

# EUROPEAN PARLIAMENT

2004



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*Committee on Legal Affairs*

**2008/0047(COD)**

10.9.2008

## **OPINION**

of the Committee on Legal Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a decision of the European Parliament and of the Council  
establishing a multiannual Community programme on protecting children using  
the Internet and other communication technologies  
(COM(2008)0106 – C6-0092/2008 – 2008/0047(COD))

Rapporteur: Titus Corlăţean

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## SHORT JUSTIFICATION

On 27 February 2008, the Commission approved a new proposal for a decision of the European Parliament and of the Council establishing a multiannual Community programme on protecting children using the Internet and other communication technologies (COM(2008)0106).

Its aim is improving and replacing the existing Safer Internet *plus* programme by promoting four actions: reducing illegal content and tackling harmful conduct online; promoting a safer online environment; ensuring public awareness; and establishing a knowledge base.

Overall, the Commission proposal appears to be reasonable and balanced. However, your Draftsman would suggest certain changes to make the proposal more effective.

In particular, amendments are tabled to extend the scope of the Programme to online gambling and electronic commerce involving potentially harmful items and to make the participation of at least one organ of each Member States in it compulsory. A clarification of the notion of "children" is also suggested in order to take due account of the different provisions concerning legal capacity existing in all Member States.

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a decision Recital 1

##### *Text proposed by the Commission*

(1) Internet penetration and the use of communication technologies such as mobile phones is still growing considerably in the Community and offers great opportunities, such as participation, interactivity and creativity, to all citizens alike. Risks to children and abuse of the technologies continue to exist and, because of changing technologies and societal behaviours, new risks and abuses continue to emerge. In order to encourage exploitation of the opportunities and to take advantage of the positive benefits offered by the Internet and other online

##### *Amendment*

(1) Internet penetration and the use of communication technologies such as mobile phones is still growing considerably in the Community and offers great opportunities, such as participation, interactivity and creativity, to all citizens alike. ***However***, risks to children and abuse of the technologies continue to exist and, because of changing technologies and societal behaviours, new risks and abuses continue to emerge. ***Measures need to be adopted at EU level in order to protect the physical, mental and moral integrity of children, which might be impaired by***

technologies, measures are also needed to promote their safer use.

***accessing inappropriate content.***  
***Moreover***, in order to encourage exploitation of the opportunities and to take advantage of the positive benefits offered by the Internet and other online technologies ***as well as communication technologies***, measures are also needed to promote their safer use.

#### *Justification*

*The application of the decision on communication technologies such as mobile phones services should be explicitly mentioned, as a considerable number of children and teenagers use these services.*

### **Amendment 2**

#### **Proposal for a decision Recital 5**

*Text proposed by the Commission*

*Amendment*

***(5) Reaching international agreement on legally binding rules is desirable, but 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.***

***deleted***

#### *Justification*

*Mentioning the opportunity of an international agreement and questioning its effectiveness at the same time is quite contradictory.*

### **Amendment 3**

#### **Proposal for a decision Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) The changing media landscape, resulting from new technologies and media innovation, makes it necessary to teach children, and also parents, carers and educators, to use on-line information***

*services safely and effectively.*

#### **Amendment 4**

##### **Proposal for a decision Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) Efforts should be made to protect children against the economic risks of concluding long-term contracts by means of modern technologies (Internet or mobile phone). Therefore, effective age verification systems and voluntary certification labels should be developed.***

*Justification*

*As children are the main target of some long-term services provided on the Internet or on mobile phones (e.g. ringtones or games for mobile phones), providers should ensure that at least prices and the duration of the service are clearly indicated.*

#### **Amendment 5**

##### **Proposal for a decision Recital 14**

*Text proposed by the Commission*

*Amendment*

(14) 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, 8 and 24 thereof,

(14) This Decision respects the fundamental rights and observes the principles reflected in the Charter of Fundamental Rights of the European Union, in particular Articles **3(1)**, 7, 8 and 24 thereof,

