



National Implementation Report

The **Dutch** Mobile Operators' Code of Practice for the safer use of mobile phones by children and younger teenagers

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 The Netherlands, the report tracks compliance in relation to the Dutch ‘Code of Practice for safer use of mobile phones by children and younger teenagers’.

In January 2008 the Dutch network operators KPN B.V., Orange Nederland N.V., T-Mobile Netherlands B.V. and Vodafone – Libertel B.V. signed the Dutch Code of Practice. This code is largely a translation of the Framework and with that obliges the signatories to implement the recommendations as set out in the Framework within a year after signing (by January 2009).

In short it means:

- mobile content under control of the network operators and unsuitable for minors should be blocked for use by these minors on request of parents;
- operators shall provide advice to parents on safer use of mobile phones by children and teenagers;
- operators are obliged to use the Dutch standardised classification system to classify the content and shall assign its content providers to do the same;
- operators shall cooperate with national authorities to combat illegal content, more specifically, to combat sexual abuse of children.

Since T-Mobile Netherlands B.V. and Orange Nederland N.V. merged in October 2008, there are currently three signatories in the Netherlands. All recommendations have been followed up in a timely way by the Dutch operators. All operators have an access blocking system in place, provide parents with information on the safer use of (mainly) mobile Internet, use the Dutch classification system (‘Kijkwijzer’) before any adult content is provided to subscribers in general, and have established together with the relevant Dutch authorities in the Netherlands, ‘the Dutch Platform for Internet safety’ (‘Platform Internetveiligheid’), in which platform the operators together with the authorities are combating distribution of illegal content.

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 to cater for national societal norms and values. National codes of conduct are currently in place in 25 EU

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

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 the Netherlands, namely, 'The Dutch Mobile Operators' Code of Practice for safer use of mobile phones by children and younger teenagers'. A reproduction of the code is available in Annex II of the report. The Dutch code was developed by the three Dutch network operators in line with the Framework and signed in January 2008. The signatories of this code are: KPN B.V., T-Mobile Netherlands B.V. and Vodafone – Libertel B.V.

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 the Dutch (INSAFE) Awareness Centre Digivaardig en Digibewust, 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 Dutch Code of Practice. 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:

1. Instruments for access control

- 1 Mobile network operators shall provide commercial content under their own brands which would be classified in equivalent media as suitable only for adults only where parents are provided with instruments that allow them to exercise control over access to that content.*
- 2 Such instruments for exercising control over access to content are also to be provided where commercial content is supplied by a third party with whom a contract has been signed for this and this content would be classified in equivalent media as only suitable for adults.*
- 3 In addition to what is specified in Article 1 and Article 2, mobile network operators shall provide parents with options for adapting the access to content by children who use mobile telephones to the consumer's wishes, for example in the form of specific services, specific telephones, locking, filters or payment management.*

Mobile operators have implemented these provisions as set out below.

All operators

All signatories have contractual obliged their content providers to make use of the Dutch classification framework Kijkwijzer.

	All operators offer parental solutions to customise access based on what they believe will be commercially successful/best meet customer needs. This means currently that no more specific services are offered other than the possibility to block access to data or internet as mentioned under paragraph 1.
KPN	KPN has implemented access control by separating the classified erotic content on prepaid and postpaid proposition.
T-Mobile	T-Mobile has implemented for all prepaid and post-paid subscribers an opt-out option, meaning that parents can request, via the Customer Service Desk or the T-shop, to block specific adult content from a specific mobile phone number. Parents should request barring by using the child's phone.
Vodafone	Vodafone has implemented access control for post-paid subscribers (Vodafone does not provide adult content to prepaid customers) with the possibility to 'opt-out' .

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:

2. Guidance and training

- 4 *Mobile network operators shall advise on and provide accessible information relating to the use of mobile telephone services and about the measures that parents can take for safer use by their children, as mentioned in Articles 1 to 3. Where possible,*

³ INSAFE is a network of national nodes that coordinate Internet safety awareness in Europe.

the mobile network operators shall use appropriate information that is available from organisations such as the NICAM Foundation (Kijkwijzer [Viewing Guide]) and existing programmes like Digibewust (Digi-aware).

