



National Implementation Report

The **French** Mobile Operators' Code of Conduct regarding Mobile
Multimedia Content (2006)

April 2010



Contents

Executive summary	2
Introduction	4
Implementation of national code of conduct	6
Access control mechanisms	6
Raising awareness and education	7
Classification of commercial content	9
Fighting illegal content on mobile community products or the Internet	10
Other	11
Stakeholder cooperation on child protection	13
Conclusion	14
Annex I: European Framework for Safer Mobile Use by Younger Teenagers and Children	15
Annex II: Operators' code of conduct regarding mobile multimedia content	18

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 France, the report tracks compliance in relation to the French Mobile Operators’ Code of Conduct regarding Mobile Multimedia Content (2006), which of course pre-dates the European Framework.

In terms of access control mechanisms, all three mobile operators reported that they provide such controls free of charge. The service can be activated by calling customer services from the child’s handset. Orange and Bouygues Telecom also reported that sales staff in stores are required to ask customers if the handset is to be used by a minor, and if so, to suggest activation of the parental control.

The degree of granularity of access control varies between operators. Both Bouygues Telecom and Orange reported that they were looking to move from blocking the entire internet when parental control is activated to blocking only sites unsuitable for those under 16. SFR reported that it already offers two levels of parental control – either blocking access to the whole internet and access to 16+ content, or for under 12s, blocking both access to the internet and to chatrooms and blogs.

As regards awareness-raising and education, all three operators are members of AFOM (the French mobile operators’ association), which produces a regular guide to safer mobile use. Operators have been working on an updated version due to be published in April 2010.

All also reported producing their own company information, which is included with their commercial offers and on their websites. Orange also reported running periodic banners on its website to draw attention to the child protection issue and said that it also included this information in customer bills.

On content classification, all operators required content providers to classify their content according to a Multimedia Mobile Content classification code developed by the Internet Rights Forum in 2006,

and all operators provide links on their websites and mobile portals to a national hotline to report 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 France, namely, the French Mobile Operators' Code of Conduct regarding Mobile Multimedia Content. A reproduction of the code is available in Annex II of the report. The French code was developed in 2006, so pre-dates the European Framework. The signatories of this code are: Bouygues Telecom, Orange France, and SFR. These three main operators led the initiative, and the code was also signed by MVNOs Debitel, M6 Mobile, Universal Mobile & Omer Telecom.

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 e-Enfance, 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 French Mobile Operators' Code of Conduct regarding Mobile Multimedia Content (2006). 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:

"2.1. Every mobile operator will provide its users with a technical device that allows access to be blocked to multimedia contents & services that could harm the feelings of young children. This device is: a) free for the customer, b) activated by simply calling customer services. Once activated, this form of control allows at least, whether or not the operator is a signatory of this code: 1) the prevention of access to contents that could harm the feelings of young children (for example 'teasing' contents); 2) the prevention of access to dating sites; 3) the prevention of access to contents for which there are no contractual links between the operator and service provider (Internet access)."

Mobile operators have implemented these provisions as set out below.

Bouygues Telecom

Bouygues Telecom provides an access control mechanism free of charge. Any customer can ask for it at any time. Access control can be activated by a call to customer service or on the customer account management page. Sales staff in stores are also required to ask customers if the handset is to be used by a minor, and if so, to suggest activation of the parental control. Only parents can de-activate the access control. Once activated, it allows access to websites included in the operator portal or

