



**COUNCIL OF  
THE EUROPEAN UNION**

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**NOTE**

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from:	General Secretariat of the Council
to:	Permanent Representatives Committee (Part 1) / Council
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Subject:	Draft Council conclusions on the protection of children in the digital world <i>- Adoption of Council conclusions</i>

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At its meeting on 11 November, the Audiovisual Working Party reached an agreement on the draft Council conclusions, as set out in the Annex.

The text now meets with the agreement of all delegations, subject to general scrutiny reservations from BG, FR, LV, PT and UK, and to any linguistic reservations.

The Permanent Representatives Committee is accordingly invited to verify the agreement on the text and forward it to the Council for adoption and subsequent publication in the Official Journal.

**Council conclusions on the protection of children in the digital world**

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING the political background to this issue as set out in Annex to these conclusions,

WELCOMES WITH INTEREST:

- the Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of the Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity and of the Recommendation of the European Parliament<sup>1</sup> and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry<sup>2</sup> - PROTECTING CHILDREN IN THE DIGITAL WORLD<sup>3</sup>; and in particular the fact that the report addresses current challenges for the protection of minors in online and digital media;

TAKES NOTE OF:

- the proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility<sup>4</sup>;

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<sup>1</sup> OJ L 270, 7.10.1998, p. 48.

<sup>2</sup> OJ L 378, 27.12.2006, p. 72.

<sup>3</sup> 14268/11 + ADD 1 - COM (2011) 556 final, SEC (2011) 1043 final.

<sup>4</sup> COM(2011) 665.

## UNDERLINES THAT:

1. in order to maximise opportunities offered by audiovisual media and the Internet, a safe media environment for minors is necessary and should be based on principles of human dignity, safety and respect for private life;
2. media literacy and awareness-raising are important tools that can improve substantially the digital skills of children, parents and teachers and develop their critical approach to audiovisual and on-line content; given the rapid changes in the digital environment it is, however, important to strengthen efforts in this regard;
3. measures against illegal on-line content, such as child pornography, involve different approaches than measures aimed at preventing minors from coming into contact with harmful on-line content;
4. it is important that Member States, the Commission, the audiovisual industry and on-line service providers are conscious both of the new challenges for the protection and empowerment of minors that are linked to the developments taking place in the field of audiovisual and online information services, and of the existing instruments responding to these challenges;
5. while the promotion of various measures aiming at the better protection and empowerment of minors has been actively pursued in Member States, there is still persistent concern that the level of protection and media literacy achieved is generally not sufficient and that some of these measures lack continuity.

## RECOGNISES THAT:

1. while the independence of the media has to be respected, the media industry has a crucial role in awareness-raising and protecting and empowering minors in the digital world;
2. Member States have differing approaches to protecting minors and promoting the development of good practices and standards in the media where self-regulation and co-regulation are two solutions among several possible;
3. the use of technical systems (such as filtering, age verification systems, parental control tools), whilst not solutions on their own, can, as long as they are applied in an efficient way, be suitable means to provide the access of minors to content that is appropriate for their age;
4. awareness-raising and media literacy have shown to be important tools for improving the ability of children to cope with potential risks encountered in the digital world;
5. the Safer Internet Programme and projects funded by it, such as the EU Kids Online<sup>5</sup> or INSAFE<sup>6</sup>, have proven to be valuable for awareness raising and research;
6. social networking sites are increasingly popular among minors and present great opportunities in private and educational contexts, but they also involve potential risks;
7. measures to ban illegal content and to address harmful content have been taken, in particular through voluntary commitments made by service and content providers, and have proven to be one of the successful ways to improve the safety of minors in the digital world;

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<sup>5</sup> [www.eukidsonline.net](http://www.eukidsonline.net)

<sup>6</sup> European network of Awareness Centres ([www.saferinternet.org](http://www.saferinternet.org)).

8. reporting points for illegal content (hotlines<sup>7</sup>) can support detecting and pursuing illegal content and can empower users to notify such content on the Internet;
9. the Audiovisual Media Services Directive contains provisions on the protection of minors for both linear and non-linear audiovisual media services.

INVITES MEMBER STATES, WITH DUE RESPECT FOR FREEDOM OF EXPRESSION, TO:

1. continue the work on the protection of minors by promoting widespread use of awareness-raising campaigns to address children, parents, teachers and others working with children, and by promoting consistency in teaching online safety and media literacy in schools as well as in early childhood education and care institutions;
2. encourage providers of online media content, internet service providers, social networking sites and online discussion fora to take full account of the protection of minors in the design of their services and to develop and adhere to relevant codes of conduct;
3. encourage the development and labelling of and access to quality and appropriate content for minors;
4. encourage the use of appropriate technological tools for the protection of minors (e.g. dedicated search engines, parental controls) and ensure that those tools are widely available and user friendly;

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<sup>7</sup> Such as INHOPE (the International Association of Internet Hotlines).