- 5 *Mobile network operators shall alert customers with children to the opportunities for exchanging ideas with their children about problems that may arise with the use of mobile services.*
- 6 *Mobile network operators shall give their customers the opportunity to express their concerns about safety as described in this Code of Conduct and to give feedback regarding the so called Kijkwijzer system that they use.*
- 7 *Mobile network operators shall provide support to educational campaigns that are directed towards improving their customers' knowledge through organisations such as ECP.nl (with the Digibewust programme) and via the OMI (Open Mobile Internet) initiative.*
- 8 *The agreements made between the mobile network operators in this Code of Conduct can only lead to the intended result if policymakers accept their responsibility by providing up-to-date educational information about the safe use of mobile telephones and the internet. The mobile network operators therefore call upon policymakers to fulfil these responsibilities in full.*

Mobile operators have implemented these provisions as set out below.

All operators	<p>all operators provide relevant information on their respective websites on options to block access to adult content and contain links to – national - child safety information institutes.</p> <p>Furthermore, operators are discussing the possibility to provide a brochure to inform parents about the use of mobile internet with the Dutch organization Digibewust (part of INSAFE network).</p>
KPN	Customers of KPN have the possibility to send an email via the operator portal or call the help desk.
T-Mobile	T-Mobile has a web interface available to enable parents to give feedback or complain in the field of safety as well as the use of the classification system.
Vodafone	Vodafone customers can contact Customer Service by phone or email or can go to the shop to report any concerns regarding child safety.

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:

3. Classification of commercial content

- 9 Mobile network operators shall continue their existing collaboration with the NICAM foundation, with which they have implemented the so called Kijkwijzer system. This Kijkwijzer system links with the classification system that is used in equivalent media.
- 10 Mobile network operators shall ensure that the commercial content that is provided under their own brands is classified in accordance with the classification system as mentioned in the previous article.
- 11 Mobile network operators shall so far as possible ensure that third parties who supply content to them and with which they have entered into contractual obligations classify their commercial content by comparable criteria.
- 12 Since the mobile network operators cannot effectively organise such above-mentioned measures without the help of third parties, they call upon policymakers, sector organisations and other stakeholders to provide all the necessary support to these initiatives.

Dutch mobile operators have implemented these provisions as set out below.

All operators

All signatories as well as mobile content providers (with a contractual relationship with operators) make use of the national classification framework of NICAM (“Kijkwijzer”), also applicable for television, film and video, while providing mobile content to subscribers. The Dutch classification framework contains six categories for the sort of content as well as five ‘age’ categories.

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:

4. Illegal content on the mobile internet portal

- 13 *Mobile network operators shall (continue to) work together with all relevant public authorities such as the Korps Landelijke Politiediensten (National Police Agency) and the Openbaar Ministerie (Public Prosecutor's Office) in order to comply with their legal duties regarding illegal content.*
- 14 *Mobile network operators shall support the authorities in the fight against child pornography and will collaborate – whether by means of the Meldpunt Kinderporno (child pornography reporting point) or via comparable initiatives – in the reporting of this in content suitable for mobile telephones.*
- 15 *If they provide hosting services, mobile network operators shall cooperate on setting up appropriate legally-permitted procedures in the context of their Notice & Takedown obligations, in any event with regard to the fight against child pornography, and will work together with the authorities mentioned in Article 13 where necessary.*
- 16 *The mobile network operators find that the agreements in this Code of Conduct relating to illegal content can only lead to a result if the authorities accept their responsibilities by creating more clarity about the question of what content is illegal and by allowing tracking and enforcement authorities to set a high priority for the provision of sufficient (financial) means for combating illegal content.*

Mobile operators have implemented these provisions as set out below.

All operators	<p>Operators are closely working together with the relevant enforcement authorities, such as the Ministry of Justice and Economic Affairs, Police, national INHOPE organisation 'Meldpunt Kinderporno', through the 'Platform Internetveiligheid'. This Platform aims amongst others to combat illegal content.</p> <p>KPN and Vodafone have a Notice & Take down procedure in place, meaning that in</p>
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⁴ INHOPE is the International Association of Internet Hotlines.

cases where KPN and Vodafone determine that content is illegal, they immediately remove the content. T-Mobile does not host any third party content.

Stakeholder cooperation on child protection

This part of the report presents the views of a relevant stakeholder, namely *Digibewust*, 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?
2. Are you aware of any educational/awareness-raising initiatives on this issue by the mobile operators in your country?
3. What do you think are the key child protection priorities for the ICT sector for your country?

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 national operators met each other to translate the code which they thought was very useful. As the INSAFE national awareness centre we chaired a working group to discuss the problems of children using mobile phones. It was a very engaged working group, but the problem was that the initiative came a bit too early. At that time getting mobile internet growing was very important to the mobile operators and actions against unsafe issues on mobile internet were not to be discussed. It was the social sector versus business marketing and sales. But times have changed, and today we see that business companies have integrated 'safer mobile internet use' in their business strategy and market approach.