	<p>"Gallery" that could not harm the feelings of young children (below 16 years old). For the moment, once activated, the access control prevents connection to websites that are not listed in the portal and Gallery (i.e. there is no access to the open Internet). This will evolve by next July, when the access control mechanism will not prevent access to the Internet as a whole but only to websites that could harm young children (-16 years). The list of these sites suitable for minors under 16 sites will be the same as the list used for the access control mechanism on fixed internet access. Access control also prevents access to certain SMS+ and MMS+ services as well as some TV channels.</p>
<p>Orange France</p>	<p>Orange France is fully compliant with those recommendations. The process of selling mobile subscriptions requires the salespersons to ask if the mobile user will be a minor (in France the purchase of mobile subscription is only allowed to adults). In that case, they suggest the parental control activation, which is provided for free. Such a tool can be activated at any time from the child's handset, by accessing the client account online or by calling customer services. Access control can only be de-activated by calling customer services. When the parental control is activated, the "open" internet access is blocked. But users can reach services checked as harmless for teenagers (-16) offered on the portals "OrangeWorld" and "Gallery". Adult content, dating sites, or services with gentle sexual content etc, are not reachable (see below 'Multimedia Mobile Content classification') "OrangeWorld" and "Gallery" provide both Orange-branded content, and content offered by contracted third party service providers.</p>
<p>SFR</p>	<p>SFR proposes three levels of access to its customers:</p> <ul style="list-style-type: none"> (i) full internet access <p>And two restricted access providing two different levels of protection:</p> <ul style="list-style-type: none"> (ii) one for teenagers (-16) with no access to the full internet but only to "portals" (Vodafone and SFR) and with the blocking of +16 contents (sensual contents) (iii) (iii) one for children (-12) with the same restricted access and no access to chatrooms or blogs. Access control can be activated by the subscriber during the line activation process or at any time while using the mobile phone by calling the operator or by online activation. The access control is a network implemented solution.

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:

"2.2 The mobile operators undertake, as from December 2005, to reinforce communication with all their customers, on a regular basis, concerning the subject of parental control. The objective is to inform all parents about the methods at their disposal so that they make an enlightened decision about activating the parental control device..."

Mobile operators have implemented these provisions as set out below.

Bouygues Telecom	Bouygues Telecom is a member of the French mobile association (AFOM), which publishes in partnership with the French Family Ministry a guide on childhood protection. Bouygues Telecom provides any customer with information on its access control mechanism via a dedicated page in its commercial brochures as well as on its website.
Orange France	Orange France provides education and awareness-raising on child protection by various means. A permanent, easily reachable and visible link on Orange Portal enables relatives and their children to get information about safe use of mobile, about the effectiveness of the parental control and how to activate it. This information is also available by calling customer service. Several times a year, a banner on the Orange Portal calls the user's attention to the issue of child protection and this information is also included in customer bills. Leaflets with information about how Orange can help protect young users are provided with commercial advertisements on offers particularly suitable for teenagers. Lastly, as a member of AFOM, Orange has been involved in the writing of the new guide to child protection on mobile. The new guide will be published in April 2010.
SFR	SFR has just released a new leaflet available in stores and online on its website, and

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

AFOM regularly publishes a guide.

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:

"1.3 The mobile operators expect to define, together with the partners concerned (governments, family associations, independent authorities, etc.) a classification schedule of multimedia contents and rules of application, which must be respected by every provider and operator, whatever multimedia mobile services are involved..."

Mobile operators have implemented these provisions as set out below.

Bouygues Telecom

Bouygues Telecom content classification results from a code held by the Forum des droits de l'Internet. The audiovisual regulatory authority also gives recommendations for audiovisual services. All French mobile operators continue to apply in their contracts with content providers the ethical code of practice of the CST CTA (conseil supérieur de la télématique) - a French national authority that does not exist anymore and which should be replaced by a new authority. Such a code prohibits illegal or harmful content that could harm the feelings of young children or require moderation

	of forums.
Orange France	Orange France: Through the Internet Rights Forum, a partnership between national authorities, digital firms and safer internet for youngsters NGOs, a national code called 'Multimedia Mobile Content Classification' has been established. It entered into force on 17 October 2006. Since then, content (from OrangeWorld and Gallery) is classified accordingly before any disclosure through an online mobile service. Furthermore, Orange checks, regularly and randomly, the appropriateness of the content to its classification.
SFR	SFR: The FDI (Forum des droits internet) published a classification in 2006 (see above). In practice, content is classified by the content provider itself, according to the content classification matrix.

