



National Implementation Report

The **Spanish** Mobile Operators' Code of Practice for the
Responsible and Secure Use of Mobile Services

April 2010



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Executive summary

The European Framework for Safer Mobile Use by Younger Teenagers and Children (the “Framework”) is a self-regulatory initiative of the European mobile industry. It contains recommendations designed to ensure that younger teenagers and children can safely access content on their mobile phones. As of April 2010, there are 83 signatory companies implementing the Framework through the roll-out of national voluntary agreements (Codes of Conduct). A further eight mobile operators have only signed up to a national code of conduct but as such are still participating in the initiative. Codes of conduct are currently in place in 25 EU Member States and under development in the remaining two. This means that around 96 per cent of all mobile subscribers in the European Union benefit from the Framework.

This report has been prepared by mobile operators as part of a third review of the implementation of the Framework in the European Union, with a particular focus on how they have implemented the provisions of their national code of conduct. In the case of Spain, the report tracks compliance in relation to the Code of Conduct for Mobile Operators Designed to Encourage Responsible Use by Underage Persons of Electronic Content Services Supplied via Mobile Telephone Networks in Spain.

Spanish operators were the first to react to the adoption of the European Framework, coming together to bring forward a Spanish code within nine months. Operators have known of the importance of self regulation in this field, and the national code was a good platform for co-operation between them.

Operators have tended to use child-specific profiles on handsets as one way of limiting access to inappropriate content, and operators are working on a regular basis with NGOs on a wide range of projects. Spanish operators tend to emphasise the importance of creating a family-friendly mobile experience, and so information is as much for parents and guardians as for children and schools. Operators have gone beyond mere compliance with the code’s requirements, and begun a regular dialogue with NGOs, schools and other stakeholders.

Operators have also carried out their own analysis of the progress made via the Spanish code, and have planned to work on new issues around developments in online services and also further co-operation with other actors in the value chain. They also are working on implementation of the TeachToday project, and the CIRCAMP project.

Introduction

This report has been prepared by mobile operators as part of a third review of the implementation of the European Framework for Safer Mobile Use by Younger Teenagers and Children (the “Framework”) in the European Union.

The Framework is a self-regulatory initiative of European mobile operators, which puts forward recommendations to ensure that younger teenagers and children can safely access content on their mobile phones. It was issued in February 2007 following the consultation of child protection stakeholders in the European Commission’s High Level Group on Child Protection. A reproduction of the Framework is available in Annex I of the report.

Fifteen signatories at group level (55 national mobile operators) initially signed up to the Framework on Safer Internet Day, 6 February 2007. As of April 2010, there are 83 signatory companies implementing the Framework through the roll-out of national voluntary agreements (“codes of conduct”). A further eight mobile operators have only signed up to a national code of conduct but as such are still participating in the initiative¹.

The recommendations of the Framework cover the following areas:

- **Classification of commercial content** — mobile operators’ own and third party commercial content should be classified in line with existing national standards of decency and appropriateness so as to identify content unsuitable for viewing by younger teenagers and children.
- **Access control mechanisms** — appropriate means for parents for controlling access to this content should be provided.
- **Education and awareness-raising** — mobile operators should work to raise awareness and provide advice to parents on safer use of mobile services, and ensure customers have ready access to mechanisms for reporting safety concerns.
- **Fighting illegal content on mobile community products or the Internet** — mobile operators should work with law enforcement agencies, national authorities and INHOPE or equivalent bodies to combat illegal content on the Internet.

The Framework recommendations are not prescriptive. Mobile operators have implemented them in different ways to reflect the diversity of their services and marketing models, as well as

¹ An overview of signatories per EU Member State is available at http://www.gsmeurope.org/documents/List_of_signatories_Dec_09.pdf

to cater for national societal norms and values. National codes of conduct are currently in place in 25 EU Member States and under development in the remaining two². This means that around 96 per cent of all mobile subscribers in the European Union benefit from the Framework.

This report sets out how mobile operators have implemented their national code of conduct in Spain, namely, The Code of Conduct for Mobile Operators Designed to Encourage Responsible Use by Underage Persons of Electronic Content Services Supplied via Mobile Telephone Networks in Spain. A reproduction of the code is available in Annex II of the report. The Spanish code was developed by negotiations between operators beginning in July 2007, with final agreement and signature on 12 December 2007. Spain was the first country to sign a code following the release of the European Framework. Operators came together to form a code where previously there was none. The signatories are: Telefónica Mviles Espana, Vodafone Espana, Orange Espana and Yoigo.

The report's contents are based on information gathered from the signatories, as well as a child protection stakeholder, on the basis of a questionnaire in the period February-March 2010. The first part of the questionnaire addressed compliance with the recommendations of the national code of conduct. The second part of the questionnaire posed questions to a third party, in this case Protegeles, concerning mobile operators' role in protecting children in their country of operation. The main findings are presented below.

² Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and UK. The codes can be downloaded at http://www.gsmeurope.org/safer_mobile/national.shtml.

Implementation of national code of conduct

This part of the report contains information on how individual mobile operators have implemented the provisions of The Code of Conduct for Mobile Operators Designed to Encourage Responsible Use by Underage Persons of Electronic Content Services Supplied via Mobile Telephone Networks in Spain. It is subdivided into five sections, which correspond to the four high level areas of Framework and other recommendations of the national code of conduct that go beyond the scope of the Framework.

Access control mechanisms

The recommendations of the **Framework** relating to access controls are as follows:

- 1. Mobile providers should not offer any own-brand commercial content which would be classified as only suitable for adult customers in equivalent media, without providing appropriate means to control access to such content under parental control.*
- 2. Appropriate means to control access to content should also be applied where content is supplied by contracted providers of third party commercial content which would be classified as only suitable for adult customers in equivalent media.*
- 3. Additionally, individual mobile providers should offer capabilities which can be used by parents to customize access to content by children using mobiles. These may include specific services, phones, barring or filtering, and/or billing control.*

The relevant provisions of the **national code of conduct** on access controls are as follows:

Mobile operators undertake not to market under their own brand content that has been classified as being for adult consumption, without first offering adequate means of controlling access to such material.

In the case of adult-only content marketed by a supplier with whom the operator has a commercial agreement, an access-control mechanism should be offered to the extent permitted by numbering and addressing specific resources.

In the same way, the mobile operators undertake to supply parents, guardians and educators with the means to monitor and control access by underage users to material classified as being for adults.

Mobile operators have implemented these provisions as set out below.

Orange

Orange offers its customers an age verification system for access to the category Zone Sexy (adult videos) in the Orange Portal (“Orangeworld”). With this control it can define two types of content: Soft and Hard. Users can choose which

	<p>content they want to block: Soft, Hard or everything. In prepaid mobile the adult content classified as hard is blocked by default through an opt-in.</p> <p>On Mobile TV there are two models: Orange TV: adult content has a disclaimer of information reserved for > 18 years old. Digital +: Use a PIN for Adult content. For Premium Services by SMS there is a new regulation in Spain, and every short code for adult content begins with 99 and the user is able to block this type of SMS.</p>
<p>Telefonica</p>	<p>Telefónica is committed to creating an environment in which children can use information and communication technologies safely. They provide parents and children with the necessary tools and guidance to use its products and services responsibly.</p> <p>Telefónica has such access mechanisms in both cases. Access control tools for third-party adult content over WAP are provided with the appropriate means for parents to control the access to their children to these types of services.</p> <p>Mechanisms and tools developed to control access to this kind of content are:</p> <ul style="list-style-type: none"> • Barring and blocking adult content on post-paid mobile phones upon request of the customer, OPT-OUT (at any time at Customer Service Centre or when contracting the services). • In prepaid mobile the adult contents are blocked by default by OPT-IN. • Although Internet contents are out of the control of mobile operators, Telefónica provides "Canguro móvil" which is content filter for Internet access through mobile phones. <p>Telefónica considers these types of tools as effective and oriented with its goals, although they must be complemented with other initiatives in the field of child protection.</p>
<p>Vodafone</p>	<p>Vodafone Spain does not commercialise own-brand adult content. For third-party adult content, Vodafone Spain has put in place access control mechanisms since it started offering this content (2004), with criteria even more demanding than those stated in the Spanish Code of Conduct. The mechanisms include among others features:</p> <ul style="list-style-type: none"> • Notice of content not suitable for underage persons. • Youth Profile for portal content (Vodafone Live!) that allows customers to block access to content not suitable for underage persons. • Off-net filter (in Mobile Internet) that blocks the access to those sites classified for adults. <p>Vodafone Spain provides parents and tutors with the mentioned access control mechanisms: Youth Profile (on portal content) and Off-Net Filter (off Vodafone</p>

	Live! portal). In addition, some handsets are commercialised with the Youth Profile incorporated.
Yoigo	Yoigo does not offer branded adult content and does not permit provision of adult content by contracted third parties.

