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Analysis of the implementation of the provisions contained in the AVMSD concerning the protection of minors

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Analysis of the implementation of the provisions contained in the AVMSD concerning the protection of minors

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Executive Summary

Introduction

This report examines the issue of protection of minors in the EU28 and looks specifically at the implementation approaches of the AVMS Directive with regard to the following aspects concerning the protection of minors in audiovisual media services:

- Classification systems;
- Definitions of harmful content;
- Tools and systems used by broadcasters and platform operators to support the protection of minors; and
- Studies carried out in the field in the member states.

Chapter 1 provides an overview of the classification systems in the member states. This includes age rating systems that aim to categorise content, including a distinction between linear and non-linear classification systems, an overview of age-groups used in different countries for classification, and the watershed systems that apply in each country.

Chapter 2 focuses on definitions of harmful content that are used in the EU28, specifically the four concepts referred to in articles 12 and 27 of the AVMS Directive i.e. "might seriously impair", "likely to impair", "pornography" and "gratuitous violence".

Chapter 3 looks at the tools that are employed by broadcasters and platform operators for the protection of minors. The chapter introduces the legal and regulatory framework with a cross country analysis. Then the different delivery systems of content over various platforms are outlined and the various systems (ratings systems, labelling, PIN codes etc.) used by the operators are described.

Chapter 4 is the result of a survey among national regulators regarding studies carried out in the area of protection of minors. It provides a bibliography of studies with links to the reports.

Chapter 5 provides three annexes: the first gives a detailed overview of the classification systems in each country; the second annex contains country factsheets in the form of tables that summarise the findings from all four chapters; and the third includes the questionnaires and the lists of platform operators contacted via the questionnaires.

Methodology

An important part of the research process involved a questionnaire to the broadcasting regulatory authorities in the member states, all of which responded to the questionnaire. This questionnaire dealt with the definitions (chapter 2) and the studies (chapter 4). It was complemented by additional desk research.



In addition, a cross country analysis of the legal framework in each member state was carried out in order to describe the classification systems (chapter 1). The detailed analysis for each country is provided in chapter 5 (as explained above).

In order to provide an overview of the types of tools used in the protection of minors (chapter 3) additional questionnaires were developed and sent to a wide range of broadcasters and platform operators. These questionnaires were distributed a) via the major pan-European associations - European Broadcasting Union (EBU), Association of Commercial Television (ACT), European Competitive Telecommunications Association (ECTA), European Telecommunications Network Operators Association (ETNO), and b) individually to 71 companies in Europe.

In selecting the main platform operators to contact, a brief analysis was carried out on the basis of European Audiovisual Observatory Yearbook data on households subscribed to services: From over 600 platform operators, the main operators (in terms of household penetration) were selected - totalling more than 180. Of these, there are 14 major media groups that incorporate 120 of the companies, and represent more than 67% of pay-TV homes in Europe. These 14 plus additional 57 groups were contacted.

In light of the low response rate from the operators in the audiovisual industry (broadcasters and platform operators) to the questionnaires, a large amount of desk research was carried out on the websites and company pages of these actors.

Classification systems, ratings and watersheds

There is great diversity in the classification systems used throughout the EU28, which likely reflects different national traditions and cultural attitudes.

In most countries the age-rating system is a mandatory obligation stipulated by the law, except in Belgium (Flemish Community), the Czech Republic, Denmark, Estonia, Ireland, Italy, the Netherlands, Portugal and Sweden.

The majority of the member states are using an age-rating classification adapted to broadcasting, sometimes in combination with that of the film industry.

Different age-groups are defined in each country, which in some countries are not related to any particular time slot. The age-rating systems also reflect different cultural attitudes to harmful content and even to the definition of "minor". In some countries, the definition of minors refers to persons under the age of 18, while in others it refers to persons under the age of 16.

With regard to watersheds - the time period after which content unsuitable for minors may be broadcast - these also vary considerably between countries. Some countries have watersheds with multiple time periods, often based on different age groups. There are a few countries that also specify a "non-linear" watershed, where content cannot appear in a catalogue before a certain time of the day.

Definitions and concepts regarding harmful content

The AVMS Directive does not provide definitions of the concepts "might seriously impair", "likely to impair", "pornography" and "gratuitous violence", and leaves this task to the member states. As



noted above the various member states have different cultural sensitivities regarding harmful content.

Regarding the concept of "might seriously impair", a detailed specified definition is only provided in the legal framework in four countries: Estonia, Hungary, Italy and Slovenia. Secondary legislation (recommendations or codes) provide definitions in Hungary and the UK.

The concept of "likely to impair" is defined in six legal frameworks: Belgium (French-speaking Community), Spain, Croatia, Italy, Romania and Slovenia. All of them have in common the reference to violent or sexual content, as well as, for most of them, references to the use or the abuse of alcohol and drugs.

The concept of "pornography" is defined in twelve legal frameworks: Belgium (French-speaking Community), Bulgaria, Germany, Estonia, Spain, United Kingdom, Hungary, Italy, Lithuania, Portugal, Slovenia and Slovakia. Most of them have in common the reference to the representation of sexual acts, as well the reduction of sexuality to the act itself. Some also refer to concepts of decency and morality.

The concept of "gratuitous violence" is defined in six legal frameworks: Belgium (French-speaking Community), Germany, Estonia, Hungary, Italy and Slovenia. In general, they all refer to cruelty, brutality, humiliation and violation of human dignity.

Tools for protection of minors from harmful audiovisual content

This chapter provides a legal overview of technical measures mentioned in the national legal frameworks. Only a few member states mention which kind of technical measures should be applied by service providers. Seven member states specify technical measures which should be applied by linear service providers and fifteen member states specify technical measures which should be applied by non-linear services. No member state makes reference to different kinds of technical measures depending on the platforms or the devices which are used by consumers.

Furthermore, this chapter provides a technical overview of the different types of platforms that deliver audiovisual content to households. The non-linear content can only be delivered through two-way communication which is offered by the platform operators. The other platform to access non-linear and linear content is the unmanaged Internet, which is beyond the scope of this survey, as this problem is addressed via initiatives like "Safer Internet"¹.

This is followed by a brief explanation on how the different types of tools work. Platform providers may provide a filtering system using the machine readable age-rating labels, which can be used by parents to block the display of harmful content. Different approaches were identified, such as options to block age-rating programmes, opt-in and opt-out of parental control system, voluntary soft age verification, applying normal TV broadcast watershed for catch-up programmes, etc.

The results of the survey sent to the operators and broadcasters, and the additional desk research is then described in this chapter.

It should be noted that it is very difficult to access information about which of those tools that are available are being used by operators without being a subscriber to their services. It is also

¹ <https://www.betterinternetforkids.eu/>



worth mentioning that the degree of transparency varies greatly among operators. Some of them provide for a specific section on "protection of minors" on their websites, whereas for others, information may be found under "frequently asked questions", or some details may be outlined in the contracts between subscriber and platform. In addition, the information often only becomes available when setting up the system via the set-top-box. Hence, a major issue with regard to tools for the protection of minors is the accessibility of the information on those tools for consumers.

Studies on the protection and awareness of minors from harmful audiovisual content

This chapter provides a list of existing studies on the protection and awareness of minors from harmful audiovisual content.

The list has been set up with the cooperation of the national (or regional) authorities in charge of supervising the legal and regulatory framework for the protection of minors, i.e. in most cases the regulatory authorities. Additional desk research for some countries also helped to find additional studies or research.

It has been considered that studies published before the official end of the transposition process of the AVMS Directive would no longer be topical; therefore only studies published between 2010 and 2015 are mentioned.

For a list of cross-country or pan-European studies and reports, we refer to our recent IRIS *Bonus* 2015-2.²

² CAPPELLO Maja (ed.), Annotated bibliography on the protection of minors in a converged media environment, IRIS Bonus 2015-2, European Audiovisual Observatory, Strasbourg, 2015, <http://www.obs.coe.int/documents/205595/8234567/Annotated+bibliography+on+the+protection+of+minors+in+a+converged+media+environment.pdf>.



1. Classification systems, ratings and watersheds

1.1. Introduction

The protection of minors from harmful media content is based on a system of shared responsibility between media service providers and parents. In the case of linear services, the provider can protect minors by ensuring that the unsuitable content is only transmitted at a time when it can be assumed that children and young people are not watching television, or by regulating the access to such content by a technical measure. From this point on, the responsibility of controlling what children actually watch lies with parents. Non-linear services are regulated to a much lesser degree, as only the content which might seriously impair the development of minors is restricted by the use of personal identification codes (PIN codes), a measure described in Recital 60 AVMSD stipulating the use of such codes.

The provisions of the AVMSD concerning the protection of minors in audiovisual media services are defined in Article 12 (for non-linear services) and in Article 27 (for linear services). The AVMSD covers both services, which are now referred to under the generic term of “audiovisual media services”, as they are both “mass media, that is, [...] are intended for reception by, and which could have a clear impact on, a significant proportion of the general public”.³ However, laxer provisions are set forth with regard to on-demand audiovisual media services, due to the higher degree of control and choice exercised by users of these services, and considering the different impact they have on society. Under this two-tier regulatory system, Article 12 AVMSD provides the following, with respect to the protection of minors on non-linear audiovisual media services:

Member states shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services. With regard to linear services (i.e. television broadcasting), Article 27(1) AVMSD provides that:

Member states shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

The common criteria retained in both approaches is that the service or programme has to be “seriously impairing” to the development of minors. While these programmes are prohibited in broadcasting services, they may be made available in on-demand services, in such a way that minors will not normally hear or see them. This can be done in practice by the use of PIN codes or other more sophisticated age verification systems.