#### **Amendment 6**

##### **Proposal for a decision Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) Nothing in this Decision and its Annexes prevents Member States from***

*applying their own legal provisions and administrative practices regarding the protection of children using the Internet, if these may ensure better results,*

## **Amendment 7**

### **Proposal for a decision**

#### **Article 1 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. For the purpose of this Decision, "children" shall mean persons under 18 years of age, unless their national law confers on them, under certain conditions, full legal capacity before that age.***

#### *Justification*

*The national provisions regarding full legal capacity confer, under certain conditions, a full legal capacity before the age of 18. An extension of the protection accorded to "children" to all people under 18, irrespective of the fact that they enjoy full legal capacity, would be inappropriate.*

## **Amendment 8**

### **Proposal for a decision**

#### **Article 1 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) ***reducing*** illegal content and ***tackling*** harmful conduct online;

(a) ***fighting against*** illegal content and harmful conduct online;

## **Amendment 9**

### **Proposal for a decision**

#### **Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Participation in the Programme shall be ***open to legal entities established in the Member States.***

1. Participation in the Programme shall be ***compulsory for at least one organ of each Member State. Any other legal entity may***

*participate voluntarily in the Programme.*

## Amendment 10

### Proposal for a decision Annex I – section 1 – title

*Text proposed by the Commission*

1. **Reducing** illegal content and **tackling** harmful conduct online

*Amendment*

1. **Fighting against** illegal content and harmful conduct online

## Amendment 11

### Proposal for a decision Annex I – section 1 – introductory wording

*Text proposed by the Commission*

The activities are aimed at reducing the amount of illegal content circulated online and dealing **adequately** with harmful conduct online, with particular focus on online distribution of child sexual abuse material, grooming and bullying. The main overall actions planned to be taken are:

*Amendment*

The activities are aimed at reducing the amount of illegal content circulated online and dealing **effectively** with harmful conduct online, with particular focus, **on the one hand**, on online distribution of child sexual abuse material, grooming and bullying **and, on the other hand, on online gambling and electronic commerce involving potentially harmful items**. The main overall actions planned to be taken are:

## Amendment 12

### Proposal for a decision Annex I – section 1 – point 1

*Text proposed by the Commission*

1. Providing the public with contact points for reporting online illegal content and harmful conduct. Activities should ensure that these contact points are effective and visible for the public, liaise closely with other actions at national level, and cooperate at European level to deal with cross-border issues and to exchange best

*Amendment*

1. Providing the public with contact points for reporting online illegal content and harmful conduct. Activities should ensure that these contact points are effective and visible for the public, liaise closely with other actions at national level, and cooperate at European level to deal with cross-border issues and to exchange best

practice.

practice. *These contact points will also provide the public with the necessary information on how to report illegal content and assess the content of on-line information services which could harm the physical, mental or moral integrity of children.*

## Amendment 13

### Proposal for a decision Annex I – section 1 – point 2

#### *Text proposed by the Commission*

2. **Tackling** harmful conduct online, in particular grooming **and** bullying. Activities will aim to **tackle** online grooming, the process by which an adult befriends a child with the intention of committing sexual abuse, and bullying. Actions will deal with technical, psychological and sociological issues related to these issues and will promote cooperation and coordination between stakeholders.

#### *Amendment*

2. **Fighting against** harmful conduct online, in particular grooming, bullying **and gambling**. Activities will aim to **fight against** online grooming, the process by which an adult befriends a child with the intention of committing sexual abuse, and bullying, **as well as online gambling and electronic commerce involving potentially harmful items**. Actions will deal with technical, psychological and sociological issues related to these issues and will promote cooperation and coordination between stakeholders.

## Amendment 14

### Proposal for a decision Annex I – section 1 – point 3

#### *Text proposed by the Commission*

3. Stimulating application of technical solutions for dealing adequately with illegal content and harmful conduct online. Activities should encourage the development or adaptation of effective technological tools to deal adequately with illegal content and **tackle** harmful conduct online, for general use by stakeholders.