Raising awareness and education

The recommendations of the **Framework** relating to awareness-raising and educational activities are as follows:

4. *Mobile providers should provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children.*
5. *Mobile providers should encourage customers who are parents to talk to their children about how to deal with issues arising from the use of mobile services.*
6. *Mobile providers should ensure customers have ready access to mechanisms for reporting safety concerns.*
7. *Mobile providers should support awareness-raising campaigns designed to improve the knowledge of their customers, through organisations such as the INSAFE³ network.*
8. *For these measures to work effectively, policy makers should play a role in improving children's awareness through updated educational material and approaches. This should include parent and child-friendly information on safer use of mobiles and the internet.*

The relevant provisions of the **national code of conduct** on raising awareness and education are as follows:

The mobile operators are to offer information on how to use mobile services responsibly, including measures that can be taken by parents, carers and educators to ensure a responsible use by the children and young persons under their supervision. This information is to be accessible via the websites of the operators concerned.

In the same way, the mobile operators are to encourage customers with family responsibilities to advise their children on how best to deal with issues linked to a responsible use of mobile phones.

Mobile operators are to collaborate proactively with centres of education, child-protection agencies and official authorities in distributing information and organising campaigns

³ INSAFE is a network of national nodes that coordinate Internet safety awareness in Europe.
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designed to encourage the responsible use of mobile phones in schools and childcare establishments.

The mobile operators undertake to provide users with channels through which to direct their enquiries and complaints relating to the responsible use of content distributed via mobile phones.

Mobile operators have implemented these provisions as set out below.

Orange	<p>Orange is delivering lectures in schools to children (11-12 years old) about security rules on the net, on line offences prevention and conflict resolution. Besides these conferences, they have a parents guide about the safe use of Internet and the mobile phones on their web site: www.Orange.es/guiadepadres/</p> <p>Orange is involved in the launch of the Teachtoday initiative in Spain, and work closely with Protegeles (the Spanish help line and hot line recognised by the EC) to raise awareness.</p>
Telefonica	<p>Children and young people have adapted the fastest to the new scenario of ICT proliferation. Since new risks and opportunities have arisen, Telefónica is committed to collaborating with families, teachers and schools, NGOs and Public Administration to leverage the education of kids to help them to make a safer and responsible use of internet and mobile phones.</p> <p>All the information is provided at the website in order that all agents can access to the "Code of Conduct Safer Mobile Use", content classification and measures that parents, educators and guardians can take to assure a responsible use for them.</p> <p>For children and families:</p> <ul style="list-style-type: none">• Provide information to Parents (Educared) www.educared.org, www.enlaredprotegete.com, www.exprimelared.com• Family Internet Project: To raise awareness and educate in a safer and secure internet and new technologies to families in a project collaborating public administration, NGO and schools.• Corporate website information. www.internetenfamilia.org• http://www.aporelsobresaliente.com/: Website where children can "make an exam" and check all their knowledge about the safe and secure mobile use. If they get a good grade, they can take part in a Play Pack (special mobile device for children) prize.• Leaflets and brochures.

	<ul style="list-style-type: none"> • Recommendations included in invoices. <p>For teachers and Schools:</p> <ul style="list-style-type: none"> • Raising awareness through schools, CDs, Websites... • Provide information to Teachers (Educared) • Leaflets, brochures, DVD • Safer Internet Plus (Schools education): European Comission promoted project in partnership with Protegeles NGO • Corporate website information. • Teach Today: European online Project in collaboration with schools, children centres, internet providers, mobile operators, network sites and Public Administration. • Schola 21 website. <p>Local or international NGO/Public Administrations:</p> <p>Telefónica has reached agreements with the main NGO's and worldwide organisations, and across the business to develop awareness campaigns and support its initiatives.</p> <ul style="list-style-type: none"> • Organising conferences, events and campaigns related to responsible use of ICTs and related issues. • Partnership with institutions and the most representative public bodies, as well as with private entities and associations (e.g. Save the Children, ITU, Protégeles, ChildNet, Defensor del Menor, inhope insafe, OUI IOHE, Family Online Safety Institute, cibervoluntarios.org, Aldeas Infantiles SOS, red.es, Information Society (EU), Law Enforcement Agencies,...). • Collaboration with local public administrations in promoting local initiatives taken as an example to other regions. • Collaboration with Rey Juan Carlos University to make a study regarding mobile telephony and other for teenagers for the Madrid Younger Counsel. We also collaborate with the INTECO (an organisation of the Ministry of Industry on the surveys that they are carrying out. Telefónica together with the Children Ombudsman of Madrid, has produced a video to raise awareness among youngsters in regards to the pictures they upload on the net and SMS. <p>Others:</p> <ul style="list-style-type: none"> • Continuous dialogue/engagement with stakeholders. • Interactive Generations: A survey carried out in seven countries to find out how children are behaving with Internet, mobile phones, video games and TV. (www.generacionesinteractivas.org).
Vodafone	Vodafone Spain's web includes information on safe and responsible use of mobile, and particularly that related to access control mechanisms for content not suitable for those underage: Youth Profile, Off-Net Filter (this information