In 2007 'My Child Online', an expertise centre for parents, sponsored by KPN B.V., unveiled the many problems children and parents have especially due to misleading advertising for sms-subscriptions and subsequently led to governmental steps and actions by mobile operators. In 2010 My Child Online and the national Awareness Centre Digivaardig & Digibewust published free brochures for parents about mobile phones. In short, the national code has led to substantial initiatives.

Very important is the participation of KPN, Vodafone and T-Mobile in the Platform Internetveiligheid, (Safer Internet Platform) together with Dutch ISP's. This platform coordinates -on a strategic level- government and ISP/telecom (Ministers and CEO's). Filtering on child pornography is one of the topics covered by the Platform.

Despite the several initiatives, there is still much work to do. Concerning subscriptions for sms-services the industry has showed a lack of really helping customers, young and old, to avoid problems. The self-regulatory code for sms-services is still not good enough and law is necessary to avoid further problems. Many minors have spent money on sms-services without realising they were tied to costly subscriptions. In general too often mobile

operators state it is mainly the responsibility of the parents to protect and help their children against commercial and unsafe use of mobile phones. For parents it is getting more and more difficult though to guide children's activities online - media are taking over the control. Mobile operators should take more responsibilities, and not only to get positive press. We are very happy to see that the operators, T-Mobile, Vodafone and KPN, who signed the code take action to be very critical to dishonest companies.

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

Not specifically on use of mobile phones by children.

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

The rapid rise of commercial exploitation of children at a younger age. In the Netherlands children get a mobile phone younger and younger. The mobile phone is changing in a new wallet. It can be used to buy virtual furniture in Habbo Hotel and clothing on Stardoll. You can use your mobile phone to vote for your idol on television. Since more and more children have a mobile phone they can be approached as a customer without having to consult the parent first. The child can pay instantly - with his mobile phone.

Parents should be better serviced, not by awareness campaigns but in the store, where they should get the possibility to limit commercial and erotic content online and limit the possibility to spend money online through the mobile phone.

Conclusion

The Dutch operators have embraced the European initiative of the mobile industry in 2008 by signing the Dutch Code. Through implementing the recommendations of the Dutch Code of Conduct– and with that the European Framework for Safer Mobile Use by Younger Teenagers and Children – The Netherlands has become a safer place for children and teenagers while using their mobile phones. Parents are now able to better advise and protect their children based on information provided by the operators, but also able to block mobile phones from accessing adult content.

The recently established 'Platform Internetveiligheid' (December 2009) is working on a 'blacklist' relating to illegal content. With this blacklist operators will be able – in the near future – to block illegal content on the (mobile) Internet.

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 the safer use of mobile telephones for children and young teenagers

The undersigned:

1. KPN B.V., based in The Hague;
2. Orange Nederland N.V., based in The Hague;
3. T-Mobile Netherlands B.V., based in The Hague;
4. Vodafone Libertel B.V, based in Maastricht,

Hereinafter referred to jointly as: “the mobile network operators”,

Taking into account that:

- with the provision of mobile services, consumers have additional ways of acquiring content (downloads such as video images and music, chat etc.) that is already being provided by other means – usually by the same mobile network operators;
- supervision by parents of children’s and young teenager’s use of content services via mobile telephones is very important;
- the mobile network operators therefore intend to become involved in providing parents with means and information that stimulate and improve parental supervision;
- in February 2007 the mobile network operators participated in what is known as the European Framework for Safer Mobile Use by Younger Teenagers and Children (hereinafter called “the Framework”);
- the Framework obliges the mobile network operators to reach agreement on the national context within which they will develop the above-mentioned initiatives;
- the mobile network operators have made an effort during the period just ended to reach agreement at the national level on the conditions;
- the mobile operators have established the following assumptions in this regard;

- every form of classification of content will be based on national definitions and standards relating to decency, respectability and propriety and will

also be based on national legislation and regulations;

- self-regulation will be a better safeguard against a rapidly-changing world of mobile technology and services than formal legislation and regulations;
- mobile network operators can exercise control only over commercial content that they have themselves produced or the content that they obtain from professional third parties;
- in some other situations, mobile network operators exercise indirect control over commercial content provided that there is a contractual relationship with professional third parties;
- mobile network operators are not in a position to exercise influence over content that is freely available via the internet, given that in this case there is no relationship between the mobile network operators and the producer of the content;
- mobile network operators nevertheless consider it to be of the greatest importance to take their social responsibility by working with customers, parents and other interested parties, including child protection organisations, for the purpose of ensuring the safety of children and young teenagers who use mobile services;
- mobile network operators provide content in return for payment in advance (prepay) or postpay or by means of hybrid payment methods;
- this agreement is intended to allow children and young teenagers to use mobile services more safely.