#### *Amendment*

3. Stimulating application of technical solutions for dealing adequately with illegal content and harmful conduct online. Activities should encourage the development or adaptation of effective technological tools to deal adequately with illegal content and **fight against** harmful conduct online, for general use by stakeholders. **Consideration could be given inter alia to the following measures:**



- (a) adopting a quality label for service providers, so that users can easily check whether or not a given provider subscribes to a code of conduct;*
- (b) creating filters which would prevent information offending against children's physical, mental or moral integrity from passing through on-line technologies;*
- (c) supporting the establishment of a generic second-level domain name reserved for monitored sites committed to respecting minors and their rights, such as .KID.eu.*

## Amendment 15

### Proposal for a decision Annex I – section 1 – point 5

#### *Text proposed by the Commission*

5. Enhancing cooperation, exchange of information and experience in fighting online illegal content and harmful conduct at international level. Activities will aim to improve cooperation with third countries, harmonise approaches in dealing with illegal content and harmful conduct online at international level and encourage development of common approaches and methods of work.

#### *Amendment*

5. Enhancing cooperation, exchange of information and experience in fighting online illegal content and harmful conduct at international level. Activities will aim to improve cooperation with third countries, harmonise approaches in dealing with illegal content and harmful conduct online at international level and encourage development of *a coordinated approach to different national databases collecting images of child abuse as well as their connection to Europol and other* common approaches and methods of work.

## Amendment 16

### Proposal for a decision Annex I – section 2 – point 2

#### *Text proposed by the Commission*

2. Encouraging stakeholders to develop and implement adequate systems of self-regulation. Actions will encourage the creation and implementation of self-

#### *Amendment*

2. Encouraging stakeholders to develop and implement adequate systems of self-regulation. Actions will encourage the creation and implementation of self-

regulatory initiatives and encourage stakeholders to take account of child safety when developing new technologies and services.

regulatory initiatives, *aiming inter alia at rating or classifying on-line content*, and encourage stakeholders to take account of child safety when developing new technologies and services.

## Amendment 17

### Proposal for a decision Annex I – section 3 – point 1

#### *Text proposed by the Commission*

1. Raising public awareness and disseminating information on safer use of online technologies. The activities will promote public awareness by providing adequate information about possibilities, risks and ways to deal with them in a coordinated way across Europe. Activities will encourage cost-effective means of distributing awareness information to a large number of users.

#### *Amendment*

1. Raising public awareness and disseminating information on safer use of online technologies. The activities will promote public awareness by providing adequate information about possibilities, risks and ways to deal with them in a coordinated way across Europe. ***Actions will be encouraged so as to enable children to make responsible use of on-line technologies, in particular through media literacy or media education programmes as well as, for instance, continuous training within school education, including sessions open to parents.*** Activities will ***also*** encourage cost-effective means of distributing awareness information to a large number of users, ***such as, for example, information packs on possible risks of online technologies.***

## Amendment 18

### Proposal for a decision Annex I – section 3 – point 2

#### *Text proposed by the Commission*

2. Providing contact points where parents and children can receive answers to questions about how to stay safe online. Activities will be aimed at empowering users to make informed and responsible choices by providing them with advice on

#### *Amendment*

2. Providing contact points, ***including telephone hotlines***, where parents and children can receive answers to questions about how to stay safe online. Activities will be aimed at empowering users to make informed and responsible choices by

relevant information and precautions to be taken to remain safe online.

providing them with advice on relevant information and precautions to be taken to remain safe online.

## Amendment 19

### Proposal for a decision Annex I – section 3 – point 3

#### *Text proposed by the Commission*

3. Encouraging enhancement of efficient and cost-effective awareness-raising methods and tools. Actions will be aimed at improving relevant awareness-raising methods and tools with a view to making them more efficient and cost-effective in a long-term perspective.