³ Recital 21 AVMSD.



On the other hand, programmes that might simply be “harmful” to minors can be transmitted in linear services when it is ensured – by selecting the time of the broadcast or by any technical measures (e.g. encryption) – that minors will not normally hear or see them. In addition to that, when such programmes are not encrypted, they must be preceded by an acoustic warning or made clearly identifiable throughout their duration by means of a visual symbol. Those services are allowed without restriction in on-demand services according to the Directive.

The Directive does not provide a definition or an explanation of the content which may “seriously impair the development” of minors. In Article 27(1), pornographic content and gratuitous violence are mentioned as non-exhaustive examples, but an extended list of examples of content that poses a risk of seriously impairing the development of minors was not agreed at EU level. Moreover, many EU countries do not even provide for a definition of these two categories (see chapter 2).

In the case of content which is likely to impair the development of minors, the Directive stipulates two measures:

- Selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts. (Art. 27(2))
- The content which is likely to impair the development of minors is preceded by an acoustic warning or is identified by the presence of a visual symbol throughout its duration. (Art.27(3))

The first measure has resulted in the use of watershed rules, whereby programmes likely to impair the development of minors may be broadcast only after a certain hour. A watershed divides the day into the period where family-oriented programming suitable for children may be aired, and where programming aimed at, or suitable, for an adult audience is permitted. The cross-country analysis shows that the different watershed rules vary with regard to the times when the watershed starts, and also the variety of levels of watershed, as many countries specify different levels of watershed according to the age-rating classification. Although the watershed is required only for linear audiovisual content, some countries also use this tool for non-linear audiovisual services. The Directive does not take into account that people can watch linear programmes in time-shifted mode enabled by the technological progress that introduced set-top boxes equipped with hard disks and by broadcasters offering their linear programmes as a catch-up VOD service.

The second measure involves the classification of audiovisual content and labelling. The watershed tool requires programmes to be classified according to the level of potential impairment of minors. The Directive does not provide a definition of the content which is likely to impair the development of minors of different age groups. Therefore, the member states have developed their own classification systems in order to label the content as a criteria for programme scheduling. Although all are using similar criteria, such as discrimination, drugs, imitative behaviour, language, nudity, sex, threatening content and violence, the classification systems vary mainly when it comes to the definition of the content appropriate for different age groups.

This chapter provides an overview of rating systems of linear and non-linear audiovisual content used for classification in EU28 countries. It includes comparative tables on age-rating groups and the watershed based on the country-by-country analysis. The details of legal and institutional frameworks, including links to the concerned bodies of each member state, are included in Chapter 5.



1.2. Rating systems

Rating systems are intended to categorise content according to appropriate viewing age groups. They are useful for the broadcasters in placing content in the right scheduling time period, and they are also useful for parents who are provided parental advice through such a system.

Such systems are widespread throughout the European Union, as only three member states (Denmark, Estonia and Sweden) do not use any age-rating system classification. Their origins vary greatly: they can stem from primary law, from decrees adopted by the government, from by-laws adopted by regulatory authorities, from the film industry, from organisations for the protection of minors or from self-regulatory initiatives.

1.3. Rating guidelines

Age-rating systems are normally based on the rating guidelines provided either by the government, the regulatory authority or self-regulatory bodies.⁴

Age-rating guidelines are the basis for classification of audiovisual content. It is worth mentioning that the age-rating guidelines are different from country to country, although they are all generally based on discrimination, drugs, imitative behaviour, language, nudity, sex, threatening content and violence.

In two thirds of the member states, the age-rating system is a mandatory obligation stipulated by the law, the other third being Belgium (Flemish Community), the Czech Republic, Denmark, Estonia, Ireland, the Netherlands, Portugal and Sweden. In those countries, when it exists, the age-rating system was developed voluntarily by the audiovisual media service providers, except in Portugal where the incentive to adopt a common rating system came from the regulatory authority. In Italy there is no typical age-rating system, as instead of age groups a specific criterion for different programming periods of the day is specified. In the Czech Republic, there is no mandatory classification system yet, but broadcasters in the ATO (Association of TV organisations) decided to test a labelling system in 2014.

1.4. Supervision of classification

Most member states provide for some kind of supervision of the appropriate use of rating systems, which is generally carried out by the regulatory authority.

In some countries, supervision is carried out by co/self-regulatory bodies in charge of protection of minors, such as for example:

- In Finland, where it is the duty of the Finnish Centre for Media Education and Audiovisual Programmes (MEKU);

⁴ A typical example of a guideline is the Austrian definition – provided by the Youth Media Commission (JMK) – of the audiovisual content appropriate for the minors from age 14, which describes the viewing habits of this age group, based on detailed psychological and sociological criteria. See https://www.bmbf.gv.at/schulen/service/jmk/jmk_agerating_17349.pdf?4f2jk2.



- In Germany, where the supervisory authority is the Commission for the Protection of Minors in the Media (KJM – but whose composition guarantees 50% representation of the regional regulatory authorities);
- In Hungary, where the supervision is shared between the regulatory authority and co/self-regulatory body, although the difference between self- and co-regulation is not entirely clear;⁵
- In Lithuania, where the supervision of the appropriate use of these rules is made by the “Inspector of Journalist Ethics”, with the assistance of “a group of experts of unblemished reputation, having special knowledge” in the field of protection of minors. These experts are appointed by the Inspector on the suggestion of the following institutions, which have to cooperate with the Inspector within the scope of their competence: the Lithuanian Radio and Television Council, the Lithuanian Radio and Television Commission, the Ministry of Culture, the Ethics Commission of the Lithuanian Journalists and Publishers, the Children’s Rights Ombudsman Institution, the executive institutions of municipalities, the Information Society Development Committee and the Police Department under the Ministry of the Interior.

1.5. Single/double classification systems

The majority of the member states are using an age-rating classification adapted to broadcasting, sometimes in combination with the one of the film industry. Given that television programming includes movies already classified by the film industry, most countries with double classification system follow the existing film classification, with some exceptions.

For example, in Germany, broadcasters can apply for an exemption to the film classification and the FSF (Freiwillige Selbstkontrolle Fernsehen) examination board can issue a special (different) classification licence. In Ireland, the film classification system is not used directly by the broadcasters, as it is primarily a resource for the public and for parents/guardians to determine the suitability of cinema releases or video works for themselves or their families. In France, the service providers can follow the rating system which has been applied earlier to works that have been distributed in cinemas, but have “to check that this rating can be transposed without damage for a television broadcast, if necessary, reinforce it”.⁶ In the United Kingdom, the material that the British Board of Film Classification (BBFC) considers not suitable for a classification (or not submitted to the BBFC but whose nature is such that it is reasonable to expect that, if submitted, it would be considered not suitable for classification) is banned on linear and non-linear services. In Romania, the service providers shall be guided by the classification of an audiovisual fiction works established

⁵ Art.190 of the Media law: “With a view to effective achievement of the objectives and principles set forth herein and the Press Freedom Act, facilitating voluntary observance of law and achieving a more flexible system for law enforcement on media administration, the Media Council shall cooperate with the professional self-regulatory bodies and alternative dispute resolution forums of media service providers, ancillary media service providers, publishers of press products, media service distributors and intermediary service providers (hereinafter for the purposes of this chapter: self-regulatory bodies)”.

⁶ See <http://www.csa.fr/Espace-juridique/Deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-la-protection-des-mineurs/Recommandation-du-7-juin-2005-aux-editeurs-de-services-de-television-concernant-la-signaletique-jeunesse-et-la-classification-des-programmes>.



by the producer, or as the case may be, by the classification under which the film was broadcast in other countries, while avoiding less restrictive labelling.

1.6. Linear/non-linear classification systems

In most member states, the rating system applies to linear as well as to non-linear services. However, there are some differences or different guidelines in a few countries:

- In Belgium (Flemish Community), where a self-regulatory system has been setup only by three broadcasters;
- In the Czech Republic, where the rating system for linear services was developed by the ATO (Association of TV Organizations) and is not specified beyond the provision of the On-Demand Audiovisual Media Services Act which limits the access to content which might seriously impair the physical, mental or moral development of minors;
- In the United Kingdom, where the classification of audiovisual works is divided between the BBFC (film), Ofcom (linear) and ATVOD (non-linear);⁷ ATVOD provides classification for on-demand audiovisual services which is different from the linear classification, as it is focused only on material which might seriously impair the physical, mental or moral development of minors (R18);
- In Lithuania and Malta, where there is no rating system for non-linear services;
- In Luxembourg, where due to the large number of broadcasters targeting foreign audiences, it is the only country where service providers can choose between two/three options for classification of their services:
 - using the rating system of the country of origin (linear/non-linear);
 - using the rating system of the country of reception (linear/non-linear);
 - using the rating system of the country of origin of the work (only non-linear);
- In the Netherlands, where non-linear service providers can make available rated content without the obligation to be a member of NICAM (the Netherlands Institute for the Classification of Audiovisual Media). However, the main VOD providers, which are members of the national platform VODNET, have become members of NICAM on a voluntary basis.⁸ Besides, non-linear services provided by the public service broadcaster (NPO) have to apply both the Kijkwijzer (Dutch rating system) and the watershed.

