



## EUROPEAN COMMISSION

Directorate-General Information Society

Information Society Technologies: Content, Multimedia Tools and Markets

**Management of information and content, including the Action Plan on illegal and harmful content on the Internet**

### **European Union approach to illegal and harmful content on the Internet**

For submission to the COPA Commission

#### **Illegal and harmful content on the Internet**

The European Commission together with the other institutions of the European Union (EU) has been active in promoting a constructive approach to illegal and harmful content on the Internet since 1996 when the Communication on illegal and harmful content<sup>1</sup> and the Green Paper on protection of minors and human dignity<sup>2</sup> were released.

#### **Summary of the EU approach**

The role of the European Commission, which has the right of initiative for legislation under the European treaties<sup>3</sup>, has been to foster an approach which combines appropriate and non-discriminatory use of legal mechanism (what is illegal off-line is illegal on-line), industry self-regulation, user -empowerment and awareness-raising.

The Council, composed of representatives of governments of Member States, and the European Parliament, composed of the directly-elected representatives of European citizens, have both approved this approach unreservedly.

The Member States are also implementing this approach.<sup>4</sup>

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<sup>1</sup> Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions COM(1996) 487 <http://www.ispo.cec.be/legal/en/internet/communic.html>

<sup>2</sup> Green Paper on the protection of minors and human dignity COM(1996) 483 <http://www.ispo.cec.be/legal/en/internet/gpen-toc.html>

<sup>3</sup> In the area of criminal law, the Commission right of initiative is limited and shared with Member States.

<sup>4</sup> As part of the PREP-ACT 4 research project, Childnet and Fleishman Hillard undertook an audit of European government-funded internet safety awareness initiatives <http://www.netaware.org/gb/background/europe.htm>. The European Commission has just sent a questionnaire to Member States to obtain the latest state of measures to implement the Recommendation on protection of minors and human dignity.

The approach can be summarised as follows:

There is a difference between illegal content and potentially harmful content.

**a) illegal content**

The responsibility for prosecuting and punishing those responsible for illegal content should remain with the national law-enforcement authorities, although industry and users can help by setting up and using hotlines for reporting illegal content.

Industry and users may be of assistance to the process of law enforcement, by reporting illegal content which they find and, in the case of industry, by helping to track offenders and remove illegal content from circulation. This must take place in a context of the rights and duties laid down by law and is most effective where police and industry have a regular exchange of views so that police do not have unrealistic demands on industry.

The EU Action Plan on promoting safer use of the Internet<sup>5</sup> provides support for setting up a European Network of hotlines, where users can make reports which may be passed on to law-enforcement and industry.

Users can also be protected against exposure to illegal content by use of technical measures and education.

**b) potentially harmful content**

In some countries, the law may lay down rules about certain types of content which may not be distributed to children. Harmful content includes these types of content but is wider: it is any content which a parent would prefer their child not to access on the Internet. This requires a completely different regulatory approach to illegal content, firstly because it is not illegal for such content to be distributed to adults and secondly because individual families and national cultures may have very different approaches to what is harmful.

It was not therefore thought appropriate to seek to harmonise at EU level a definition of content for which access to minors was prohibited, so existing national legislation continues to apply.

The EU does firmly support user empowerment through parental controls and education as a means whereby families can decide the criteria which they wish to apply.

The Recommendation on protection of minors and human dignity<sup>6</sup> supports setting up national self-regulatory systems to give more information and warnings to parents and to develop codes of conduct for ISPs and suitable rating and filtering systems. The EU Action Plan provides financial assistance for parental control technologies and awareness-raising activities.

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<sup>5</sup> <http://www.ispo.cec.be/iap>

<sup>6</sup> [http://europa.eu.int/comm/dg10/avpolicy/new\\_srv/recom\\_en.pdf](http://europa.eu.int/comm/dg10/avpolicy/new_srv/recom_en.pdf)

## International co-operation

The EU recognises that international co-operation is essential in dealing with illegal and harmful content, because of the global nature of the Internet.

The following activities are already under way:

- the US National Center for Missing and Exploited Children (NCMEC) which runs the cybertipline<sup>7</sup>, supported by the federal government, and the Australian hotline are associate members of the **INHOPE association of hotlines**, which is receiving funding from the EU for central network activities, as part of a series of contracts for the European network of hotlines of a value of over 1,500,000 euros.
- the EU is providing financial support to the **Internet Content Rating Association (ICRA)**<sup>8</sup>, with offices in Europe and the USA and with a membership drawn from Europe, United States, Canada and Japan. ICRA's aim is to protect children from potentially harmful material while protecting the free speech rights of content providers. ICRA owns and operates the RSACi rating and filtering system.
- the European Commission held a successful meeting on safer Internet awareness in January 2000<sup>9</sup>. The **GetNetWise** initiative<sup>10</sup>, which has already testified to the COPA Commission, gave a presentation of US activities in the field of awareness.

The Commission is planning to hold a large-scale international conference on safer use of the Internet in the second half of 2001. Leading players in industry, government and the voluntary sector will be invited from around the world.

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<sup>7</sup> <http://www.missingkids.com/>

<sup>8</sup> <http://www.icra.org/>

<sup>9</sup> <http://www.qlinks.net/iap/infoday.html>

<sup>10</sup> <http://www.getnetwise.org/>