#### *Amendment*

3. Encouraging enhancement of efficient and cost-effective awareness-raising methods and tools. Actions will be aimed at improving relevant awareness-raising methods and tools with a view to making them more efficient and cost-effective in a long-term perspective. ***These actions may include, inter alia, the setting-up of a system of common descriptive symbols or warning messages indicating the age category and/or those aspects of the content which have led to a certain age recommendation, which would help users to be more aware of potentially harmful online content.***

## Amendment 20

### Proposal for a decision Annex I – section 3 – point 4

#### *Text proposed by the Commission*

4. Ensuring exchange of best practices and cross-border cooperation at European level. Actions will be taken to ensure effective European cross-border cooperation and effective exchange of best practices, tools, methods, experience and information.

#### *Amendment*

4. Ensuring exchange of best practices and cross-border cooperation at European level. Actions will be taken to ensure effective European cross-border cooperation and effective exchange of best practices, tools, methods, experience and information. ***In particular, activities should be aimed at creating close cooperation between national authorities, police and contact points. Actions will be taken to build a common European database collecting images of child abuse and to ensure its***

## Amendment 21

### Proposal for a decision Annex I – section 4 – point 3

#### *Text proposed by the Commission*

3. Promoting investigation on online victimisation of children. Actions will aim to investigate technical, psychological and sociological issues related to the victimisation of children in the online environment, including bullying, grooming, issues relating to online child sexual abuse material and emerging forms of conduct that can put children at risk of harm.

#### *Amendment*

3. Promoting investigation on online victimisation of children. Actions will aim to investigate technical, psychological and sociological issues related to the victimisation of children in the online environment, including bullying, grooming, issues relating to online child sexual abuse material, ***online gambling, electronic commerce involving harmful items*** and ***similar*** emerging forms of conduct that can put children at risk of harm.

## Amendment 22

### Proposal for a decision Annex I – section 4 – point 5

#### *Text proposed by the Commission*

5. Increasing knowledge of the effects of the use of current and emerging technologies on children and young people. Actions will aim to better understand the psychological, behavioural and sociological effects on children and young people using online technologies, ranging from the effect of exposure to harmful content and conduct to grooming ***and*** bullying and across different platforms, from computers and mobile phones to game consoles and other emerging technologies.

#### *Amendment*

5. Increasing knowledge of the effects of the use of current and emerging technologies on children and young people. Actions will aim to better understand the psychological, behavioural and sociological effects on children and young people using online technologies, ranging from the effect of exposure to harmful content and conduct to grooming, bullying, ***online gambling and electronic commerce involving harmful items*** and across different platforms, from computers and mobile phones to game consoles and other emerging technologies.

## PROCEDURE

<b>Title</b>	Protecting children using the Internet and other communication technologies						
<b>References</b>	COM(2008)0106 – C6-0092/2008 – 2008/0047(COD)						
<b>Committee responsible</b>	LIBE						
<b>Opinion by</b> Date announced in plenary	JURI 10.4.2008						
<b>Drafts(wo)man</b> Date appointed	Titus Corlăţean 25.6.2008						
<b>Date adopted</b>	9.9.2008						
<b>Result of final vote</b>	<table> <tr> <td>+:           </td><td>24</td></tr> <tr> <td>–:           </td><td>0</td></tr> <tr> <td>0:           </td><td>0</td></tr> </table>	+:	24	–:	0	0:	0
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<b>Members present for the final vote</b>	Marek Aleksander Czarnecki, Bert Doorn, Monica Frassoni, Lidia Joanna Geringer de Oedenberg, Othmar Karas, Piia-Noora Kauppi, Klaus-Heiner Lehne, Katalin Lévai, Antonio Masip Hidalgo, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Aloyzas Sakalas, Francesco Enrico Speroni, Daniel Stroj, Rainer Wieland, Jaroslav Zvěřina, Tadeusz Zwiefka						
<b>Substitute(s) present for the final vote</b>	Vicente Miguel Garcés Ramón, Jean-Paul Gauzès, Georgios Papastamkos, Gabriele Stauner, Jacques Toubon, Ieke van den Burg						
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Renate Weber						