

Sir/Madam,

On 24 September 1998 the Council adopted Recommendation 98/560/EC on the development of the competitiveness of the European audio-visual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity.

In accordance with section III(4) of the Recommendation the Commission prepared the first evaluation report¹ which came to the conclusion that already much progress had been realized after already two years of its application, but that also further actions had to be taken up. Meanwhile Internet has become more widespread, technology has evolved and we now have to cover also our new Member States. The European Parliament has also invited the Commission to prepare a new report.

In order to assist the Commission in gathering the information and viewpoints necessary for reporting in depth of the effectiveness of the Recommendation the enclosed questionnaire has been drafted and is sent to all current and future Member States. In order to trace the progress, which has been made, and make a direct comparison possible, it is largely based on the questionnaire used for the preparation of the First Report.

Although translations into all the official languages are not yet available, I thought it might be helpful to send you in advance the English version. Translations into the rest of the official languages will follow in the next few weeks.

I would be most grateful, therefore, if you would transmit this questionnaire to the competent authorities in your country, together with a request that replies be returned to me by 30 June 2003. Should your authorities require any further information with regard to the questionnaire, the responsible administrator (Mr Marcel Boulogne, Tel +32 2 29 86 188) will be glad to assist.

Yours faithfully,

¹ Evaluation report from the Commission to the Council and the European on the application of Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity, COM (2001) 106 final, 27.02.2001

Questionnaire

Concerning the Recommendation of the Council of 24 September 1998 on the development of the competitiveness of the European audio-visual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity (98/560/EC)

Internet

1. Has an association of Internet Service Providers (ISPs) been established in your country? Please give details of the ISP association(s).

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2. Has a code of conduct been drawn up by the ISPs in your country? If possible, please provide a copy or the web address where it can be accessed.

<http://www.ispa.org.uk>

3. To what extent were public authorities and consumers involved in the drawing up of the ISP code of conduct? Is consultation of public authorities and consumers required when the code is revised or amended?

Self-regulation

4. Are there any legal requirements in your country which apply **specifically** to ISPs and how they should deal with illegal or harmful content accessed over the Internet? If so, what are they?

No. The law applies on-line as off-line. An ISP would be guilty of an offence if it refused to take down illegal material (eg child pornography) it was hosting.

5. Are there any specific requirements for ISPs to inform the police of judicial authorities about illegal content offensive to human dignity, which is available over the Internet?

No more than any other person or entity.

6. Has a "hotline" for reporting harmful or illegal content been established in your country? If so, please give details (including web and e-mail address) of the hotline(s), including their method of financing.

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Financing primarily from ISPs, but also other associated industries. Has also received money from e-safe and UK Government

7. Of the problematic Internet content which has been reported, approximately what proportion of this is hosted outside your country or outside the EU?

IWF could supply

8. What measures and initiatives have been taken, either by public authorities or by operators, to raise public awareness of hotlines? Are these measures and initiatives judged to have been effective?

Wide range. Government publicity, ISPs

9. Where hotlines have been established, please give, in so far as possible, an estimation of their effectiveness in reducing the extent and accessibility of harmful and illegal content. This could include public opinion as to their effectiveness/efficiency as well as the views of operators.

Yes very effective – similar organisations set up through Europe and other countries

10. Apart from any involvement in the work currently funded by the Community Action Plan on promoting safer use of the Internet, have any efforts been made, either by industry or public authorities, to develop a filtering and rating system for the Internet in your country? If so, what progress has been made and what are the difficulties encountered?

Internet Content Rating Association

11. Do any obligations exist, either in law or in relevant codes of conduct, for ISPs to inform subscribers about available filtering and rating systems and age verification software?

No legal obligations; most ISPs do have substantial information

12. What measures have been taken at national, local or regional level to spread awareness of safer Internet issues? Have these been part of a larger plan for “media education”? Have they been supported by public funds or by private funding (e.g. from industry or from voluntary associations) or by a mixture of public and private funding?