	<p>can be found at: http://www.live.vodafone.es/controlParental/ and http://www.vodafone.es/usoresponsable).</p> <p>Vodafone Spain has issued Guidelines for Parents (reviewed and approved by Protegeles, the Spanish organization that promotes safe and responsible use of ICT by those under age and is also the Spanish INSAFE Node). The Guidelines provide recommendations for parents and children in order to promote the safe and responsible use of mobile by them.</p> <p>In addition, Vodafone Spain has included with the invoices sent to customers information on access control mechanisms, and has issued a Press Release on this topic.</p> <p>Vodafone participates in the development of the European Teachtoday portal aimed at providing teachers with information on the responsible and safe use of ICT, and Vodafone Spain is participating in the development of the Spanish version of this portal.</p> <p>In addition to the Customer Care call centres and the Parents Guidelines above mentioned, Vodafone Spain also recommends the consultation with specialized organizations (for instance, Protegeles).</p> <p>Vodafone Spain's web provides two contact channels: responsabilidad@corp.vodafone.es and Protegeles' Hotline.</p>
Yoigo	<p>Yoigo informs consumers about responsible use of mobile phones by children through its website and has collaborated with other administrations in some specific campaigns.</p>

Classification of commercial content

The recommendations of the **Framework** relating to commercial content classification are as follows:

9. *Mobile providers and content providers support classification frameworks for commercial content based on national societal standards and consistent with approaches in equivalent media. Classification of content, whether accessible through telecommunications or not, should be consistent with national societal standards regarding decency, appropriateness and legislation. Classification frameworks should consist of at least two categories: content which is suitable only for adult customers and other content.*

10. *Mobile providers should ensure that their own-brand commercial content is appropriately classified based on existing national classification standards in the markets where they operate.*
11. *Through their contractual relationships with professional third party content providers, mobile providers should ensure, after consultation, that these providers classify their commercial content under the same national classification approach.*
12. *For these measures to work effectively, policy makers, trade associations and other interested parties should support mobile provider initiatives to ensure commercial content providers classify their content against national societal standards.*

The relevant provisions of the **national code of conduct** on the classification of commercial content are as follows:

The operators subscribing to this code of conduct undertake to label content classified as not being suitable for persons under the age of 18 in accordance with current Spanish social standards, and to display a message warning of this before offering access to such material. When classifying material of this type, the operators are to take into account the criteria established by recognised organisations in the field and adapt them to the needs of Spanish society.

The mobile operators subscribing to this code of conduct undertake to do their utmost to identify common criteria when classifying content. Once such criteria have been agreed, they are to be added as an appendix to this document.

The above-mentioned obligations to identify and inform apply not only to content offered by operators under their own brand, but also to material marketed by third parties with whom the operator has a contractual relationship.

For this reason, the operators subscribing to this code of conduct therefore undertake to encourage agreement between suppliers of content with whom they have a commercial relationship, along with associations of operators and content suppliers and other third parties concerned, with a view to adopting the initiatives of the mobile operators with regard to identifying material in order to ensure the correct classification of all content distributed by mobile operators.

Mobile operators have implemented these provisions as set out below.

Orange	On Zona Sexy Orange uses the Twistbox classification that is used on every mobile operator in Spain.
Telefonica	Telefónica classifies such contents as recommended over 18 years old, according

	<p>to the national law and settle internal rules associated to its Business Principles (Normative of Adult Contents Control).</p> <p>The main criteria used for this purpose: Commercial content provided by our own-brand or others with which we have contractual relationships are provided according to the Spanish social standards and taking into account prestigious and well-known entities committed to these activities. Classification criteria affecting commercial content nowadays are:</p> <ul style="list-style-type: none"> • Erotic content • Online betting • Movies for mobile devices • Video-games (based on erotic content; most providers use PEGI classification). <p>These criteria are valid not only for the commercial content described above, but also for mobile content accessible from the mobile operator’s website.</p> <p>Classification has been made considering suitable or not suitable the content for under 18 years old. The standard used is the WAAT Media Classification (which is commonly used by most European operators for adult content classification). These criteria have been accepted by the rest of the MNOs and have been included in the National Code of Conduct agreed in Spain.</p>
Vodafone	<p>Vodafone Spain provides a Notice of content not suitable for underage persons, which is displayed before accessing this kind of contents. This applies to all contents not suitable for underage persons (Vodafone Spain does not commercialize own-brand adult content).</p> <p>The classification system put in place by Vodafone Spain uses detailed criteria such as those from WAAT Media, PEGI (for games), etc.</p> <p>Spanish Mobile Operators have reached an agreement on common criteria for classification of adult content. These criteria are some of WAAT Media's criteria. Mobile Operators signatories of the Spanish Code of Conduct are in touch with Spanish content providers associations in order to notify them the applicable commitments of the Code of Conduct. Vodafone Spain states in the contracts the requirements applicable to the content providers, including those related to content classification, which are even more demanding than those from the Spanish Code of Conduct. In addition, Vodafone Spain's content providers are regularly supervised/audited.</p>
Yoigo	<p>Yoigo has common criteria with other Spanish operators to classify content based on WAAT Media guidelines.</p>