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:

"3.2...put in place a device easily accessible and visible that allows anyone to bring content detrimental to human dignity to their attention; will diligently inform the responsible public authorities of the existence of content detrimental to human dignity, designed to be viewed on mobile handsets, which is notified to them by their users. The mobile operators undertake to help this fight, particularly by regularly improving the notification devices in order to make them better suited to the limitations of the mobile networks...3.3...in addition, the mobile operators

⁴ INHOPE is the International Association of Internet Hotlines.

undertake to act quickly to withdraw or make access impossible to content provided by them as soon as they have been notified that such contents are clearly illegal."

Mobile operators have implemented these provisions as set out below.

Bouygues Telecom	Bouygues Telecom provides a link to “Point de contact” on its website and on its mobile portal. This link allows customer to signal any illegal content. Alerts are centralised by AFA (Association française des fournisseurs d'accès, the French Internet service provider association which reports alerts to the police or other competent authority (INHOPE networks).
Orange France	Orange France provides a permanent, easily reachable and visible link which allows anyone to bring content detrimental to human dignity to Orange’s attention. In the event that the illegal content belongs to a contracted third party service provider (and is available on OrangeWorld or Gallery), the whole service is removed and this could also trigger the termination of the contract with the third party. In the event that the illegal content discovered is hosted by services which do not have a commercial relationship with Orange, the discovered content is checked by an authorised Orange team. If the content is suspected to be illegal, it is reported to “PointdeContact” (a member of INHOPE) who is in charge of the content examination and possible forwarding to the national law enforcement OCLCTIC. A link to “PointdeContact” is also available from the Portal.
SFR	SFR: Pointdecontact.net collects content notifications by internet users on behalf of all the operators. ISP association members put a link on their web portal to the Point de Contact web page. The service is provided for both ISPs and mobile operators, according to the code of conduct on “contenu odieux” signed the 14 June 2004. The hotline is shared by all members of the French ISPs association.

Other

This section addresses compliance with the recommendations of the national code of conduct that go beyond the scope of the Framework. These provisions are as follows:

There are no additional recommendations in the national code. However, a new French law (LOPPSI2), requiring French ISPs to block child pornography, is due to be adopted in the next few months.

Mobile operators have implemented these provisions as set out below.

Not applicable.

This section also asks about any initiatives taken by operators in the area of child protection that go beyond the requirements of the national code of conduct.

Mobile operators responded as set out below.

<p>Bouygues Telecom</p>	<p>Bouygues Telecom is going to extend the access control mechanism to websites that are not referenced in its Galleries or portal. This is a necessity since internet mobile access is not limited to access to Gallery and portal, and smartphones give direct access to the Internet without going through the operator portal or Gallery. Such evolution is required by French authorities.</p>
<p>Orange France</p>	<p>Orange France has launched several initiatives which go beyond the requirements of the national code of conduct. In the event of access to content hosted by OrangeWorld or Gallery, even if the parental control is not activated, a disclaimer warns when the user tries to access services with mild sexual content (as recommended by the relevant national code of conduct in the case of adult content). When the parental control is activated, Orange blocks premium-rate voice and video call services , and access to certain mobile TV channels between 22:30 et 05:00. Orange is currently investigating technical solutions to allow the introduction of filtered access to the wider internet.</p>
<p>SFR</p>	<p>SFR plans to offer 2 levels of access control. Opt in is necessary in order to have access to adult content proposed by third party content providers.</p>

Stakeholder cooperation on child protection

This part of the report presents the views of a relevant stakeholder, namely e-Enfance, 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?

Since the 2006 Charter, when a customer informs the mobile operator salesperson that the subscription will be used by a minor, the salesperson must suggest a choice of subscriptions with limited access to services (parental control).

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

AFOM publishes a guide for parents relative to child and mobile use. AFOM provides information about security on its internet website as well. A wider circulation of this kind of information could be beneficial.