The following points are agreed:

1. Instruments for access control

1. Mobile network operators shall provide commercial content under their own brands which would be classified in equivalent media as suitable only for adults only where parents are provided with instruments that allow them to exercise control over access to that content.
2. Such instruments for exercising control over access to content are also to be provided where commercial content is supplied by a third party with whom a contract has been signed for this and this content would be classified in equivalent media as only suitable for adults.
3. In addition to what is specified in Article 1 and Article 2, mobile network operators shall provide parents with options for adapting the access to content by children who use mobile telephones to the consumer's wishes, for example in the form of specific services, specific telephones, locking, filters or payment management.

2. Guidance and training

4. Mobile network operators shall advise on and provide accessible information relating to the use of mobile telephone services and about the measures that parents can take for safer use by their children, as mentioned in Articles 1 to 3. Where possible, the mobile network operators shall use appropriate information that is available from organisations such as the NICAM Foundation (*Kijkwijzer* [Viewing Guide]) and existing programmes like *Digibewust* (Digi-aware).
5. Mobile network operators shall alert customers with children to the opportunities for exchanging ideas with their children about problems that may arise with the use of mobile services.
6. Mobile network operators shall give their customers the opportunity to express their concerns about safety as described in this Code of Conduct and to give feedback regarding the so called *Kijkwijzer* system that they use.
7. Mobile network operators shall provide support to educational campaigns that are directed towards improving their customers' knowledge through organisations such as ECP.nl (with the

Digibewust programme) and via the OMI (Open Mobile Internet) initiative.

8. The agreements made between the mobile network operators in this Code of Conduct can only lead to the intended result if policymakers accept their responsibility by providing up-to-date educational information about the safe use of mobile telephones and the internet. The mobile network operators therefore call upon policymakers to fulfil these responsibilities in full.

3. Classification of commercial content

9. Mobile network operators shall continue their existing collaboration with the NICAM foundation, with which they have implemented the so called Kijkwijzer system. This Kijkwijzer system links with the classification system that is used in equivalent media.
10. Mobile network operators shall ensure that the commercial content that is provided under their own brands is classified in accordance with the classification system as mentioned in the previous article.
11. Mobile network operators shall so far as possible ensure that third parties who supply content to them and with which they have entered into contractual obligations classify their commercial content by comparable criteria.
12. Since the mobile network operators cannot effectively organise such above-mentioned measures without the help of third parties, they call upon policymakers, sector organisations and other stakeholders to provide all the necessary support to these initiatives.

4. Illegal content on the mobile internet portal

13. Mobile network operators shall (continue to) work together with all relevant public authorities such as the Korps Landelijke Politiediensten (National Police Agency) and the Openbaar Ministerie (Public Prosecutor's Office) in order to comply with their legal duties regarding illegal content.
14. Mobile network operators shall support the authorities in the fight against child pornography and will collaborate – whether by means of the Meldpunt Kinderporno (child pornography reporting point) or via comparable initiatives – in the reporting of this in content suitable for mobile telephones.
15. If they provide hosting services, mobile network operators shall cooperate on setting up appropriate legally-permitted procedures in the context of their Notice & Takedown obligations, in any event with regard to the fight against child pornography, and will work together

with the authorities mentioned in Article 13 where necessary.

16. The mobile network operators find that the agreements in this Code of Conduct relating to illegal content can only lead to a result if the authorities accept their responsibilities by creating more clarity about the question of what content is illegal and by allowing tracking and enforcement authorities to set a high priority for the provision of sufficient (financial) means for combating illegal content.

5. Implementation, consultation with interested parties and review

17. The mobile network operators undertake by signing this Code of Conduct to carry out their part in the initiatives described above within one year following the signing of this Code of Conduct.
18. Mobile network operators shall regularly compare the standards relating to children's safety as understood in this Code of Conduct with social and technological developments and changes in mobile service provision. In this context, the implementation of the Richtlijn voor Audiovisuele Mediadiensten (Audiovisual Media Services Directive) will be taken into account, in so far as it is applicable. Here the mobile network providers shall work together with interested European and national parties such as the Meldpunt Kinderporno (child pornography reporting point), the NICAM Foundation, ECP.nl (Digibewust) and the OMI initiative.

Hereby agreed

Etc.