5. monitor existing measures to combat illegal and harmful content in order to ensure their effectiveness;
6. encourage a wider and more frequent application of self-regulatory rating systems (such as PEGI and PEGI online) to online and offline video games and a better enforcement of age ratings in the retail market in order to prevent "under age" sales of online and offline video games;
7. enhance cooperation concerning illegal and harmful Internet content originating in other Member States and from outside the EU, for instance through agreements with third countries when it comes to illegal content and through best practices exchange when it comes to harmful content;
8. further implement hotlines for reporting illegal online content by 2013<sup>8</sup>, improve their efficiency, for instance by supporting the exchange of best practices on interactions with law enforcement authorities, make them better known and more easily accessible for Internet users and monitor them closely.

#### ENCOURAGES STAKEHOLDERS TO:

1. further involve users and, where appropriate, public authorities in the process of preparing or revising self-regulatory measures (codes of conduct) by the audiovisual industry and ISPs and in monitoring such measures;
2. subscribe to guidelines such as the "Safer Social Networking Principles for the EU", implement them consistently and monitor their implementation as well as ensure a more widespread use of "privacy by default" settings for children joining a social networking site in order to protect the safety of minors;

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<sup>8</sup> Action 40 of the Digital Agenda for Europe.

3. further develop and implement self-regulatory schemes that take full account of the protection of minors in the design of their services and in the tools they make available to users, and to develop, adhere to and implement codes of conduct for the protection of minors;
4. develop a Pan-European code of conduct on the sale of video games to minors, fully respecting national regulations in this field.

INVITES THE COMMISSION TO:

1. build on ongoing funding and actions in the field carried out mainly through the Safer Internet Programme in order to create the appropriate infrastructure and services at European level for sharing resources and tools to protect minors and empower children, parents, teachers and other carers to use the Internet and new technologies safely and responsibly;
2. consider entering into a dialogue with stakeholders and in cooperation with Member States on how to follow up the Commission report on the application of the 1998 and 2006 recommendations in this field;
3. make use of the findings of the Commission Report on the application of the Recommendations on protection of minors from 1998 and 2006 in the context of upcoming initiatives related to the protection of minors, in particular in the field of on-line media;

INVITES THE MEMBER STATES AND THE COMMISSION, WITHIN THEIR RESPECTIVE SPHERES OF COMPETENCE, TO:

1. support law enforcement authorities to improve the procedures for identifying, notifying and removing webpages containing or disseminating child pornography by providing, where appropriate, adequate financial and human resources and by staff training;<sup>9</sup>
2. seek a better understanding of the positive and negative impact of the use of on-line and digital media, including video games, on children through surveys and research;
3. promote awareness raising and teaching of online safety in schools as well as in early childhood education and care institutions;
4. promote media literacy and the key competence for lifelong learning “digital competence”<sup>10</sup> both in and outside schools;
5. update the work and reinforce the implementation of the guidelines for quality online content for children within the framework of public-private partnerships as well as through promotion of media literacy activities;
6. encourage greater consistency across Europe in the age rating and content classification systems used by Member States, while allowing for culturally based differences between Member States;

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<sup>9</sup> See the proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA [PE-CONS 51/11].

<sup>10</sup> See Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning.



**POLITICAL CONTEXT**

In adopting these conclusions, the Council recalls in particular the following;

- the Commission Communication of 19 May 2010 "A Digital Agenda for Europe"<sup>11</sup> which underlines that "strengthening security in the digital society is a shared responsibility – of individuals as much as of private and public bodies, both at home and globally" and the Council conclusions of 31 May 2010 on Digital Agenda for Europe<sup>12</sup>;
- Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual services (Audiovisual Media Services Directive)<sup>13</sup>;
- Commission Communication of 22 April 2008 on the protection of consumers, in particular minors, in respect of the use of video games<sup>14</sup>;
- Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies<sup>15</sup>;

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<sup>11</sup> 9981/1/10 - COM(2010) 245 final/2.

<sup>12</sup> Doc. 10130/10.

<sup>13</sup> OJ L 95, 15.4.2010, p. 1.

<sup>14</sup> 8805/08 - COM(2008) 207 final.

<sup>15</sup> OJ L 348, 24.12.2008, p. 118.

- the Council Conclusions of 27 November 2009 on media literacy in the digital environment<sup>16</sup> in which the Council responded to the Commission Recommendation of 20 August 2009 on media literacy in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society<sup>17</sup>;
  - the Council Conclusions of 22 May 2008 on a European approach to media literacy in the digital environment<sup>18</sup>;
  - the Commission Communication of 20 December 2007 “A European approach to media literacy in the digital environment”<sup>19</sup>.
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<sup>16</sup> OJ C 301, 11.12.2009, p. 12.

<sup>17</sup> OJ L 227, 29.8.2009, p. 9.

<sup>18</sup> OJ C 140, 6.6.2008, p. 8.

<sup>19</sup> COM (2007) 833 final.