1.7. Age groups

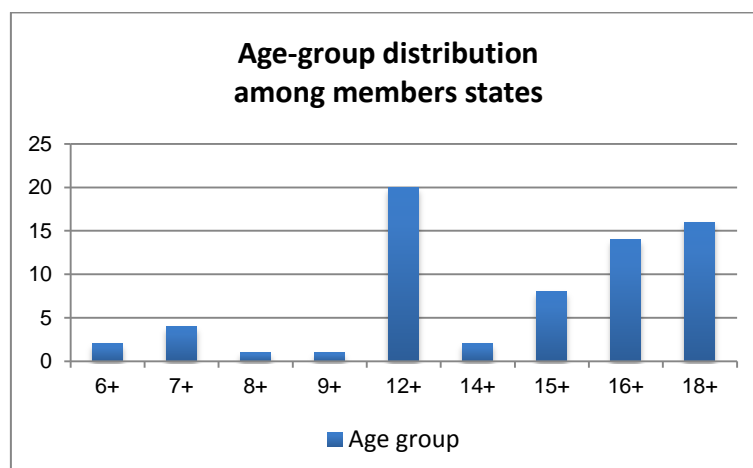
As shown by the figure below, the number of age groups and the categories varies among member states:

⁷ In October 2015, Ofcom announced that it would be bringing the regulation of non-linear service back “in-house” to Ofcom: <http://media.ofcom.org.uk/news/2015/1520333/>.

⁸ See <http://www.vodned.nl/185/>.



Figure 1: Age-group distribution among member states



In most countries, five different age groups are defined, except in Austria, Spain and the United Kingdom with seven groups, Hungary, Ireland and Romania with six groups, Belgium (Flemish community) and Lithuania with three groups, and the Czech Republic with two groups. The most common age groups are 12 and 18. This shows some common understanding of these ages as important moments in the development of minors. This is different in Austria, Belgium (Flemish community), the Czech Republic, the Netherlands, Poland and Portugal, which do not categorise an 18+ group. The highest age-group level in these countries is 16, showing a different understanding of maturity at the age of 16.

The table below gives a detailed overview of these age groups. In some countries the age groups are not related to any particular time slot and the watershed is specified as a single time period of the day where content which is likely to impair minors may be scheduled. Yet the question of when to schedule a particular age-rated category is sometimes unclear.

Table 1: Age-rating groups across the member states

AT - Austria	All	6+	8+	10+	12+	14+	16+	Yes ¹⁰
BE - Belgium (French)	All	10+	12+	16+	18+			Yes
BE - Belgium (Flemish)	All	12+	16+					No
BG - Bulgaria	All	Children recommended	12+	16+	18+			No
CY - Cyprus	All	12+	15+	18+	Strong sexual content			No
CZ - Czech Republic	8+ ¹¹	15+						No
DE - Germany	All	12+	16+	18+				Yes

⁹ This column provides information about whether or not specific timeslots apply to one or several of these age categories.

¹⁰ ORF classification.

¹¹ Under development.



DK - Denmark	-	-	-	-	-	-	-	-
EE - Estonia	-	-	-	-	-	-	-	-
ES - Spain	All	Children recommended	7+	12+	16+	18+	X	Yes
FI - Finland	All	7+	12+	16+	18+			Yes
FR - France	All	10+	12+	16+	18+			Yes
GB - United Kingdom	All	PG ¹²	12A ¹³	12+ ¹⁴	15+	18+	R18 ¹⁵	Yes
GR - Greece	All	PG advised	PG required	15+	Adult			Yes
HR - Croatia	12+	15+	18+					Yes
HU - Hungary	All	6+	12+	16+	18+	Severely harmful		Yes
IE - Ireland	All	PG	12+ (12PG)	15+ (15PG)	16+	18+		No
IT - Italy	All	Parental supervision	Children recommended					Yes
LT - Lithuania	7+	14+	18+					Yes
LU - Luxembourg	All	10+	12+	16+	18+			Yes
LV - Latvia	All	7+	12+	16+	18+			No
MT - Malta	All	PG	12+	16+	Adult only			No
NL - Nederland	All	6+	9+	12+	16+			Yes
PO - Poland	All	12+	16+	18+				Yes
PT - Portugal	All	10+	12+	16+				Yes
RO - Romania	All	PG	12+	15+	18+	Adult		Yes
SE - Sweden	-	-	-	-	-	-	-	-
SI - Slovenia	PG	12+	15+	18+				Yes
SK - Slovakia	7+	12+	15+	18+				Yes

In several countries an extra category appears above 18+: in Cyprus “strong sexual content”; in Greece and Romania “adult”; in Hungary “severely harmful”; Malta “adult only”; the UK “R18”. In the UK the R18 content is described as for “licensed premises only” (for example cinema theatres).

1.8. Linear watershed

The watershed is a point in time during a day after which programmes with content that is likely to impair minors may not be broadcast.

In all member states, except in Belgium (Flemish Community), some kind of watershed applies. Apart from in Denmark and Sweden, it is imposed by the primary or secondary legislation. In

¹² Parental guidance.

¹³ For cinemas.

¹⁴ For videos.

¹⁵ R18 is allowed in “licensed premises only”.



some countries the time for the watershed is specified by the law (Estonia and Spain), but in all other cases it is specified in the regulations about the rating system.

Some countries implement a watershed as a single period of the day, while others specify a watershed as different periods of the day when certain age-rated content may be broadcast. For example, in Germany, audiovisual content rated suitable for 12 years and above may be broadcast from 20.00 to 22.00, content suitable for 16 years and above from 22.00 to 23.00, and content suitable only for adults from 23.00 to 6.00. In Spain the watershed depends also on the working days and public holidays: programmes rated 12 and above cannot be broadcast between 08.00 and 09.00 and 17.00 and 20.00 on working days and between 09.00 and 12.00 on Saturdays, Sundays and public holidays and some specific days (1 and 6 January, Good Friday, 1 May, 12 October, 1 November, 6, 8 and 25 December).

In seven countries, the end of the watershed is not clearly defined (Austria, Cyprus, Denmark, Finland, Ireland, Malta and Sweden). In the others, it varies between 05.00 and 07.00, but mainly ends at 06.00.

The start of the watershed for 18-rated content varies from 21.00 in Cyprus, Ireland, Malta and Sweden to 01.00 in Romania.

Some countries apply a single watershed: where there is only one time slot in which programmes that are likely to impair minors can be broadcast. Although those countries have specified a number of different age-rating groups, there is no link with the different age-rating viewing hours. In Bulgaria, pre-watershed programmes must only be clearly marked by a visual symbol, which does not exclude the liability of services providers. A similar situation exists in Cyprus, the Czech Republic and Portugal. In Finland all the major television companies have agreed not to show 16-rated content before 21.00 and 18-rated content before 23.00. In Malta the viewing time is specified in a classification certificate granted to an audiovisual work. In Cyprus, the United Kingdom and Ireland, the watershed does not mark a waterfall,¹⁶ meaning that the immediate post-watershed broadcast period should be regarded as a graduation period towards more adult material and due allowance must be made for the potential presence of children in the audience. The other countries have different levels of watershed according to the different age categories.

The following table shows the wide variety of watershed systems used to indicate when certain types of content can be broadcast, with the corresponding age category.

¹⁶ See Salomon E., Guidelines for broadcasting regulation, p. 45,


http://portal.unesco.org/ci/en/files/21345/11399384219Guidelines_for_Broadcasting_Regulation.pdf/Guidelines%2Bfor%2BBroadcasting%2BRegulation.pdf.



Table 2: Watersheds across the member states

	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	24:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
AT						PS	16+					16+				
BE(FR)						12+	16+					16+				
BE(NL)																
BG								?				?				
CY							?									
CZ								18+				18+				
DE						12+	16+	18+				18+				
DK												18+				
EE								18+				18+				
ES*			12+					18+				18+				
FI							16+	18+								
FR							+12	+16				18+				
GB								15+				15+				
GR**							PG	15+				18+				
HR							15+	18+				18+				
HU							16+	18+				18+				
IE								18+								
IT	Children TV					PS		?				?				
LT								14+	18+			18+				
LU						12+		16+				18+			16+	
LV***								?				?				
MT***								?								
NL						12+		16+				16+				
PL							16+	18+				18+				
PT								16+				16+				
RO						12+		15+	15+			18+				
SE								?								
SI						12+		15+				18+				
SK						12+		18+				18+				

Legend

-  End of watershed not specified
- * Programmes rated 12+ and above cannot be broadcast between 08:00-09:00 on working days and between 09:00-12:00 on weekends and public holidays
- ** PG category: 22.00 on Fridays, Saturdays and days before public holiday
15+ category: 23.00 on Fridays, Saturdays and days before public holiday
- *** Watershed not linked to any category of age-rating classification
- PS Parental supervision
- PG Parental Guidance

1.9. Non-linear watershed

Although the AVMS Directive requires only linear service providers to take measures regarding the “time of broadcast of programmes which are likely to impair minors”, some member states have decided to impose watershed rules also on non-linear services (Germany, France and the Netherlands). The non-linear watershed refers to the availability of on-demand audiovisual content. As in the case of linear audiovisual services where the watershed is a point in time of a day after which programmes with content that are likely to impair minors may not be broadcast, the non-linear watershed is related to the content of the catalogue of on-demand programmes. In other words, certain programmes from the catalogue will not be available for watching before the watershed.

In the Netherlands a non-linear watershed is imposed only on the public broadcaster. Austria also implemented a non-linear watershed, but as a part of self-regulation.

In such cases, the watershed is usually the same for non-linear as for linear services.



