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NOTE	
from :	General Secretariat of the Council
to	Permanent Representatives Committee (Part 1) / Council
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Subject:	**Internet: a better and safer place for children as a result of a successful interplay between government and industry** *- Policy debate* (Public debate pursuant to Article 8(2) CRP [proposed by the Presidency])

Following consultation of the Audiovisual Working Party, the Presidency has drawn up the attached discussion paper as the basis for the policy debate on the above subject at the EYCS Council meeting on 26-27 November 2012.

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Presidency Discussion Paper

Internet: a better and safer place for children
as a result of a successful interplay between government and industry

Context

Children are going on-line at a younger age, using a wide range of connected devices such as smart phones, tablets, game consoles, PC or TV. Children particularly like using mobile devices, which is a phenomenon that both has an impact on and poses a challenge for the role of parents and school. Children use the Internet as a place to play, explore, learn, create, communicate, express themselves, etc. As a consequence children have become an important target for device manufacturers as well as content providers and producers.

The challenge of making the Internet a better and safer place for children has led to the development of a variety of policies, initiatives and actions at European, national and industry level.

Industry has taken a number of self-regulatory initiatives[1] at EU level, with the Commission acting as facilitator. In 2007, leading mobile operators and content providers signed a *European Framework for Safer Mobile use by younger teenagers and children*, the implementation of which is annually monitored. The *Safer Social Networking Principles for EU* were voluntarily adopted by the industry in February 2009. In December 2011, CEOs from all parts of the value chain of products and services associated with children's use of the Internet were invited by Vice-President of the Commission Kroes to participate on a voluntary basis in a *Coalition* aiming at *making the Internet a better place for kids*. Self-regulatory approaches have also been undertaken in a number of Member States with a view of making the Internet a safe place for children.

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[1]   http://ec.europa.eu/information_society/activities/sip/self_reg/index_en.htm

Given the number of policies, initiatives and actions emerging at different levels, the Commission identified a need to take a joined-up approach that would recognise children as a group with specific needs and vulnerabilities. As a result, a comprehensive European strategy for a Better Internet for children was adopted by the Commission on 2 May 2012[2], in which four areas of action are proposed: stimulation of quality content, stepping up awareness and empowerment, creation of safe on-line environment and fight against child sexual abuse images. The Council has responded by adopting its conclusions on the same topic on 28 November 2011[3] and 26 November 2012.

Basic policy approach

Both policy-makers and the ICT industry share similar concerns: enabling children to enjoy and benefit from the free nature of Internet without allowing their innate curiosity lead them into harm. There is a need to ensure that the Internet is a place of safety as well as opportunity for children, while respecting the unpredictable and fast changing nature of the digital environment. In order to achieve this goal, specific attention and actions need to be developed, such as to make content available across borders, equip children with digital skills and competences, gain consumer trust, engage parents, educators and civil society, and reinforce awareness raising, whilst at the same time stimulating a single market for quality content and technical tools that protect children. Such actions can only be successful if there is a <u>partnership approach</u>, involving both industry <u>and</u> government. For example, as far as Internet safety is concerned, in aspects other than those regulated (e.g. illegal content and data protection), a partnership approach can be a form of self-regulation at national and EU level. Research in other fields, such as promoting the development of eco-friendly products by the industry, has shown that the level of environmental awareness by consumers was a determining factor for the effectiveness of self-regulatory initiatives. By analogy, awareness regarding Internet safety and opportunities offered by quality online content could help to align the interests of industry and policy-makers.

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[2]   9486/12
[3]   Council conclusions on the protection of children in the digital world
       (OJ C 372, 20.12.2011, p.15.)

Creating clarity about who does what and defining synergies between the different actors

On the one hand, it is clear that in some areas (education, awareness-raising) governments/public authorities have a major, perhaps leading role to play, although industry players (e.g. broadcasters) can also be crucial in engaging the wider public. Also, regarding the creation of quality online content industry must lead.

On the other hand, there are certain difficult/grey areas where assigning roles to different actors is not straightforward. To be more specific, privacy-by-default settings on social networking sites might be preferred by parents and government bodies, but they can restrict the ability of users to share photos, information and content with other users and could also hamper service providers from maximising the web traffic and advertising revenue. Parental control tools might be an option for parents to exercise a degree of control over their children's use of the Internet, particularly for the youngest children, but they can often be easily bypassed and might even be seen as an intrusion in children's private life. It could be argued that whilst in the medium and long term there are incentives to industry to develop services in ways which protect children - enhancing brand reputation, developing new markets (children are also consumers), and building consumer trust in their services - in the short term other commercial pressures may prevail.

A further problem is the rapidity and unpredictability of changes in on-line industry, which can make solutions quickly obsolete. The value chain of this industry cuts through different sectors and its services are crossing traditional boundaries between sectors. That is to say manufacturers are moving into apps stores and content platforms while broadcasters are becoming web publishers. Moreover, this industry is dynamic and innovation led and consequently the risks to safety are hard to identify in advance.

Faced with the complexity of a fast-changing and unpredictable industry and the diversity of actors with their own interests and incentives, it is vital to clarify the proper role of government, and how partnerships with key industrial players can be developed in a way that is genuinely effective. With this in mind, Ministers are invited to express their views on the following questions:

1.   *How best should governments engage with industry to develop their products and services in a way that both empowers and protects children?*

2.   *To what extent and how could these national initiatives be coordinated at European level to stimulate a single digital market, which will provide more opportunities for children on the Internet?*

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