Fighting illegal content on mobile community products or the Internet

The recommendations of the **Framework** related to combating illegal content on mobile community products or on the Internet are as follows:

13. *Mobile providers will continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content.*
14. *Mobile providers will support national authorities in dealing with illegal child images and, through the INHOPE⁴ hotline network or equivalent approaches, will facilitate the notification of this content where hosted on mobile community products or on the internet.*
15. *Mobile providers will adopt, or support the creation of, appropriate legally authorized national take-down procedures for such illegal content, including a commitment to liaise with national law enforcement.*
16. *For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. National governments' support for this is vital.*

The relevant provisions of the **national code of conduct** on fighting illegal content are as follows:

The mobile operators will continue to collaborate with official security organisations and police forces in the fulfilment of their obligations regarding content prohibited under criminal law, with particular reference to content that is likely to have a negative effect on the personal development of children and youths.

The mobile operators undertake to remove hosted content and limit access to material elsewhere that has been declared illegal by the judicial authorities concerned. The removal or blocking of access to illegal content will be carried out within the time established in the court order qualifying the content as illegal under current criminal legislation.

Likewise, and whenever the public authority concerned publishes, as is normal practice in several European countries, a list of web pages offering content considered illegal under current Spanish legislation, the mobile operators undertake to install filters designed to block access to such web pages.

The mobile operators undertake to provide assistance to public authorities and private organisations recognised as being dedicated to combating illicit content, with particular

⁴ INHOPE is the International Association of Internet Hotlines.
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reference to those involved in the fight against child pornography distributed via the Internet, and to collaborate with these bodies in their efforts to detect and block access to such material.

Mobile operators have implemented these provisions as set out below.

Orange	Orange signed an agreement with the Internet Watch Foundation and at the moment is in process of implementing its block system. Apart from the IWF Orange collaborates with the CIRCAMP project to fight against child pornography on the Internet. Orange also collaborates very actively with the Law Enforcement Agencies and with the national hotline "Protegeles".
Telefonica	Telefónica continues to work with law enforcement agencies in executing the judicial obligations imposed by them. The actions may vary from blocking illegal content to removing illegal content identified and hosted on their servers. Telefónica is committed to fighting illicit contents and currently works with international well-accepted lists (IWF: Internet Watch Foundation). Telefónica is also in collaboration with national police in the implementation of CIRCAMP European project (a European Commission funded network of law enforcement agencies across Europe, including Europol and Interpol). Finally, Telefónica is a founder member has joined the Mobile Alliance against Child Sexual Abuse Content to fight against Child sexual abuse material on the internet.
Vodafone	Vodafone Spain has collaborated and will keep on collaborating with the Spanish Police Bodies regarding those situations related to illegal content, as soon as evidence is available or Vodafone Spain is informed of that, and always fulfilling the applicable legislations or regulations. Vodafone Spain's contracts related to on-portal contents include requirements for removing any illegal content. In addition, Vodafone Spain has implemented access control mechanisms for illegal content on the mobile internet, which allows filtering for those contents. In this regard, Vodafone Spain has been and will keep on meeting the judges' decisions in this field. Vodafone Spain includes in its filtering systems the web pages with illegal content. Vodafone Spain collaborates with the European project CIRCAMP, an European Commission funded network of law enforcement agencies across Europe, including Europol and Interpol. CIRCAMP stands for Cospol Internet Related Child Abusive Material Project. It aims to block and thus prevent access to these kinds of abusive materials. Finally, Vodafone is a founding member of the Mobile Alliance against child sexual abuse content.
Yoigo	Yoigo offers to the customer the "Child Safeguard" service (in collaboration with IWF and Telia Sonera International Carrier), aimed at preventing access to and spreading of images of child sexual abuse.

Stakeholder cooperation on child protection

This part of the report presents the views of a relevant stakeholder, namely **Protegeles**, concerning mobile operators' role in protecting children in their country of operation.

The following questions were posed to the stakeholder:

- 1. How do you think the national code of conduct signed by mobile operators has helped in the pursuit of safer mobile use by children?**

The Spanish operators have been promoting the safe and responsible use of ICT for years, and in this regard the national code of conduct has helped them to tackle this issue from a broader perspective, as a cross industry issue. It also has strengthened the collaboration between Industry and NGOs in a reciprocal way.

- 2. Are you aware of any educational/awareness-raising initiatives on this issue by the mobile operators in your country?**

There are several educative initiatives led by most of the main operators that have been taking place in Spain on issues related to mobile phone use by children. For example, Telefónica has partnered with PROTEGELES, the Spanish Safer Internet Centre, in order to promote an awareness raising campaign in schools aimed at promoting a safe and more responsible use of mobile phones by children. This campaign can be seen at <http://www.aporelsobresaliente.com>. Orange is currently working with PROTEGELES in a campaign where PROTEGELES trains Orange volunteers who then go to schools in order to give lectures to children about a safer use of online technologies. Vodafone and Yoigo are part of PROTEGELES' Advisory Board also and have taken very active roles in promoting awareness initiatives such as the Safer Internet Day.

- 3. What do you think are the key child protection priorities for the ICT sector for your country?**

More awareness for parents and teachers should clearly be a priority. There should be more investment on behalf of the industry in these initiatives. Children should also continue to receive training on safer and more responsible use of ICTs. However, the training should not only be focused on private schools who actively seek this type of preparation for their students and personnel. There should be a movement to involve public schools from less privileged areas in the safer internet training schemes in order to democratize the passing of information.

Conclusion

Overall, the Spanish mobile operators show full compliance with the Spanish code of conduct, and are active to differing degrees in the field of child protection. While the focus has been on compliance with the code over the last two years, there is now evidence of further actions stemming from the collaborative process begun by the creation of the national code.

The Spanish code is in the process of being reviewed, and operators are working on this during the course of 2010.

Annex I

European Framework for Safer Mobile Use by Younger Teenagers and Children

February 2007

European mobile providers and content providers have developed national and corporate initiatives to ensure safer use of mobiles including by younger teenagers and children. These already cover most EU Member States.

Signatory European mobile providers, with support from signatory content providers, now propose an EU-wide common framework to reflect these developments and to encourage all relevant stakeholders to support safer mobile use. This framework will be subject to national implementation by signatory providers.

We recognize:

- mobile services offer an additional way to consume content (still and video images, music, chat, etc.) already offered in other ways - typically by the same providers.
- the importance of parental oversight: accordingly, mobile providers should endeavour to empower parents with information and tools to facilitate their oversight.
- any initiatives to classify content should be based on national societal standards regarding decency, appropriateness and legislation.
- a framework-based approach to industry self-regulation will be effective in adapting to the fast moving environment of mobile technology and services – it will be future proof.

European Mobile Providers – A Responsible Approach

It should be noted that:

Mobile providers only control commercial content they produce themselves or which they commission from professional third parties.

They exert indirect and retrospective control over commercial content in certain other situations, provided there is a contractual relationship with professional third parties.

They are not in a position to control content which is freely accessible on the internet, since there is no relationship between the mobile provider and the content provider.

However, as responsible companies, mobile providers recognise the need to work with customers, parents and other stakeholders, including child protection organizations, in order to promote the safety of younger teenagers and children using mobile services.

Mobile providers offer content which may use pre-pay, post-pay or hybrid approaches to billing. This framework is intended to provide for safer mobile use by younger teenagers and children across different billing approaches.

Recommendations on Safer Mobile Use

Access Control Mechanisms

- 1 Mobile providers should not offer any own-brand commercial content which would be classified as only suitable for adult customers in equivalent media, without providing appropriate means to control access to such content under parental control.
- 2 Appropriate means to control access to content should also be applied where content is supplied by contracted providers of third party commercial content which would be classified as only suitable for adult customers in equivalent media.
- 3 Additionally, individual mobile providers should offer capabilities which can be used by parents to customize access to content by children using mobiles. These may include specific services, phones, barring or filtering, and/or billing control.

Raising Awareness & Education

- 4 Mobile providers should provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children.
- 5 Mobile providers should encourage customers who are parents to talk to their children about how to deal with issues arising from the use of mobile services.
- 6 Mobile providers should ensure customers have ready access to mechanisms for reporting safety concerns.
- 1 Mobile providers should support awareness-raising campaigns designed to improve the knowledge of their customers, through organisations such as the INSAFE network.
- 7 For these measures to work effectively policy makers should play a role in improving childrens' awareness through updated educational material and approaches. This should include parent and child-friendly information on safer use of mobile and the internet.