1.10. Cross-country analysis table

Table 3: Rating systems and watersheds across the member states

	No. of categories	Lin/Non-linear	Linear	Non-linear	Rating system	Watershed
AT - Austria	7	Both	20:15 22:00	Yes ORF self.reg.	Self-regulation	Yes
BE - Belgium (French)	5	Both	20:00 22:00	No	Decree	Yes
BE - Belgium (Flemish)	3 ¹⁷	Linear	No	No	Self-regulation	No
BG - Bulgaria	5	Both	23:00 06:00	No	Yes	Yes
CY - Cyprus	5	Both	21:00	No	Yes	Yes
CZ - Czech Republic	2 ¹⁸	Linear	22:00 06:00	No	Self-regulation	Yes
DE - Germany	4 ¹⁹ (6) ²⁰	Both	20:00 22:00 23:00 06:00	Yes	Yes	Yes
DK - Denmark	-	-	24:00 ²¹	No	No	Yes
EE - Estonia	-	-	22:00 06:00	No	No	Yes
ES - Spain	7	Both	22-06 08-09 17-20 09-12 ²²	No	Self-regulation	Yes
FI - Finland	5	Both	21:00 23:00	No	Yes	No
FR - France	5	Both	22:00 22:30 24:00 05:00	Yes	Yes	Yes
GB - United Kingdom	7	Both	21:00 5:30	No	Yes	Yes
GR - Greece	5	Unclear	21:00 22:30 00:30 06:00	No	Yes	Yes
HR - Croatia	3	Both	20:00 23:00 07:00	No	Yes	Yes
HU - Hungary	6	Both ²³	21:00 22:00 05:00	No	Yes	Yes

¹⁷ Non-mandatory, self regulation of VRT, Medialaan and SBS.

¹⁸ Under development.

¹⁹ FSF Freiwillige Selbstkontrolle Fernsehen age-ratings.

²⁰ FSK Freiwillige Selbstkontrolle der Filmwirtschaft age-ratings.

²¹ Case law.

²² Saturdays, Sundays, public holidays and on 1 and 6 January, Good Friday, 1 May, 12 October, 1 November, 6, 8, and 25 December.



	No. of categories	Lin/Non-linear	Linear	Non-linear	Rating system	Watershed
IE - Ireland	4 ²⁴ (6) ²⁵	Linear	21:00	No	No	Yes
IT - Italy	(3) ²⁶	Both	07-23 19-23 16-19	No	Self-regulation	Yes
LT - Lithuania	3	Linear	21:00 23:00 06:00	No	Yes	Yes
LU - Luxembourg	5	Both	20:00 22:00 24:00 24:00	No	Yes	Yes
LV - Latvia	5	Both	22:00 07:00	No	Yes	Yes
MT - Malta	5	Linear	21:00	No	Yes	Yes
NL - Nederland	5	Both	20:00 22:00 06:00	only NPO ²⁷	Self-regulation	Yes
PL - Poland	4	Both	20:00 23:00 06:00	No	Yes	Yes
PT - Portugal	4	Both	22:30 06:00	No	Self-regulation	Yes
RO - Romania	6	Both	20:00 23:00 01:00 06:00	No	Yes	Yes
SE - Sweden	-	-	21:00	No	No	Yes
SI - Slovenia	4	Both	21:00 22:00 24:00 05:00	No	Yes	Yes
SK - Slovakia	4	Both	20:00 22:00 06:00	No	Yes	Yes

²³ For non-linear only the 2 highest categories applied.

²⁴ RTÉ (Public broadcaster).

²⁵ IFCO (Irish Film Classification Office).

²⁶ In Italy, instead of age groups, specific criteria for different programming periods of the day are defined.

²⁷ Nederlandse Publieke Omroep (NPO – Public broadcaster).





2. Definitions and concepts regarding harmful content

2.1. Introduction

This chapter addresses the issue of the definitions of the four concepts which are mentioned in articles 12 and 27 of the AVMS Directive, i.e. “might seriously impair”, “likely to impair”, “pornography” and “gratuitous violence”.

The Directive does not provide definitions of these concepts. The issue of harmonisation of the key definitions and concepts in the field of protection of minors is one of the topics currently discussed by the ERGA working subgroup on the protection of minors.

As it is mentioned in the discussion paper published by ERGA in October 2014, “Member States have a considerable amount of discretion when it comes to defining key concepts such as minors, pornography, gratuitous violence, impairing and seriously impairing media content as the AVMSD neither defines these concepts nor provides any explanations. One could ask whether in order to ensure more adequate protection further harmonisation of definitions based on practical experience and working definitions in practice is desirable and feasible. In that regard we should also take into account the existence of national sensitivities and concerns over audiovisual media content in relation to the protection of minors”²⁸.

Against this background, this chapter will first assess whether or not member states provide definitions (or elements of understanding) of the concepts of “might seriously impair” (2.2), “likely to impair” (2.3), “pornography” (2.4) and “gratuitous violence” (2.5). For each concept, a table will provide an overview of the existing definitions, as well as an indication of their origin (media law, other law, by-law of the regulatory authority, decree, case law of the regulatory authority or of the courts...)²⁹.

It will then address the issue of the rules applicable to content which might seriously impair and is likely to impair minors, both in linear and non-linear services, in order to provide a pan-European comparison (2.6).

Some final considerations will conclude the chapter (2.7).

The results of this chapter are based on a survey which has been sent to all the members of ERGA (30 authorities) and to the existing regional regulatory authorities in Spain (Catalonia and Andalusia), which are not members of ERGA (two authorities). All these 32 authorities answered the survey, allowing for a fully pan-European view.³⁰

In a few cases, the answers provided by the regulatory authorities have been requalified in order to reach a common understanding, for example when they were just referring to the text transposing the Directive without providing definitions. Additional desk research for some countries

²⁸ See http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=7980.

²⁹ In order to make the tables readable, the exact reference of the legal texts and a link to them can be found in the respective country factsheets provided in the annexes. They can also be found in the individual answers from the NRAs to the survey, also provided in the annexes.

³⁰ The individual answers of the NRAs are provided in the annexes.



also helped to find additional definitions of some concepts which were not provided by the regulatory authorities.

2.2. Definition of the concept of “might seriously impair”

The concept of “*might seriously impair*” is defined in four legal frameworks out of the 32 studied (12%): Estonia, Hungary, Italy and Slovenia.

All of them have in common the reference to violent or sexual or pornographic content. In addition to these four definitions, it is worth mentioning that:

- In Hungary, the regulatory authority has provided in a recommendation long and very detailed developments on what this concept means: it refers, for example, to the fact to “depict crude, brutal and especially cruel acts of violence” and “openly in a detailed and protracted manner”, the fact that “the positive figures are often related to the popularisation of the arbitrary dispense of justice as in some of the “Death Wish”-type revenge movies or the glorification of violence as in certain films about serial killers”, the fact to “depict sexuality in a direct and natural manner” and to focus “on the more or less explicit depiction of sexual acts”. This recommendation also provides a list of some programmes which fall under this category.³¹
- In the United Kingdom, no definition exists but programmes which might seriously impair minors are considered by the Audiovisual Media Services Regulations 2014 “specially restricted material”, which means: “(a) a video work in respect of which the video works authority³² has issued a R18 classification certificate, (b) material whose nature is such that it is reasonable to expect that, if the material were contained in a video work submitted to the video works authority for a classification certificate, the video works authority would issue a R18 classification certificate, or (c) other material that might seriously impair the physical, mental or moral development of persons under the age of 18”. This category differs from “prohibited material”, which means: “(a) a video work which the video works authority has determined for the purposes of the 1984 Act not to be suitable for a classification certificate to be issued in respect of it, or (b) material whose nature is such that it is reasonable to expect that, if the material were contained in a video work submitted to the video works authority for a classification certificate, the video works authority would determine for those purposes that the video work was not suitable for a classification certificate to be issued in respect of it”.³³

³¹ See http://mediatanacs.hu/dokumentum/1456/klasszifikacios_ajanlas_20110719.pdf.

³² See i.e. the BBFC <http://www.bbfc.co.uk/>.

³³ See http://www.legislation.gov.uk/uksi/2014/2916/pdfs/ukxi_20142916_en.pdf.



Table 4: The definition of “might seriously impair” across the member states

	“might seriously impair”
AT	No
BE FR	No
BE NL	No
BE GER	No
BG	No
CY	No
CZ	No
DE	No
DK	No
EE	<i>“programmes that include pornography or propagate violence or cruelty”</i> (Media law)
ES	No
ES AND	No
ES CAT	No
FI	No
FR	No
GB	No
GR	No
HR	No
HU	Programmes which <i>“depict crude, brutal and especially cruel acts of violence”</i> or which <i>“depict sexuality in a direct and natural manner”</i> (NRA by-law, with additional considerations)
IE	No
IT	Mix between the presence of four <i>“thematic areas”</i> (violence, sex, fundamental rights and dignity of the person) and of an evaluation of four <i>“main representative modes”</i> of these themes: <i>“frequency and duration of the scenes; level of verisimilitude (representation of the content and the characters in terms of realism); scene and story development (scene is separate from the narrative context, is not justified from the plot, or is non-functional or not actually necessary to the understanding of the story or the characters...); emotional tones (exaggeration of shots, insistence on the details, close-ups or meticulous description of the episode...)”</i> (NRA by-law)



LT	No
LU	No
LV	No
MT	No
NL	No
PL	No
PT	No
RO	No
SE	No
SI	<i>"a) programming content depicting violence without justification; b) pornographic programming content"</i> (NRA by-law)
SK	No

2.3. Definition of the concept of “likely to impair”

The concept of “likely to impair” is defined in six legal frameworks out of the 32 studied (19%): Belgium (French-speaking Community), Spain, Croatia, Italy, Romania and Slovenia.

