



**CODE OF CONDUCT FOR PREMIUM SERVICES AND
CHILD PROTECTION**

Whereas:

1. mobile operators fully acknowledge the importance of providing customers with updated and transparent information regarding the economic conditions applied and the premium services offered;
2. it is important to ensure that the provision of premium services through mobile phones is compliant with the regulations regarding the protection of children and the safeguard of human dignity;
3. the strictly personal use of any mobile phones and the worldwide large distribution of pre-paid services protect the consumer both vis-à-vis the security of the mobile phone as well as in relation to the use of the services;
4. the mobile operators which abide by this Code of Conduct have already developed and implemented internal systems and procedures regulating access to premium services from mobile phones;
5. mobile operators have, therefore, drawn up their own Code of Conduct to regulate the use of these services;
6. this Code of Conduct aims to provide a tool for self-regulation and the general safeguarding of children, ensuring a safe use of the services.

Now, therefore,

- in compliance with the Law n.481 dated November 14, 1995 including the provisions regulating competition and public use services as well as the appointment of the competent Regulatory Authority;
- in compliance with the Law n.249 dated July 31, 1997 concerning the establishment of a Communications Regulatory Authority and regulations regarding telecommunications and radio-television systems;

- in compliance with the resolution n. 9/03/CIR of the Communications Regulatory Authority in relation to the Italian national numbering system in the sector of telecommunications and its subsequent implementation;
- in compliance with the Italian Law Decree n. 259 dated August 1, 2003 in relation to the new “Code for Electronic Communications”;
- in compliance with the Italian Law Decree n.196 dated June 30, 2003 in relation to the new “Code for the Protection of Personal Data” and its subsequent modifications;

considering that:

- the child’s right to a balanced growth is fully acknowledged by the Italian national and international legal systems;
- proper upbringing, which is certainly a parental task, can be facilitated by a correct use and provision of exhaustive information on the availability of suitable devices allowing or inhibiting the use of services with prurient content through electronic communications networks;
- the need to find a balance between different juxtaposed fundamental rights is inferred: for example, child protection, right to information and freedom of expression;

mobile operators adopt this Code of Conduct for self-regulation and the protection of children in relation to premium services and mutually undertake to observe it, to adjust it to the evolution of the services as well as to carry out any necessary activity to ensure compliance with the principles therein contained.

Article 1

Definitions

With specific reference to this Code of Conduct the following terms are used with the corresponding meaning as specified below:

1. Code of Conduct: self-regulation code for premium services and child protection.
2. Mobile operator: a company authorised to provide a public mobile communications network.
3. Premium services: services provided through electronic communications networks by means of specific numbering systems which enable users to access information or services as specified in the Italian resolution n. 9/03/CIR including the Italian national numbering system for the telecommunications sector.
4. “*Children’s*” services: services that for their nature and content target the youth market. The services included in this specific category are listed here below:
 - Cartoons for children;
 - Songs for children;
 - Games for children.
5. Services with prurient content: services with a manifest erotic/sexual content: that is, services which can harm a minor’s psychic integrity and morals or represent a threat, even indirectly, to his/her safety and development or mislead him/her as a result of ambiguity and exploitation of his/her natural innocence.
6. Third Parties: any physical or legal person who, by means of opportune systems, enables a final user to get access to information and services distributed through electronic communications networks. Third Parties may directly or indirectly operate as information or service providers.

Article 2

Objectives and Aims

1. This Code of Conduct aims to regulate premium services and child protection.

Specifically, this Code of Conduct regulates the following items:

- Type and content of the services offered;
- Tools for the protection of children;
- Obligations of mobile operators;
- Relations between mobile operators and Third Parties;
- Guarantee of application of the code;
- Self-disciplinary measures.

Article 3

Obligations of Mobile Operators Signing this Code

1. Mobile operators signing this Code:
 - a) shall adopt, within 6 months of the underwriting of this Code of Conduct, all and any measures required in order to implement the provisions contained therein, providing prompt notice thereof to the Italian Ministry of Communications;
 - b) shall refer to the provisions contained in this Code of Conduct in their service Charter;
 - c) shall publish in their corporate website or through other suitable means a reference to this Code of Conduct, which refers to specific web pages including information on the use of devices providing access to premium Services;

- d) shall provide their customers with all information useful to forward claims and exercise their rights.