Classification of Commercial Content

- 8 Mobile providers and content providers support classification frameworks for commercial content based on national societal standards and consistent with approaches in equivalent media. Classification of content, whether accessible through telecommunications or not, should be consistent with national societal standards regarding decency, appropriateness and legislation. Classification frameworks should consist of at least two categories: content which is suitable only for adult customers and other content.

- 9 Mobile providers should ensure that their own-brand commercial content is appropriately classified based on existing national classification standards in the markets where they operate.
- 10 Through their contractual relationships with professional third party content providers, mobile providers should ensure, after consultation, that these providers classify their commercial content under the same national classification approach.
- 11 For these measures to work effectively policy makers, trade associations and other interested parties should support mobile provider initiatives to ensure commercial content providers classify their content against national societal standards.

Illegal Content on mobile community products or on the Internet

- 12 Mobile providers will continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content.
- 13 Mobile providers will support national authorities in dealing with illegal child images and, through the INHOPE hotline network or equivalent approaches, will facilitate the notification of this content where hosted on mobile community products or on the internet.
- 14 Mobile providers will adopt, or support the creation of, appropriate legally authorized national take-down procedures for such illegal content, including a commitment to liaise with national law enforcement.
- 15 For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. National governments' support for this is vital.

Implementation, Stakeholder Consultation & Review

- 16 Signatory mobile providers and signatory content providers will work towards implementation of this common European framework through self-regulation at national level in EU Member States. The target for agreement of national self-regulatory codes, consistent with this framework, is **February 2008**
- 17 Mobile providers will regularly review child safety standards on the basis of the development of society, technology and mobile services in cooperation with European and national stakeholders such as the European Commission, INHOPE and INSAFE.

Annex II

CODE OF CONDUCT FOR MOBILE OPERATORS DESIGNED TO ENCOURAGE RESPONSIBLE USE BY UNDERAGE PERSONS OF ELECTRONIC CONTENT SERVICES SUPPLIED VIA MOBILE TELEPHONE NETWORKS IN SPAIN

Introduction

The use of mobile phones has become generalised in Spain in recent years, to a point where practically 100% of the population now has a mobile at their disposal. The services offered by the operators have likewise evolved very rapidly in order to adapt to changes in the market. What began as person-to-person voice communications, with a strong similarity to those provided by fixed-line networks, now includes content and multimedia features that offer users a wide range of leisure and entertainment services.

However, and in a similar way to what has occurred with the Internet, these features – which are also available to underage users – may not be suitable for the young, may be used for purposes other than those initially intended, or may be irregular, fraudulent or even illicit.

For this reason, and in order to fulfil their role as organisations committed to corporate social responsibility, the mobile telephone companies who are signatories to this code of conduct (hereinafter referred to as “mobile operators”), have agreed to a common set of initiatives designed to encourage the responsible use of new services and mobile content by the underage persons who possibly constitute one of the most vulnerable sectors of society.

It is important to note that the characteristics of this issue automatically give it a global dimension, making it necessary to approach it from various angles, including the necessarily close involvement of parents, carers, educators, child-protection agencies, public administrations, official security organisations and police forces.

With the above in mind, the mobile operators who are signatories to this document undertake to meet the commitments detailed below.

Scope of application

This code of conduct, along with the stipulations and obligations contained in it, is designed to promote and encourage the safe and responsible use, by underage persons,

of mobile telecommunications and of the content transmitted via mobile networks, with specific reference to illicit content.

The provisions of this code of conduct are aimed at prepaid and contract customers equally, and are intended to apply to mobile networks, virtual mobile operators and suppliers of mobile communication services who have subscribed to the code.

The services covered by the code include all content offered by mobile operators under their own brand and also those marketed by third parties with whom the mobile operator has entered into a contractual agreement, including services where delivery depends on knowing the customer’s location.

The obligations contained in this code of conduct that apply to content marketed by third parties are covered by clauses in the corresponding agreements made between operators who subscribe to the code and suppliers of content, with the aim of ensuring that the latter bear responsibility for fulfilling such obligations.

The scope of this code of conduct therefore does not include content accessed via the Internet, the monitoring of which lies outside the area of competence of the mobile operators, although they may provide users with tools designed to filter content, on which this Code refers below.

In the same way, this code of content does not cover content exchanged between users on a person-to-person level.

This code of conduct establishes a protective framework, which may be enlarged and extended as required by each signatory. The operators can adopt the commercial and technical initiatives that they see as being best able to help them fulfil the commitments entered into under the terms of this document.