All of them have in common the reference to violent or sexual content, as well as, for most of them, references to the use or the abuse of alcohol and drugs. Romania rather gives a list of criteria rather than a real definition. In two countries (Spain and Slovenia), a similar system is in place with a combination of content and context:

- In Spain, the regulatory authority has recently adopted a by-law which provides guidelines for classification of content which is likely to impair minors, through a combination of the presence of some elements (*“violence, fear or distress, sex, discrimination, drugs and toxic substances, imitable behaviors and language (written, verbal or gestural)”*), and an analysis on the context in which they are presented (*“realism, explicitness, detail, frequency”*). The by-law also provides specific guidelines for the assessment of the presence of each of these elements and what it means in terms of categorisation in the self-regulatory rating system developed by the industry.³⁴
- In Slovenia, the regulatory authority has also provided guidelines for the classification of such content, which combines the presence of some elements (*“a) violence and its consequences; b) dangerous behaviour; c) scary content; d) tobacco products, drugs, alcohol, and other harmful substances; e) inappropriate language; f) nudity; g) sex; h) discrimination”*) and an assessment of the context in which they are presented (*“a) the*

³⁴ See http://www.cnmec.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1507_Julio/150709_Res_CRITERIOS-DTSA-001-15-CRITERIOS%20DE%20CALIFICACION%20DE%20CONTENIDOS.pdf



context in which scenes that could harm the development of children and minors appear, considering the expectations of viewers of a certain genre and the purpose of the programming content; b) the effects of the programming content and feelings the content provokes in viewers; c) the level of realism and type of the programming content; d) the frequency, duration, intensity and graphicness of scenes that could harm the development of children or minors; e) the feasibility of acts that children or minors could copy and that could threaten or damage their development, health, or safety; f) the framing of displayed acts; g) the manner in which an issue is treated from the aspect of appropriateness for a certain age group”). It also provides examples of each of these elements of context, as well as additional guidelines of each category of the rating system.³⁵

In addition to these six definitions, it is worth mentioning that:

- In the French-speaking Community of Belgium, through case law summed up in a recommendation, the regulatory authority has also provided some more criteria than those present in the definition, such as: for -10 programmes, the presence of scenes of sexual behaviour, physical violence, torture or killing; for -12 programmes, the realistic treatment of violence or pervert behaviour; for -16 programmes the presence of scenes of sexual intercourse, even if represented in an aestheticised way...³⁶
- In Germany, no definition exists but according to the Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia, this refers to “*content suited to impair the development of children or adolescents into self-responsible and socially competent personalities*”.³⁷
- In the Netherlands, no definition exists but in order to have each programme rated in the “Kijkwijzer” system, NICAM has established a questionnaire containing questions about the presence of violence, fear, sex, discrimination, drugs, alcohol or coarse language in the programme.³⁸ The result of the questionnaire allows it determine how likely it is to impair minors – via the age rating – and also why – via the content rating (see chapter 1 for the full description of the rating system).

³⁵ http://www.akos-rs.si/files/APEK_eng/Legislation/Statues/General-Act-on-the-Protection-of-Children-and-Minors-in-Television-Programs-and-Audiovisual-Media-Services-on-Demand.pdf.

³⁶ <http://www.csa.be/documents/2230>.

³⁷ http://www.kjm-online.de/fileadmin/Download_KJM/Recht/JMStV_Stand_13_RStV_mit_Titel_english.pdf.

³⁸ http://www.kijkwijzer.nl/upload/zijbalk1/50_NICAMkijkwijzerGB_03_Questionnaire.pdf.



Table 5: The definition of “likely to impair” across the member states

	“likely to impair”
AT	No
BE FR	<i>“repeated recourse to physical or psychological violence” (12); “including erotic scenes or strong violence” (16); “including pornographic scenes or very strong violence” (18)</i> (Decree)
BE NL	No
BE GER	No
BG	No
CY	No
CZ	No
DE	No
DK	No
EE	No
ES	Mix between the presence of certain elements (violence, fear, sex, ...) and the context in which they are presented (NRA by-law)
ES AND	No
ES CAT	No
FI	No
FR	No
GB	No
GR	No
HR	<i>“all types of programmes with scenes depicting explicit physical and/or verbal violence, frightening scenes of deaths or woundings, sex and sexual exploitation, vulgar language and scenes, abuse of tobacco, alcohol, narcotics, gambling, betting and other scenes”</i> (NRA by-law)
HU	No
IE	No
IT	<i>“the representation in a realistic and detailed way of behaviours consisting in a clear violation of the law or offending fundamental human rights” and “the representation in a realistic and detailed way of behaviours exalting and/or promoting the abuse of alcohol, the use of drugs, the practice of gambling, or presenting such behaviours in a positive way, or promoting other behaviours that, if done by minors, are seriously threatening their health and safety or the one of other people”</i>



	(NRA by-law)
LT	No
LU	No
LV	No
MT	No
NL	No
PL	No
PT	No
RO	Depends on the following criteria : <i>“a) the number and the nature of violent scenes, as well as their gratuitous or indispensable character, in connection with the genre and the subject of the audiovisual production; b) the use and role of violence for solving problems; c) the manner in which images depict violent scenes, the shooting plan, the realism of the presentation, the role of the sound track in generating fear or anguish; d) the context in which drugs and alcohol consumption is presented; e) the number and the nature of nude scenes, the representation of sexual intercourse; f) the characters’ psychology and the moral milestones that are offered to minors and teenagers; g) the heroes’ typology, the aim of their actions, the degree of resorting to violence; h) the presence and the role of minors in scenes of violence; i) presentation of women in degrading hypostasis; j) the number and the intensity of domestic violence scenes; k) the quality and typology of language; l) the gender or the theme of the programme.”</i> (NRA by-law)
SE	No
SI	Mix between the presence of certain elements (violence, sex, ...) and the context in which they are presented (NRA by-law)
SK	No

2.4. Definition of the concept of “pornography”

The concept of “pornography” is defined in twelve legal frameworks out of the 32 studied (37%): Belgium (French-speaking Community), Bulgaria, Germany, Estonia, Spain, United Kingdom, Hungary, Italy, Lithuania, Portugal, Slovenia and Slovakia.

Most of them have in common the reference to the representation of sexual acts, as well as the reduction of sexuality to the sexual act itself. Some refer to concepts of decency and morality.

Contrary to the other definitions which are to be found in the field of media law, the definition of pornography sometimes comes from other branches of the law. In Bulgaria, the United Kingdom and Slovakia, pornography is not defined in media law but in criminal law. In Germany it has been defined by the Federal Supreme Court (Bundesgerichtshof - BGH), in Italy by several judgments of the Supreme Court (Corte suprema di cassazione) which are summed up in the resolution 23/07/CSP of the regulatory authority, and in Portugal in a Presidential decree.



In addition to these twelve definitions, it is worth mentioning that:

- In Hungary, considering that the definition available in case law does not allow a differentiation between erotic and pornographic content, the regulatory authority has provided in a recommendation developments on what can be considered as pornography as well as on the difference between “hard porn” and “soft porn”. Among other considerations, it has considered that “a characteristic of pornographic works exclusively or primarily directed at the sexual arousal of the viewer is that they are devoid of any representation of the human or emotional aspects of sexuality and that they suggest moral attitudes in respect of sex that debase human dignity. If it is impossible to decide whether a specific representation depicting sexuality in a manner degrading human dignity and emotions in itself constitutes pornography or not, the primary factor to be considered is whether elements jeopardizing the healthy psychosexual development of children are present, such as: the presentation of physical sexuality as isolated from interpersonal relationships, i.e. without any credible emotional context; the presentation of sexual pleasure as absolute, i.e. the depiction of sexuality as the exclusive manifestation of the notion of life; the degrading of the human being to the level of an object replaceable at any time, which only serves the satisfaction of sexual desire and is presented as a mere stimulus-response organism”.³⁹
- In Ireland, no definition exists but according to criminal law, child pornography means “(a) any visual representation (i) that shows or, in the case of a document, relates to a person who is or is depicted as being a child and who is engaged in or is depicted as being engaged in explicit sexual activity, (ii) that shows or, in the case of a document, relates to a person who is or is depicted as being a child and who is or is depicted as witnessing any such activity by any person or persons, or (iii) whose dominant characteristic is the depiction, for a sexual purpose, of the genital or anal region of a child, (b) any audio representation of a person who is or is represented as being a child and who is engaged in or is represented as being engaged in explicit sexual activity, (c) any visual or audio representation that advocates, encourages or counsels any sexual activity with children which is an offence under any enactment, or (d) any visual representation or description of, or information relating to, a child that indicates or implies that the child is available to be used for the purpose of sexual exploitation within the meaning of section 3, irrespective of how or through what medium the representation, description or information has been produced, transmitted or conveyed and, without prejudice to the generality of the foregoing, includes any representation, description or information produced by or from computer-graphics or by any other electronic or mechanical means but does not include (I) any book or periodical publication which has been examined by the Censorship of Publications Board and in respect of which a prohibition order under the Censorship of Publications Acts, 1929 to 1967, is not for the time being in force, (II) any film in respect of which a general certificate or a limited certificate under the Censorship of Films Acts, 1923 to 1992, is in force, or (III) any video work in respect of which a supply certificate under the Video Recordings Acts, 1989 and 1992, is in force”.⁴⁰

³⁹ http://mediatanacs.hu/dokumentum/1456/klasszifikacios_ajanlas_20110719.pdf.

⁴⁰ See <http://www.irishstatutebook.ie/eli/1998/act/22/enacted/en/print#sec2>.