Article 4

Premium Services

1. Mobile operators signing this Code provide their customers with complete, clear, prompt, transparent and easily accessible information on the services offered and, in particular, on the economic conditions and content of the services offered also by means of a projection of an information message regarding the price of the services.
2. Premium Services shall not magnify any form of physical or psychological violence; shall not offend or exploit moral, religious or other beliefs of citizens, nor favor crimes and/or illegal acts, and they also do not contain any subliminal messages.
3. The provision of premium services shall be compliant with human dignity and reject any form of discrimination based on ethnic, social, religious, sexual, health-related and political origin and beliefs, both actual as well as alleged.
4. While holding each participant in *chat rooms* responsible for the content of his/her public expression, mobile operators signing this Code shall nevertheless implement all and any measures required to prevent improper use of chat room services, including, for example, moderators or blacklisted words.

Article 5

Tools for child protection

1. In the framework of its premium service offering, each mobile operator signing this Code shall identify and provide customers with specific information concerning services including prurient content.
2. Services with prurient content are identified through technically available specific tools which make them easily recognizable.
3. User access to these services should be provided only after providing corresponding information on the nature of the service.
4. Mobile operators signing this Code shall undertake to provide parents and tutors with all the necessary tools to protect children from getting access to prurient content services. These tools must include at least one of the control criteria listed here below:
 - a. permanent service access denial at least for prurient content upon explicit request of parents, tutors or people authorized to make such a request;
 - b. service access only upon authorization granted by parents, tutors or people entitled to do so.

In addition, mobile operators signing this Code may offer – even against payment – access to services which may be directly controlled by the user through the use of a PIN, which is made exclusively available to parents, tutors or people entitled to make such a request.

5. The supervision tools specified in point 4 above apply at least with reference to numbering ranges and/or service category levels with a similar content and/or with reference to individual services offered. They must be adequately advertised to customers and easily accessible and free of charge with specific reference to letters a) and b) of point 4 above.

6. Mobile operators signing this Code undertake to provide, upon explicit request of parents, tutors or people entitled to make such a request, access denial to *chat room* services according to the provisions set in the foregoing points 4 and 5.
7. Mobile operators signing this Code can rely on identification systems to detect the user's age provided that, in compliance with the provisions regulating the treatment of personal data, privacy, safety and dignity are protected and guaranteed.
8. In case of services exclusively targeting children (the so-called "*children's services*"), mobile operators signing this Code undertake not to intersperse them with advertising and promotional initiatives.

Article 6

Relations between Mobile Operators and Third Parties

1. Mobile operators signing this Code undertake to attach this Code of Conduct to all contracts stipulated with Third Parties in relation to the premium service provision on their networks. These contracts shall require Third Party compliance with this Code of Conduct. Any default shall result in service discontinuance.
2. Upon request of the competent Authorities, mobile operators shall undertake all and any activities required to control content and/or services offered by third parties and made accessible on their networks.
3. Third Parties must declare to the mobile operators the nature of the premium services and any sensitive content or "*children's service*".

4. Mobile operators signing this Code undertake to make Third Parties aware of this Code of Conduct also through specific training activities.

Article 7

Protection of Personal Data and *Privacy*

1. With regard to premium services, mobile operators undertake, each for their part, to abide by the regulations enforced in relation to the protection of personal data and minimum safety measures and in relation to privacy in the sector of electronic communications, including any possible modifications and/or integrations.
2. With specific reference to the treatment of personal data of customers, mobile operators undertake to exclusively use them in relation to the activities strictly connected to the provision of the services referring to this code and for the use allowed by the law.

Article 8

Regulatory Committee

1. Mobile operators shall set up a Regulatory Committee composed of members of their organisations with the task of coordinating, updating and reviewing activities for this Code of Conduct according to the technological evolution of the services, as necessary. The members of this Committee shall also include representatives of the Italian Ministry of Communications and of the Ugo Bordoni Foundation, among whom a Chairman shall also be appointed.

2. The Regulatory Committee meets upon request of at least two members or following indications from consumer associations and in any case at least once a year.
3. The Regulatory Committee analyses any possible problems in relation to the implementation of this Code of Conduct and identifies possible solutions.
4. The Regulatory Committee draws up an annual report containing the updated list of Third Parties, premium services, children's services (services exclusively targeting children) and specific criteria for the implementation of this Code of Conduct.

Article 9

Self-disciplinary measures

1. Anyone who has valid grounds for believing that the obligations provided for in this Code of Conduct have been violated may inform the mobile operator responsible for said violation by sending an e-mail message to the address specified in the corresponding corporate website. All and any data transmitted shall be treated in compliance with the law regulations enforced in relation to the protection of personal data.
2. Mobile operators undertake to reply to all requests forwarded and to comply with reasonable requests according to the provisions included in the corresponding Service Charter.

Article 10

Acceptance

1. This Code of Conduct may be accepted by the mobile operators, which agree to abide by the obligations therein contained.

Rome, at the Italian Ministry of Communications, February 16, 2005.

TIM for acceptance:

Vodafone for acceptance:

Wind for acceptance:

H3G for acceptance: