

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.