Table 6: The definition of “pornography” across the member states

	“pornography”
AT	No
BE FR	<p><i>“1. the proven absence of creative or intellectual ambitions, manifested for example by the absence of a built and original scenario; 2. the degradation of the image of one of the partners and the violation of human dignity of the person, being depersonalized and only considered as an object of personal sexual gratification; 3. the coarse realism reducing sexuality to the primary reality of the act”</i></p> <p>(Case law)</p>
BE NL	No
BE GER	No
BG	<p><i>“pornographic material is prepared in any way, indecent, unacceptable or incompatible with public morality material whose content represents real or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism and lascivious exhibition of sexual organs of a person”</i></p> <p><i>“pornographic performance is the live or in real time in front of another lascivious exhibition of sexual organs of a person under 18 years of age, or the participation of such person in real or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism”</i></p> <p>(Criminal code)</p>
CY	No
CZ	No
DE	<p><i>“a portrayal in which sexual practices come to the fore in an overtly crude manner at the expense of other human interaction and activity and which is entirely or primarily concerned with sexual stimulation, and that clearly oversteps the bounds of generally accepted social values in its depiction thereof”</i></p> <p>(Case law Federal Supreme Court)</p>
DK	No
EE	<p><i>“a manner of representation in which sexual acts are brought to the foreground in a vulgar and intrusive manner and other human relations are disregarded or relegated to the background”</i></p> <p>(NRA by-law)</p>
ES	<p><i>“the continuous and explicit presentation of sexual acts that shows in detail the consumption of such acts, with the primary purpose of provoking the excitation of the viewer”</i></p> <p>(NRA by-law)</p>
ES AND	No



ES CAT	No
FI	No
FR	No
GB	<p><i>"an image is pornographic if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal"</i></p> <p>(Criminal law)</p>
GR	No
HR	No
HU	<p><i>"the open depiction of sexuality and carnal acts; sexual stimulation"</i></p> <p>(Case law)</p>
IE	No
IT	<p><i>"the description or illustration of erotic subjects, through writings, drawings, speeches, photographs etc. that are suitable to expunge the sense of sexual continence and offend decency for their manifest wantonness"</i></p> <p>the representation of <i>"attitudes that evoke explicitly and brutally the acts of the reproduction"</i></p> <p>other considerations around the concepts of <i>"indecenty", "public morality", "obscene behavior", "exhibition of genital organs" or "the sense of natural confidentiality that in normal cases surrounds all the events regarding the sexual life"</i></p> <p>(Supreme Court)</p>
LT	<p><i>"Information of pornographic nature means information where an actual or simulated sexual intercourse, genitalia, defecation, masturbation or paraphilias (paedophilia, sadism, masochism, zoophilia, necrophilia, etc.) are shown explicitly and in detail, this being the main purpose of such information"</i></p> <p>(Media law)</p>
LU	No
LV	No
MT	No
NL	No
PL	No
PT	<p><i>"the features with a low aesthetic quality that explore sexual situations and acts mainly aimed at the erotic arousal of the viewer, with an ostensive and insistent presentation of real sex acts and exhibition of sexual organs"</i></p> <p>(Presidential decree)</p>
RO	No
SE	No



SI	<i>“any programming content with the main purpose of sexually stimulating the audience by explicitly showing genitals, or consensual sexual acts between humans with explicit display of genitals, which also contains explicit elements of grave violence, humiliation, insult, or rough fetishes”</i> (NRA by-law)
SK	<i>“pornographic material that visually depicts sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse, or naked human genitalia, and that is designed to gratify sexual desire of another person”</i> (Criminal law)

2.5. Definition of the concept of “gratuitous violence”

The concept of “gratuitous violence” is defined in six legal frameworks out of the 32 studied (19%): Belgium (French-speaking Community), Germany, Estonia, Hungary, Italy and Slovenia.

Most of them have in common the reference to cruelty, brutality, humiliation and violation of human dignity.

In addition to these six definitions, it is worth mentioning that:

- In Spain, no definition exists but the regulatory authority has provided in a by-law definitions of concepts such as “physical and psychological violence”, “violation of human rights and acts contrary to the freedom or to human dignity”, “gender-based violence” and “domestic violence”, but not of “gratuitous violence”. However, it considers that programmes containing pornography or violence have to be rated “X”, the latter being considered as “(a) a positive presentation, continuous, explicit, detailed and thorough of extreme and gratuitous physical violence, which showcases in a realistic, meticulous and complacent way the results of injury or death of people, with intention to demonstrate the vulnerability of the human body; (b) the continuous exaltation of seriously violent behavior with presentation of the extreme violence as a means of obtaining pleasure”.⁴¹

Table 7: The definition of “gratuitous violence” across the member states

	“gratuitous violence”
AT	No
BE FR	<i>“complacent exposure of sadistic and humiliating behaviors”; “lack or trivialization of the artistic, aesthetic or political dimension of violence”; “very strong violence in a sexual context”</i> (case law)
BE NL	No

⁴¹ See http://www.cnmc.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1507_Julio/150709_Res_CRITERIOS-DTSA-001-15-CRITERIOS%20DE%20CALIFICACION%20C3%93N%20DE%20CONTENIDOS.pdf.



BE GER	No
BG	No
CY	No
CZ	No
DE	<p><i>“cruel or otherwise inhuman acts of violence against a person in a manner devised to glorify or trivialise such acts of violence or devised to present the cruel or inhuman nature of the act in a manner which violates human dignity”</i></p> <p>(Interstate treaty -JMStV)</p>
DK	No
EE	<p><i>“promotion of violence or cruelty” means “depiction of violence or cruelty which exceeds the limits of justified self-defense in an approving manner for the purpose of promoting violent or cruel behaviour among people”</i></p> <p>(NRA by-law)</p>
ES	No
ES AND	No
ES CAT	No
FI	No
FR	No
GB	No
GR	No
HR	No
HU	<p><i>“where violent actions are depicted in a length and detail that goes well beyond what is required by the development of the plot; where the violence depicted is not integral to the plot or the exposition of the characters or the theme, or where it is depicted without any perceptible justification and in an exaggerated and gratuitous manner, on the basis of the assumption that violence attracts and captures the attention of audiences and thereby guarantees higher ratings”</i></p> <p>(NRA by-law)</p>
IE	No
IT	<p><i>“the realistic and/or detailed representation of gratuitous, insisting or brutal violence, characterized by ferocity and cruelty or hatred for the victim, and of its effects, without prejudice to the absolute prohibition of incitement to hatred”</i></p> <p><i>“the realistic and/or detailed representation exalting and/or promoting violent behaviour, or the realistic and/or detailed representation of violent behaviour continuously provoked or rewarded or presented as normal and obvious or as the only mode of pursuit of one’s objectives or settlement of disputes”</i></p> <p>(NRA by-law)</p>
LT	No



LU	No
LV	No
MT	No
NL	No
PL	No
PT	No
RO	No
SE	No
SI	<i>“any display of excessive violence which exceeds the level of violence necessary for achieving the purpose of the violence (e.g. abuse, torture). This means any violence without the context or purpose that would justify the depiction of this violence (the display of violence has no other purpose)”</i> (NRA by-law)
SK	No

2.6. Rules applicable to the different concepts

The rules applied country by country to content which is “likely to impair” or “might seriously impair” minors have already been provided by the Observatory in its IRIS *Bonus* 2015-1, including by differentiating between linear and non-linear.⁴² They will therefore not be reproduced here but, referring to the data available in the IRIS *Bonus* 2015-1, will rather be integrated by the following comparative analysis of the regulatory frameworks.

2.6.1. “Might seriously impair” content

The ban imposed on content which “might seriously impair” minors on linear services by article 27(1) of the AVMS Directive is present in the national regulatory frameworks, although:

- in Finland there is no clear reference to content which “might seriously impair” but only to age ratings (programmes with an age limit of 18 are banned unless they are broadcast “*at a time of day when people under the age of 18 normally do not watch television*” or if “*reception requires a descrambling device*”);⁴³
- in Latvia there is only a reference to programmes which “*may be harmful*” for minors and which are banned unless they are broadcast respecting the watershed (22.00-07.00) or if “*the electronic mass media provide conditional access control. If conditional access control is*

⁴² Valais S., *Comparative tables on the protection of minors in audiovisual media services*, IRIS *Bonus* 2015-1, European Audiovisual Observatory, Strasbourg, 2015, <http://www.obs.coe.int/documents/205595/8234567/Comparative+tables+on+the+protection+of+minors+in+audiovisual+media+service+s.pdf>.

⁴³ Act on Audiovisual Programmes of 17.06.2001, section 6, http://www.meku.fi/images/kuvaohjelmaki_710_2011_en.pdf.



*not ensured, an acoustic warning shall be provided before such audiovisual works and they must be specially marked with a visual symbol”;*⁴⁴

- in Sweden programmes “containing portrayals of violence of a realistic nature or pornographic images” must “either be preceded by a verbal warning or contain a warning text continuously displayed on the screen throughout the broadcast. Such programmes may not be broadcast at times and in a manner that would create a considerable risk of children viewing the programmes unless the broadcast is nevertheless defensible on special grounds”.⁴⁵

For non-linear services, stricter rules are applied in six countries, but only partly in Belgium (exclusively in the French-speaking Community) and in the Netherlands and Romania (exclusively for the public service provider).

2.6.2. “Likely to impair” content

All members states also follow the Directive and allow them, with diverse systems of protection on linear services.

For non-linear services, a majority of members states (19) have applied stricter rules, but only partly in Belgium (exclusively French-speaking Community).

