attention is needed for hotlines that deal with other forms of illegal content such as racism and discrimination. The Programme should also stress the importance of codes of conduct for these hotlines in which transparency should be a key issue. Where possible, data should be published regularly on the notice and take down procedures that occur as a consequence of a hotline's activities. There is no need for the foreseen possibility to finance the development of specific software for hotlines; this can be easily be dealt with by making use of existing software.
- Action Line 2: Tackling unwanted and harmful content: The financial resources of the Safer Internet Plus Programme should be used to finance projects and activities that otherwise would not occur. (Various forms of filter software have been developed without any form of public investment). This means that the budget for the development of new filter software should be limited. However, research into the effectiveness and transparency of filter software should be encouraged through the Safer Internet Programme, as this empowers parents and other consumers to make an informed choice. Universities and research institutes can play a role in this, as well as children themselves. After all, they are the ones that need to be protected by these filters. The EU should subsidise those initiatives where the private sector is reluctant to invest such as awareness raising and the funding of hotlines.
- Action Line 3: The Safer Internet Forum: The Forum should represent consumer and civil liberties organisations, besides the already mentioned stakeholders, to assure their voice is being heard. The codes of conduct that result from the Forum's work should mention the role Internet Service Providers (ISPs) can play in awareness raising amongst their own users. Also, it should provide insight into the various ways ISPs deal with notice and take down procedures, so good examples can be promoted through benchmarking. The proposed international outreach of the Safer Internet Forum should be maximally exploited. Learning from good initiatives outside the EU and pushing for action where it is most needed should be the main goals of this international focus.
- Action Line 4: Awareness raising: One should bear in mind that often, children know a lot more about modern technology and the internet than their parents. Many parents are simply not aware that their children are at risk on the internet. Awareness campaigns must take this into account. The appropriate and most cost effective means of communication should be used to communicate the message. Television and radio campaigns can reach parents that are not aware of these problems and therefore do not actively look for solutions (e.g. published on a website). Also, the issue of network security and privacy must be incorporated into the awareness raising campaigns. New technologies also pose new challenges, especially in the field of secure use. A lack of security is often at the root

cause of much of the unwanted content received (spyware, spam, viruses, et caetera). Without the proper security internet users are not only at risk of receiving unwanted content, but also of becoming a source of distribution of it without being aware of this.

- The budget: Keeping in mind that the Programmes resources should be used to finance initiatives the private sector is reluctant to invest in, the amount for action line 2 should be reduced and shifted towards action line 1 and 4.

OPINION OF THE COMMITTEE ON BUDGETS

Mr Jean-Louis Bourlanges
Chairman
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Questions concerning the financial compatibility of the proposal for a decision of the European Parliament and of the Council on establishing a multiannual Community programme promoting safer use of the Internet and new online technologies (COM(2004)0091 – C6-0132/2004 – 2004/0023(COD))¹

Dear President,

At its meeting of 15 November 2004 the Committee on Budgets decided on its own initiative, pursuant to Rule 36(3), to consider the financial compatibility of the above Commission proposal.

The Committee considered the above question at its meeting of 15 November 2004.

At this meeting the Committee on Budgets accordingly decided, unanimously² with 1 abstention, to adopt the following amendment to Art. 6 of the above Proposal:

"The amount set for the period 2007 to 2008 shall be confirmed by agreement between the two arms of the Budgetary Authority in order to ensure its consistency with the financial perspective in force for the period commencing in 2007."

¹ Not yet published in OJ.

² The following were present for the vote : Janusz Lewandowski (chairman), Jan Mulder (vice-chairman), Reimer Böge (vice-chairman), Janusz Lewandowski (draftsman), Laima Liucija Andrikienė, Paulo Casaca, Gérard Deprez, Brigitte Douay, Den Dover, Salvador Garriga Polledo, Neena Gill, Dariusz Maciej Grabowski, Louis Grech, Catherine Guy-Quint, Anne Elisabet Jensen, Wiesław Stefan Kuc, Zbigniew Krzysztof Kuźmiuk, Alain Lamassoure, Vladimír Maňka, Mario Mauro, Gérard Onesta, Wojciech Roszkowski, Antonis Samaras, Jacek Emil Saryusz-Wolski, László Surján, Helga Trüpel, Kyösti Tapio Verrankoski, Marilisa Xenogiannakopoulou, Albert Jan Maat, Hans-Peter Martin, Jean-Claude Martinez, Paul Rübig, Tomáš Zatloukal.

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the above amendment in its report.

Yours sincerely,

Janusz Lewandowski

PROCEDURE

Title	Proposal for a decision of the European Parliament and of the Council establishing a multiannual Community programme on promoting safer use of the Internet and new online technologies			
References	COM(2004)0091 – C5-0132/2004 – 2004/0023(COD)			
Legal basis	CE153-p2			
Basis in Rules of Procedure	Rule 51			
Date of consulting Parliament				
Committee responsible Date announced in plenary	LIBE 16.09.2004			
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 16.09.2004	ITRE 16.09.2004	CULT 16.09.2004	FEMM 16.09.2004
Not delivering opinion(s) Date of decision	ITRE 13.09.2004	CULT 26.07.2004	FEMM 05.10.2004	
Enhanced cooperation Date announced in plenary				
Rapporteur(s) Date appointed	Edith Mastenbroek 26.07.2004			
Previous rapporteur(s)				
Simplified procedure Date of decision				
Legal basis disputed Date of JURI opinion	/			
Financial endowment amended Date of BUDG opinion	15.11.2004	/		
European Economic and Social Committee consulted Date of decision in plenary				
Committee of the Regions consulted Date of decision in plenary				
Discussed in committee	27.07.2004	01.09.2004	11.10.2004	16.11.2004
Date adopted	16.11.2004			
Result of final vote	for: 36		against: 0	
	against:		0	
	abstentions:		0	
Members present for the final vote	Alexander Nuno Alvaro, Edit Bauer, Johannes (Hans) Blokland, Jean-Louis Bourlanges, Kathalijne Maria Buitenweg, Maria Carlshamre, Giusto Catania, Michael Cashman, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Rosa Díez González, Antoine Duquesne, Patrick Gaubert, Lilli Gruber, Ewa Klamt, Magda Kósáné Kovács, Ole Krarup, Wolfgang Kreissl-Dörfler, Stavros Lambrinidis, Edith Mastenbroek, Jaime Mayor Oreja, Claude Moraes, Lapo Pistelli, Martine Roure, Michele Santoro, Luciana Sbarbati, Inger Segelström, Manfred Weber, Stefano Zappalà, Tatjana Ždanoka			
Substitutes present for the final vote	Marek Aleksander Czarnecki, Sophia in 't Veld, Bill Newton Dunn, Marie-Line Reynaud, Agnes Schierhuber			
Substitutes under Rule 178(2) present for the final vote	Antonio Masip Hidalgo			
Date tabled – A6	18.11.2004	A6-0033/2004		

Comments	
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