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

An update of the 2006 Code of Conduct seems to be urgent because of handset technical progress. Access to internet by mobile is more and more prevalent by young users. Apple is the only manufacturer which provides a parental control on the handsets. But it is very easy to deactivate it, child just needs to reset the factory setup to be able to surf on internet without parental control.

Conclusion

French mobile operators appear to be compliant with their national Code of Conduct. All offer some means of blocking access to the internet to the whole and/or to sites and services unsuitable for those below a certain age threshold. All operators also carry out a range of awareness-raising and education activities. All operators have mechanisms in place to ensure that 3rd party providers comply with their requirement to classify their content appropriately and all provide links on their websites to allow users to report illegal content.

The French mobile operators have recently been cooperating within their association, AFOM, to develop an updated guide to safer mobile phone use. This is due to be published in April 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 children's 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

Operators' code of conduct regarding mobile multimedia content

Preamble:

Mobile phones are now part of everyday life for almost 46 million French people and affect all age groups. This personal tool, originally designed to convey voice messages, has since developed into a wide variety of uses. The new generation of mobile phones consequently allow people to send texts, fixed or animated images, videos, or to access the Internet. Although this proliferation of new services is a source of diversity that enriches our lives, it can also lead to forms of abuse or allow access to content deemed "sensitive" (definition below).

Being responsible companies, who are aware of the issues and anticipate wider access to new multimedia content, the mobile phone operators and members of AFOM [French Association of Mobile Operators] (Bouygues Telecom, Orange France and SFR) have decided to provide all users with information and the necessary tools to take control of their utilisation of mobile multimedia. To achieve this, they will complement and reinforce existing plans, taking into account the technical properties of handsets and mobile networks. They also point out that, besides their own commitments, youth protection depends on the involvement of all parties concerned, in particular public authorities, parents, associations and content providers. The operators emphasise that their actions, notably providing technical tools for parental control, will only be fully effective as long as public bodies actively increase awareness among parents and children as regards new forms of use and emerging risks, as well as regards the precautions to be taken to protect against them.

At the same time, the mobile phone operator members of AFOM believe that youth protection implies consistent action and insist on the need for all operators involved in the sector to make the same commitment. That is why AFOM has sought compliance to these proposals from the new operators in the industry (MVNO) who have just joined it: Omer Telecom, Debitel, Universal Mobile and M6 Mobile. The Ministry for Family Affairs will help foster discussions with all the virtual mobile operators that are not members of AFOM with a view to reaching similar commitments from all the mobile companies operating in France. The mobile phone operators' initiative is part of the move towards self-regulation advocated by the European Commission, particularly in accordance with article 16-1-e of Directive 2000/31/EC dated 8 June 2000 known as the *Electronic Commerce Directive* and of the *Protection of minors and human dignity in audiovisual and information services* Recommendation by the Council dated 24 September 1998. It takes note of the recommendations by the Internet Rights Forum regarding the protection of minors on the Internet and mobile networks.

Aim of the document:

The aim of the code is to help manage "sensitive" content on the mobile networks and to intensify the fight against illegal content. It places a commitment on the signatories, namely the mobile operator members of AFOM: Bouygues Telecom, Orange France, SFR, Omer Telecom, Debitel, Universal Mobile, M6 Mobile and the Ministry for Family Affairs.

Field of application:

The code's commitments cover mobile multimedia, in other words content made up of texts,

images and sounds. Accessing this multimedia content requires the use of “compatible” mobile phones (for example with colour screens), and subscription to the relevant services. These commitments do not apply to content that is not specifically mobile, such as vocal services with shared income (like Audiotel) or which is not multimedia (SMS for example).