2.6.3. Overview table of the applicable rules

Table 8: Overview of the definitions of “might seriously impair” and “likely to impair” in linear and non-linear services across the member states

	Linear services	Non-linear services
Content which “might seriously impair” minors	AVMSD: Banned	AVMSD: Allowed with protection
	Member states: Banned	Member states: Allowed with protection in AT, BE, NL, CY, CZ, DE, DK, EE, ES, FI, GB, GR, HU, HR, IE, IT, LU, LV, MT, NL (private), PL, PT, RO (private), SE, SI, SK Banned in BE FR, BG, FR, LT, NL (public), RO (public)

⁴⁴ Electronic Mass Media Law, article 24.10, <http://neplpadome.lv/en/assets/documents/anglu/Electronic%20Mass%20Media%20Law%2012.2014.pdf>

⁴⁵ Radio and Television Act, chapter 5 section 2, <http://www.radioochtv.se/Documents/Styrdokument/Radio%20and%20Television%20Act.pdf?epslanguage=sv>



Content which is “likely to impair” minors	AVMSD: Allowed with protection	AVMSD: Allowed without protection
	Member states: Allowed with protection everywhere	Members states: Allowed without protection in AT, BE NL, CY, DK, EE, GR, IT, LV, SE, SK Allowed with protection in BE FR, BG, CZ, DE, ES, FI, FR, GB, HU, HR, IE, LT, LU, MT, NL, PL, PT, RO, SI

2.7. Conclusion

At first sight, this comparative analysis in terms of rules might seem to prove that there are few differences between the member states: among the 118⁴⁶ situations observed, only 25 of them (21%) differ from the AVMS Directive by imposing stricter rules, and all of them are applied on non-linear services.

However, the comparative analysis in terms of definitions shows that the differences are actually much broader: considering the concepts used in these definitions, it is likely that content which is considered as “might seriously impair” minors in one country could be considered as “likely to impair” minors in another country, and vice-versa.

This situation is well known and quite frequent for the programmes which all fall under the “likely to impair” category, and which are rated in different ways in different countries, as it has been shown in chapter 1. This situation is regularly monitored by NICAM, which provides a comparison of the rating of movies in seven different countries.⁴⁷ This can be illustrated, in the broadcasting environment, by the fact that, for example, the movie “Basic instinct”, which should be rated 12 according to the regulatory authority of the French-speaking Community of Belgium,⁴⁸ should be rated 18 according to the authority in Hungary.⁴⁹ It appears from the comparative analysis that with such definitions, differences are also likely to occur between the “might seriously impair” and the “likely to impair” categories, for example through the use of the concept of “cruelty”, “sexuality” and “violence” in both categories.

Yet, the lack of definitions in a large majority of member states for all the concepts does not allow an assessment to what extent this situation could happen more widely throughout the European Union.

⁴⁶ 29 (two cases in Belgium) * 4 = 116 + 2 for the distinction public/private in the Netherlands and Romania = 118.

⁴⁷ See <http://www.kijkwijzer.nl/index.php?id=50>.

⁴⁸ See <http://www.csa.be/documents/355>.

⁴⁹ See http://hunmedialaw.org/dokumentum/555/classification_Rec_EN_130111.pdf.





3. Tools for protection of minors from harmful audiovisual content

3.1. Legal and regulatory framework

The AVMS Directive does not go into details about the technical measures which should be applied in order to ensure protection of minors against harmful content.

Article 27 (linear services) refers to “*any technical measure*”, article 12 (non-linear services) does not mention any measure, and recital 60 only refers to the Recommendation on the protection of minors and human dignity and on the right of reply, recalling that it “*already recognised the importance of filtering systems and labelling and included a number of possible measures for the benefit of minors, such as systematically supplying users with an effective, updatable and easy-to-use filtering system when they subscribe to an access provider or equipping the access to services specifically intended for children with automatic filtering systems*”.

Besides, as it is stressed by Recital 60 of the Directive, “*measures taken to protect the physical, mental and moral development of minors and human dignity should be carefully balanced with the fundamental right to freedom of expression as laid down in the Charter on Fundamental Rights of the European Union*”.

3.1.1. Service providers

The transposition process of the Directive also reflects this carefulness: if almost all member states use rating systems and apply watershed rules in the framework of the implementation of the Directive (cf. chapter 1), fewer of them mention which kind of technical measures should be applied by service providers:

- 7 member states specify technical measures which should be applied by linear service providers: Austria, Belgium – French-speaking Community, Spain, Finland, France, United Kingdom and Slovenia;
- 15 member states specify technical measures which should be applied by non-linear services: Austria, Belgium – French-speaking Community, Cyprus, Germany, Estonia, France, United Kingdom, Greece, Croatia, Hungary, Italy, Luxembourg, Latvia and Slovenia.

The technical measures mentioned are mostly about various types of conditional access, which can usually be activated via a parental code, which either blocks the reception of certain types of programmes, or filters them (i.e. the programme is not visible on the electronic programme guide).

Some countries link the use of the conditional access with some of the age categories which are part of the rating system (Belgium – French-speaking Community, France, Luxembourg, United Kingdom and Hungary) or link it to some kind of content, usually content which might seriously impair minors (Austria, Cyprus, Estonia, Spain, United Kingdom, Greece, Hungary, Latvia and Slovenia).

In some countries, the use of technical measures like conditional access allows the service providers to be exempted from the use of the rating system or of the watershed or both. This can



happen whether the conditional access is mandatory (Belgium – French-speaking Community) or is provided on a self-regulatory basis (Bulgaria, Denmark and Latvia).

The issue of the organisation of the catalogues on non-linear services has also been considered, in the framework of this report, among the tools which can be used. Five member states (Germany, Spain, France, Luxembourg and Slovenia) impose the presence of a special section in the catalogues for certain types of programmes. This can even be extended to other material than the programmes themselves, like in France for *“images, descriptions, extracts, trailers and advertisements”*.

It is worth highlighting that no member state makes references to different kinds of technical measures depending on the platforms or the devices which are used by the consumers. This can be partly explained by the fact that the large variety of platforms and devices which are now available were either nascent, or not delivering audiovisual content, or simply did not exist when the Directive was drafted and/or transposed: the main online video portals (YouTube and Dailymotion) were created in 2005 and for several years hosted exclusively user-generated content which falls outside of the scope of the Directive due to the absence of editorial responsibility; online shops also were about music and not video (video viewing and purchasing were introduced on iTunes in 2005) or just simply did not exist (Google Play was created in 2008); most of the social networks did not exist or were not public; and accessing television via connected TVs, blu-ray players, games consoles or tablets was impossible either because this feature did not exist on the device or simply because the device simply did not even exist (the iPad was launched in 2010). Considering the developments in the market on one side and in the consumption habits on the other side, this issue will be of growing importance in the future.

3.1.2. Platform operators

In addition to these rules imposed on service providers, and in line with Recital 60 of the AVMS Directive which emphasises the role of “access providers”, it is also worth looking at the obligations imposed on platform operators. Even though these players fall outside of the material scope of the Directive, they play a crucial role in all the range of measures which can be put in place with the view of protecting minors from accessing harmful content. Their role is even more important in a fully digital environment where more and more households consume linear and non-linear programmes through a set-top-box (see paragraph 3.2. for further technical details on this issue).

Only five member states impose specific rules on platform operators (Belgium’s French-speaking and Flemish Communities, France, Italy, Romania and Slovenia), which is less than for service providers. Moreover, as it appears from the table below, these rules are not very detailed, are even sometimes vague (Belgium – Flemish Community) and are usually limited to the provision of a parental code.



3.1.3. Overview of the legal frameworks

The following table provides an overview of all the legal frameworks regarding technical measures which are imposed on platform operators, linear and non-linear services providers.⁵⁰

Table 9: Technical measures across the member states

	Platform operators	Linear services	Non-linear services
AT	No	Conditional access required for programmes which are <i>“primarily restricted to the uncritical presentation of sexual acts”</i>	Conditional access required for programmes which might seriously impair minors
BE FR	<p>Every platform distributing a service with a parental code must put in place a system which ensures that the original access code is exclusively communicated to a user older than 18</p> <p>Every platform distributing a service with a parental code must ensure the compatibility of the conditional access system of its set-to-box with the metadata provided by the service provider</p> <p>The conditional access system must meet several requirements detailed in the decree of 21.02.2013</p>	<p>Services using a parental code must give to the platform all the metadata about the rating applied to their programmes</p> <p>Linear services do not have to apply the rating system and the watershed if the programme is accessible only with a parental code</p>	<p>Services using a parental code must give to the platform all the metadata about the rating applied to their programmes</p> <p>Programmes rated 12, 16 and 18 can be made available only with a parental code</p>
BE NL	Obligation to take <i>“all reasonable technical measures”</i>	No specific tool required	No specific tool required
BG	No	No specific tool required	No specific tool required

⁵⁰ In order to make the table readable, the exact reference of the legal texts and a link towards them can be found in the respective country factsheets provided in the annexes.