This is for Home Office DfES

13. Is there any indication that the development of the Internet in your country has been slowed down by public fears concerning harmful and illegal content which may be accessed over the Internet?

No evidence but over 90% of parents do have general safety fears

14. Is the current level of international co-operation in this matter, particularly within Europe, seen as sufficient? If not, what measures could be taken to improve it?

Within Europe – probably sufficient – it is the wider international context which is important – most of the problems originate outside of Europe

15. Have you already covered or do you intend to cover by the above mentioned self-regulation measures or by regulation similar services such as transmission via mobiles, in particular as concerns UMTS?

Self regulation is being put in place

16. Please describe any initiatives which have been taken to control online chat-groups, in particular measures taken in order to avoid any abuse, which could be harmful to minors?

Home Office best placed – yes a number of ISPs offer hosted chat

17. Please describe measures which have been taken in order to improve media-literacy (e.g teaching children how to make a responsible use of new media)?

For DfES and DCMS (OFCOM role following Communications Bill

18. Is there any specific regulation or self-regulation concerning the specific question of the right of reply with respect to online-media? Have there been concrete problems during the last two years concerning these issues, in particular problems involving cross-border aspects?

Not a major problem that we are aware

Broadcasting

19. Have broadcasters in your country established a system of self-regulation relating to the protection of minors? Please give details of this, particularly with regard to membership.

20. Does this system of self-regulation include a code of conduct regarding the protection of minors and harmful content? (Please note, this question does not concern only advertising specifically aimed at minors. It concerns audiovisual content which could be harmful to minors, regardless of whether this is contained in advertising or in general programming.)

21. Are on-screen warning icons required, either by law or by codes of conduct, for potentially harmful television programmes? Are acoustic warnings before such programmes required, either by law or by codes of conduct? Where such measures are used, are they considered to be effective?

22. Do any broadcasters established in your country use technical filtering devices to ensure that minors may not view harmful programmes? If so, what measures and initiatives have been taken to ensure that parents and guardians are aware of these devices and how to operate them. Are these devices held to be an effective means of protecting minors in your country?

23. Please describe measures which have been taken in order to improve media-literacy (e.g. teaching children how to make a responsible use of television)?

Video Game Software

24. Are there any specific legal provisions in your country concerning the sale of video games? (This question concerns the physical sale of video game software, not the provision of software over the Internet for downloading onto computers.)

25. Is there any self-regulatory system in place which covers questions relating to age-rating for video games? (e.g. such as the system of self-rating which has been announced by the Interactive Software Federation of Europe (ISFE)) If so, please give details.

26. Are current measures to protect minors from harmful video games considered to be effective?

27. As online games and computer games, especially on LANs (Local Area Networks), are very similar, have you also included them into measures of self-regulation and/or regulation?

Other Content Delivery Systems

28. With regard to cinema, videocassette and DVD rating systems, have there been any major developments since the year 2000?

General

29. In what way have you associated consumer associations, voluntary associations and non-governmental organisations to the implementation of the Recommendation?

30. Is the lack of coherence between the various rating and classification systems for audiovisual media (cinema, television, videocassettes, video games, Internet) seen as problematic in your country, e.g. in terms of creating confusion among customers? Are any measures or initiatives being considered to introduce greater coherence in the way audiovisual media are evaluated and classified? Has there been any cooperation to this extent with other Member States or organizations from abroad?

31. Have the efforts in your country with respect to the protection of minors been accompanied by scientific boards and specific studies with respect to violence or other harmful content and their impact on minors? Are there any voluntary agreements by broadcasters and by content providers on the Internet?

32. If you are aware of any study or scientific report which has been prepared on this issue during the last two years, please transmit a copy or give the references.

33. The Commission is aware that Member States' authorities may not be in a position to answer all the questions posed here. Nevertheless, the Commission would request that they be answered insofar as possible. Any additional information and any relevant views which might help the Commission in evaluating the effectiveness of the self-regulatory approach laid out in the Recommendation on the Protection of Minors should also be given.