Two main types of multimedia content are accessible thanks to mobile technology:

- Contents for which there is a contractual link between, on the one hand a content provider who designs, produces and decides to place content on line and, on the other hand, an operator who accepts to list the content from the provider on the operator portal or in kiosk solutions (services by i-mode, orange World, Vodafone Live, Gallery). These contents now make up the vast majority of what is looked at on the mobile networks.
- Contents for which there is no contractual link between the provider and the operator. These contents are not listed by the operators’ portals and kiosk solutions. For example, users have to enter a specific address (an Internet address, for example) to look at them. In the absence of a contractual link, it is impossible for the mobile operators to respect the ethical commitments aimed at in Point 1 of this code. Nevertheless, they are able to apply all the other commitments.

Definitions:

The “contents detrimental to human dignity” are the illegal contents targeted by article 6, 1-7 of the Law for Confidence in the Digital Economy (LCEN – law 2004-575 dated 21 June 2004) namely defending crimes against humanity, inciting racial hatred and distributing child pornography.

By “sensitive contents”, operators understand contents that can harm certain users when looking at it, whilst being legal and not resulting in any incrimination according to article L.227-24 of the Criminal Code. This category is characterised by:

- “Contents that could harm the feelings of young children” (for example certain contents said to be “teasing” and/or violent) which can be viewed freely but will be blocked by a parental control device when activated. Whether or not these contents are prohibited relies solely on the parents’ decision.
- “Contents reserved for adults” (for example pornography) which can only be viewed in kiosk solutions and operators’ portals after the user’s age has been verified (which must comply with the minimum legal age).

Commitments:

The mobile operator members of AFOM undertake to:

1. Reinforce and harmonise the ethical move to manage the development of mobile multimedia contents in kiosks and portals.

1.1/ The mobile operators have already been working for several years, within the CST [French council regulating telecommunication services], to draw up common ethical codes designed to manage the development of the services they provide on a contractual basis. As a result, the contents available in the Gallery kiosk comply with the recommendations prescribed by this treaty. The contents on operators’ portals are also in keeping with this concept.

1.2/ These ethical codes anticipate, for example, that from now on all public parties in chat rooms (anonymous interactive conversations) offered by a service provider must be “moderated” (monitored). They also prohibit the availability of contents reserved exclusively for adults on kiosks and operators’ portals as long as the user’s age cannot be identified.

1.3/ In order to reinforce the approach beyond the existing ethical codes:

- The mobile operators expect to define, together with the partners concerned (governments, family associations, independent authorities, etc.), a classification schedule of multimedia contents and rules of application, which must be respected by every provider and operator, whatever multimedia mobile services are involved. This relates to work started in October 2005 within the Internet Rights Forum, which should be completed in the first quarter of 2006.
- The public parties involved in chat rooms and blogs available in the kiosks and operators’ portals are already subject to “moderation” by the service providers. The mobile phone operators are going to work with the service providers to further reinforce the conditions surrounding this moderation.

2/ Widely inform and systematically provides parents with a form of parental control that is free, effective and simple to activate.

The mobile phone operator members of AFOM already offer their customers a parental control device that is free, effective and simply to activate, as it is based on a technical system directly integrated with their networks: their customers therefore do not have to worry about settings or installing additional software.

Following the Conference on Family Affairs on 22 September 2005, talks took place between the mobile operators and the Ministry for Family Affairs to develop the scope and activation methods of this system. The results of these talks are integrated in this code.

As already mentioned, the question of protecting children on the networks must be done by mobilising all the parties involved: public bodies, parents, operators, providers, associations etc. The education of parents and guardians is particularly at the heart of youth protection as regards online contents. In fact, the effectiveness of parental control cannot rely only on technical devices because these can always be sidestepped. Therefore, the mobile operators cannot be held responsible for any failure of the devices employed.

Mobile operators’ commitments:

2.1/ From now on, every mobile operator will provide its users with a technical device that allows access to be blocked to multimedia contents and services that could harm the feelings of young children. This device is:

- Free for the customer,
- Activated by simply calling customer services.

Once activated, this form of control allows at least, whether or not the operator is a signatory of this code:

- The prevention of access to contents that could harm the feelings of young children (for example “teasing” contents);
- The prevention of access to dating sites;
- The prevention of access to contents for which there are no contractual links between the operator and service provider (Internet access).