The contents of this code of conduct apply without prejudice to the obligations acquired by operators and suppliers of content under the terms of applicable regulations and legislation.

Access-control mechanisms

Mobile operators undertake not to market under their own brand content that has been classified as being for adult consumption, without first offering adequate means of controlling access to such material.

In the case of adult-only content marketed by a supplier with whom the operator has a commercial agreement, an access-control mechanism should be offered to the extent permitted by numbering and addressing specific resources.

In the same way, the mobile operators undertake to supply parents, guardians and educators with the means to monitor and control access by underage users to material classified as being for adults.

Classification of content. Warning messages

The operators subscribing to this code of conduct undertake to label content classified as not being suitable for persons under the age of 18 in accordance with current Spanish social standards, and to display a message warning of this before offering access to such material.

When classifying material of this type, the operators are to take into account the criteria established by recognised organisations in the field and adapt them to the needs of Spanish society.

The mobile operators subscribing to this code of conduct undertake to do their utmost to identify common criteria when classifying content. Once such criteria have been agreed, they are to be added as an appendix to this document.

The above-mentioned obligations to identify and inform apply not only to content offered by operators under their own brand, but also to material marketed by third parties with whom the operator has a contractual relationship.

For this reason, the operators subscribing to this code of conduct therefore undertake to encourage agreement between suppliers of content with whom they have a commercial

relationship, along with associations of operators and content suppliers and other third parties concerned, with a view to adopting the initiatives of the mobile operators with regard to identifying material in order to ensure the correct classification of all content distributed by mobile operators.

Education and awareness-raising

The mobile operators are to offer information on how to use mobile services responsibly, including measures that can be taken by parents, carers and educators to ensure a responsible use by the children and young persons under their supervision. This information is to be accessible via the websites of the operators concerned.

In the same way, the mobile operators are to encourage customers with family responsibilities to advise their children on how best to deal with issues linked to a responsible use of mobile phones.

Mobile operators are to collaborate proactively with centres of education, child-protection agencies and official authorities in distributing information and organising campaigns designed to encourage the responsible use of mobile phones in schools and childcare establishments.

The mobile operators undertake to provide users with channels through which to direct their enquiries and complaints relating to the responsible use of content distributed via mobile phones.

Illicit content

The mobile operators will continue to collaborate with official security organisations and police forces in the fulfilment of their obligations regarding content prohibited under criminal law, with particular reference to content that is likely to have a negative effect on the personal development of children and youths.

The mobile operators undertake to remove hosted content and limit access to material elsewhere that has been declared illegal by the judicial authorities concerned. The removal or blocking of access to illegal content will be carried out within the time established in the court order qualifying the content as illegal under current criminal legislation.

Likewise, and whenever the public authority concerned publishes, as is normal practice in several European countries, a list of web pages offering content considered illegal under current Spanish legislation, the mobile operators undertake to install filters designed to block access to such web pages.

The mobile operators undertake to provide assistance to public authorities and private organisations recognised as being dedicated to combating illicit content, with particular reference to those involved in the fight against child pornography distributed via the Internet, and to collaborate with these bodies in their efforts to detect and block access to such material.

Monitoring of compliance with the code

In order to track the observance and evolution of this code of conduct, a monitoring committee is to be set up with a mission to verify that the code of conduct is being observed, to sign up new operators and to interpret the code's provisions.

The monitoring committee is to be made up of two representatives from each of the operators subscribing to the code.

In order to check and track compliance with the code, the monitoring committee is to draw up an annual report covering the aspects relevant to the application of the code of conduct, while proposing, as and when required, any modifications that it might find recommendable.

The monitoring committee is to hold an ordinary meeting at least once every three months, without prejudice to the possibility of meeting at the request of any of the operators subscribing to this agreement.

The monitoring committee is to adopt specific internal rules and procedures designed to guarantee its correct functioning.

Implementation and application of the code

This document has been subscribed to by the following organisations:
Orange, Telefónica, Vodafone and Yoigo.

Without prejudice to the above, this code of conduct is open to any other mobile operator supplying services in Spain who might wish to subscribe to it.

The mobile operators undertake to implement the provisions of this code of conduct within a period not exceeding nine months from the date of signing.

The signatories to this code of conduct are to revise its contents regularly so as to ensure that it fulfils the objectives established at the moment of its approval. They also undertake, where applicable, to a revise its contents in order to incorporate the current best practice observed in the countries of our region, while adapting its provisions to objectives that are yet to be established.

Each of the operators subscribing to this code of conduct is to post the text on its website.

Madrid, December 12th, 2007.