2.2/ The mobile operators undertake, as from December 2005, to reinforce communication with all their customers, on a regular basis, concerning the subject of parental control. The objective is to inform all parents about the methods at their disposal so that they make an enlightened decision about activating the parental control device. This communication plan is set out in detail in Part 4 of this document.

Furthermore, from the point of view of changing their customer contact (see Point 2.3), the operators are going to communicate with new customers in the following way:

- An educational presentation of the parental control device, of its usefulness and of the activation methods will be included in sales documentation handed out at the point of sale;
- An awareness campaign for sales outlets about the problem of parental control (shop or telesales) will be conducted by every operator;
- A thought-provoking message will appear on operators' websites when orders are placed online.

2.3/ The operators also undertake, from now on, to carry out the necessary technical research to change their customer contact. As a result, from November 2006, the operators will systematically ask questions to all persons opening a line and will encourage them to activate the parental control system if the user is a minor. However, it is recognised that it is not possible to ask or demand the operator to check, before or after the line is opened, the truth of this preliminary declaration is true, nor the quality of the adult making this declaration (particularly regarding the verification of the person's parental authority).

The exact formulation of the question asked when a line is opened will be different for every operator depending on its customer contact. Every operator will advise the Ministry for Family Affairs about the formulation held in the documents concerned.

2.4/ The form of parental control provided at the moment is strict and the mobile phone operators are aware that it could evolve to adapt to different stages in the development of minors: parental control is not necessarily the same for an adolescent or for a younger child. They therefore undertake to conduct research from here on to change the parental control system towards several profiles, which would include different factors. This change will integrate the talks conducted within the Internet Rights Forum about the classification schedule for multimedia mobile content (see 1.3 of this code). A first point will be made in November 2006.

2.5/ The mobile phone operators have duly noted the request by the Ministry for Family Affairs to change the blocking of access to contents outside kiosks and portals so they do not prohibit sites to be visited that are not detrimental to children. To make progress on this subject, it is essential to conduct research, particularly technical and legal, to analyse this form of solicitation and to define a possible method of implementation. By way of an example, drawing up the list of sites that are acceptable or not for children cannot be the responsibility of the mobile phone operators. These lists will also have to take the parental control profiles into consideration, which will be defined as part of the discussions taking place within the Internet Rights Forum. The mobile operators undertake to publish their thoughts on this change as of now.

2.6/ Finally, in general terms and in compliance with the recommendations from the Internet Rights Forum, the mobile operators also undertake to ensure supervision of the development of new parental control devices adapted to mobile appliances so that their users can take advantage of this.

3/ Help the fight against illegal contents.

3.1/ Conscious of making an effective contribution to the fight against illegal contents, the mobile operators are already responding diligently to the legal requirements that are being made of them by the authorities.

3.2/ In accordance with the conditions of article 6-1-7 of the Law for Confidence in the Digital Economy (LCEN – law 2004-575 dated 21 June 2004), the operators:

- Have put in place a device easily accessible and visible that allows anyone to bring content detrimental to human dignity to their attention;
- Will diligently inform the responsible public authorities of the existence of content detrimental to human dignity, designed to be viewed on mobile handsets, which is notified to them by their users.

The mobile operators undertake to help this fight, particularly by regularly improving the notification devices in order to make them better suited to the limitations of the mobile networks.

3.3/ In addition, the mobile operators undertake to act quickly to withdraw or make access impossible to contents provided by them as soon as they have been notified that such contents are clearly illegal.

4/ Widely inform the general public about actions taken and to contribute towards educating everyone about proper use.

To complement the actions and tools installed by the operators, users will retain the main responsibility for ensuring that multimedia mobile services are used properly.

That is why the mobile operators are committed to adopting an active educational approach in order to raise awareness among parents and children about proper usage of mobile phones and to widely inform them about the actions taken

For this purpose, mobile operators undertake in particular to continue to make content providers aware and inform them about the tools and actions put in place within the framework of this code.

From December 2005, information to the public will be reinforced:

4.1/ AFOM already widely distributes an awareness guide for parents, co-signed with the National Union of Family Associations (UNAF in France), which shows how children should use mobile phones properly. This guide gives rise to a version on the Internet in the form of a dedicated site that is freely accessible. In addition, it is published free of charge by different partners and can be downloaded from the AFOM website: www.afom.fr.

4.2/ The mobile operators will increase their communication operations with their current customer base about the existence of parental control by using the most appropriate methods. The aim is to inform all parents about the methods at their disposal so that they make an enlightened decision about activating the parental control device. This information will give rise at least to the actions listed below, implemented since 2006.

- As regards new customers:
 - An educational presentation of the parental control device, of its usefulness and of the activation methods will be included in sales documentation handed out at

the point of sale;

- An awareness campaign for sales outlets about the problem of parental control (shop or telesales) will be conducted by every operator;
- A thought-provoking message will appear on operators' websites when orders are placed online.

• As regards existing customers:

- A presentation, expressed in educational terms, of the parental control device and its activation methods will be included on the operators' websites.
- Internal communication areas on the sites will encourage internet users to familiarise themselves with this presentation;
- A permanent link on the home page of operators' internet portals will point towards this presentation;
- At least two articles about the parental control device and its activation methods will be included in literature sent to subscribers by every operator in the course of 2006.
- An article about parental control will be included in electronic information letters distributed to customers of every operator. This information will be repeated three times during 2006.
- A piece of information about parental control will be included directly with invoices sent to subscribers. This operation will be repeated twice during 2006.

These actions will be complemented by each operators' own actions depending on the type of customers and each one's communication tools. They may be reintroduced in 2007 after taking stock at the end of the year.

4.3/ The operators will incorporate the awareness messages developed by the government on their sites about the protection of children in a mobile world.

4.4/ The operators will participate in awareness campaigns aimed at parents and children regarding proper mobile phone use with the partners concerned.

5/ Assess, inform and regularly consult all parties concerned by this ethical approach.

5.1/ In order to take into account the rapid development of new services, the ethical approach put in place by the mobile phone operators will have to be periodically assessed and possibly adapted. For this purpose, the operators undertake to make regular exchanges about the actions implemented and any adjustments to them with all the parties concerned: the government, authorities, family organisations, providers...

This exchange process will also aim to evaluate the actions set in motion by the operators within the framework of this code.

5.2/ The operators propose objective criteria aimed at measuring to what extent the measures set in motion have been implemented:

- Assessment of information about the existence of parental control that has appeared in the operators' sales communication tools;
- Assessment of awareness operations initiated by AFOM
- Amount of targeted information sent to the customer base;
- Compliance with the timetable outlined later in this document.

However, they call to mind that the question of parental control cannot only rely on technical measures and that only mobilising all the pertinent parties (publics bodies, parents, operators, providers) will truly enable parents to be made aware of the issues. The number of forms of

parental control activated cannot therefore be seen as a pertinent measurement criteria of how much the operators are involved with these matters: at most it could be considered as a partial measure of the relevance of the actions of all partners. It must be noted that the choice of whether to activate parental control or not finally rests on the informed choice of parents: a low level of activation could therefore simply be translated as the analysis of a moderate risk for their children equipped with a mobile phone.

Paris, 10 January 2006

Mr. Philippe BAS
Minister of State for Social Security,
Old People, Handicapped People and
the Family

Mr. Jean-Marie DANJOU
Managing Director of the French Association of
Mobile Operators

Emmanuel Fores, Bouygues Telecom

Jean-Noël Tronc, Orange France
Pierre Bardon, SFR

Debitel

Nicolas Schaettel, M6 Mobile

Philippe Schild, Universal Mobile

Jean-François Blondel, Omer Telecom