	Platform operators	Linear services	Non-linear services
		Watershed is lifted if programmes are broadcast in an encoded form	
CY	No	No specific tool required	<i>“especially user-friendly filtering systems and PIN codes”</i> required for services which might seriously impair minors
CZ	No	No specific tool required	No specific tool required
DE	No	No specific tool required	Separate catalogue required for programmes which are likely to impair minors
DK	No	No specific tool required Watershed is lifted if programmes are broadcast in an encoded form	No specific tool required
EE	No	No specific tool required	<i>“personal identification codes or other relevant technical solutions”</i> required for services which might seriously impair minors
ES	No	<i>“digital code which enables parents to exercise control”</i> required for programmes which are likely to impair minors	<i>“digital code which enables parents to exercise control”</i> required for programmes which are likely to impair minors Separate catalogue required for programmes which are likely to impair minors
FI	No	Programmes rated 18 require a <i>“descrambling device”</i>	No specific tool required
FR	For programmes rated 10,	For programmes rated	There must be a <i>“zone of</i>



	Platform operators	Linear services	Non-linear services
	<p>12 and 16, the CSA encourages service providers and platform operators <i>“to promote the technical devices allowing to restrict the access of minors the programs according to their age and of the classification of the programs”</i></p> <p>For programmes rated 18, services providers and platform operators <i>“make available to the users the existence and the operation of the locking mechanism in their various vectors of communication; this information is available permanently, and its utility is regularly pointed out; they develop technical devices allowing the user to choose constantly not to receive these contents”</i></p>	<p>18, similar rules as for non-linear services</p>	<p><i>trust”</i> in the catalogue where no 10, 12 or 16 programmes are available</p> <p>For programmes rated 18:</p> <ol style="list-style-type: none"> 1. Marketing: exclusively marketed within the framework of paying offers 2. Organisation: isolated in a reserved space, as well as the images, descriptions, extracts, trailers and advertisements 3. Access: the homepage of the reserved space comprises a warning addressed to the user 4. Several technical measures of locking
GB	No	<p>Access rules in OFCOM Broadcasting code:</p> <p><i>“1.18 ‘Adult sex material’ - material that contains images and/or language of a strong sexual nature which is broadcast for the primary purpose of sexual arousal or stimulation - must not be broadcast at any time other than between 22.00 and 05.30 on premium subscription services and pay per view/night services which</i></p>	<p>Programmes which might seriously impair minors may be made available <i>“provided access is controlled in a manner which secures that persons under eighteen ‘will not normally see or hear’ such material. ATVOD’s provisional interpretation of this requirement is that there should be in place an effective Content Access Control System (“CAC System”) which verifies that the user is aged 18 or over at the point of registration or access by</i></p>



	Platform operators	Linear services	Non-linear services
		<p><i>operate with mandatory restricted access. In addition, measures must be in place to ensure that the subscriber is an adult. Mandatory restricted access means there is a PIN protected system (or other equivalent protection) which cannot be removed by the user, that restricts access solely to those authorised to view"</i></p> <p><i>"1.24 Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-2000 and post-0530. In addition, those security systems which are in place to protect children must be clearly explained to all subscribers."</i></p> <p><i>"1.25 Pay per view services may broadcast up to BBFC 18-rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-2100 and post-0530."</i></p>	<p><i>the mandatory use of technical tools for age verification and, if age verification does not take place each time the user returns to the service, controls further access to such content when the user returns to the service by the use of mandatory security controls such as passwords or PIN numbers"</i></p>
GR	No	No specific tool required	For programmes which might seriously impair minors, <i>"appropriate measures for the protection of minors"</i>



	Platform operators	Linear services	Non-linear services
			<i>include, in particular, labelling programmes, using personal identification numbers (PIN codes) and the use of a convenient filtering system"</i>
HR	No	No specific tool required	When a catalogue contains programmes which are likely to impair minors, the service provider <i>"shall insist on having the PIN changed"</i>
HU	No	No specific tool required	Technical protection for 18 and severely harmful programmes
IE	No	No specific tool required	No specific tool required
IT	Parental control (PIN number, filtering and identification)	No specific tool required	Parental control (PIN number, filtering and identification)
LT	No	No specific tool required	No specific tool required
LU	No	Programmes rated 18 must be broadcast encoded and must be accessible only with a personal code	A parental access code must be provided to the subscribers and programmes rated 18 must be in a special section of the catalogue
LV	No	No specific tool required Watershed is lifted if conditional access is provided	Conditional access required for programmes which might seriously impair minors
MT	No	No specific tool required	No specific tool required
NL	No	No specific tool required	No specific tool required
PL	No	No specific tool required	No specific tool required
PT	No	No specific tool required	No specific tool required
RO	18 programmes must be encrypted and restricted by a parental control system. Access is possible only with a personal code, which is especially	No specific tool required	No specific tool required



	Platform operators	Linear services	Non-linear services
	dedicated to restrict these programmes, consist of at least 4 numbers which should not be visible on the screen, and the first access to 18 programmes must be initially blocked		
SE	No	No specific tool required	No specific tool required
SI	Platforms have to provide technical protection for the content which might seriously impair minors either using PIN code or an adequate non-circumventing access protection tool	<i>“Explicit sexual programming content may only be broadcast on television channels or through on-demand audiovisual media services if access to such content is restricted and only enabled to adults by assigning users a PIN code or applying an equivalent protection system. Access to such content must be blocked by default, and users must have the possibility of setting access to such content, whereas access (with a code, password) may only be granted to adults who are informed of the purpose of technical protection and given exact instructions on using it.”</i>	Same as for linear services + For content which might seriously impair: <i>“Providers of on-demand audiovisual media services may broadcast content from the preceding paragraph at any time if access to such content is restricted and only enabled to adults by assigning users a <u>PIN code</u> or <u>applying an equivalent protection system</u>. Access to such content must be blocked by default, and users must have the possibility of setting access to such content, whereas access (with a code, password) may only be granted to adults who are informed of the purpose of technical protection and given exact instructions on using it.”</i> <i>“The on-demand audiovisual media service provider must classify any content from this Article in a <u>special section of the catalog</u>, so that it is separated from other content.”</i>



	Platform operators	Linear services	Non-linear services
			+ Separate catalogue required for programmes which are likely to impair minors and which might seriously impair minors
SK	No	No specific tool required	No specific tool required

3.2. Overview of industry practice: providing tools for the protection of minors

3.2.1. Platform operators

3.2.1.1. Technical introduction

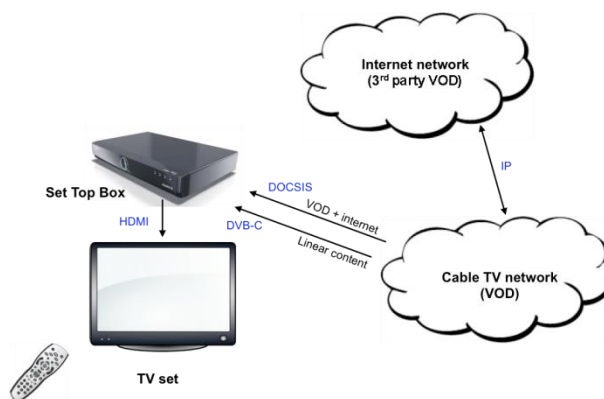
Linear services providers have to comply with the rules of the AVMSD on the protection of minors (watershed for programmes which are “likely to impair” and bans for programmes which “might seriously impair” minors). Additionally, when such programmes are broadcast in an unencoded form they shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration. Such warnings are fully efficient only if parents are present at the time of the broadcast or if the children follow the instructions.

The platform operator might use more efficient technical protection of minors such as blocking age-rated programmes via parental control software on the set-top box. Namely, service providers have the possibility to provide a parental rating descriptor as a part of their digital programme transport stream; then, a filtering system can be used by the parents to suppress the display of harmful content using the tools provided by the platform operators.

Linear audiovisual media content can be delivered to consumers over broadcast platforms (cable, satellite, terrestrial), Internet managed networks (IPTV) or the unmanaged Internet network. In this overview we will focus on both linear and non-linear audiovisual services. Terrestrial platforms will not be included, since to access the non-linear content a two way communication is needed. Cable and IPTV networks are based on two-way communication and to some extent also satellite platform operators when they also offer access to broadband Internet. Access to the content on such platforms is enabled by the set-top box provided by the platform operator. The households who have subscribed to platforms are categorised as pay-TV customers regardless of whether they are watching free-to-air or additional premium pay-TV services, as they are paying a subscription for the delivery of audiovisual content. In the case of cable, linear audiovisual content is delivered via the DVB-C (Digital Video Broadcasting – Cable) standard, as the on-demand content is accessible over the two-way DOCSIS connection used to provide access to broadband. Cable TV platform operators are also providing access to the Internet and they may offer their own or third party on-demand audiovisual services.

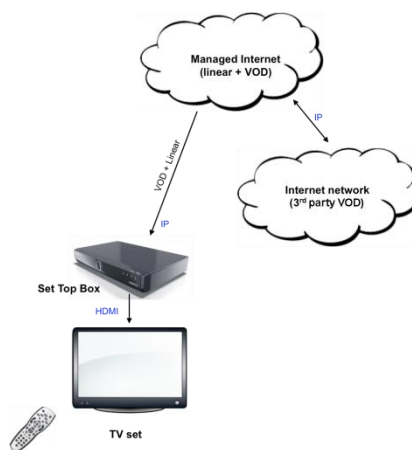


Figure 2: Cable TV platform



Internet access providers often provide more than one type of service using IP (Internet Protocol): IPTV platforms, access to the Internet and telephony services. With regard to audiovisual media services, the same protocol is used for both linear and on-demand services. Quality of on-demand services (QoS) is guaranteed when providing own services or third-party services, hosted in the IPTV platform provider's managed network. A managed network means that the bandwidth of the network is guaranteed by the platform operator, as opposed to the unmanaged IP network where the bandwidth (and consequently the QoS) is provided on a best-effort basis. To receive audiovisual services on an IPTV platform a set-top-box is needed, as this is also the case with cable TV platforms.

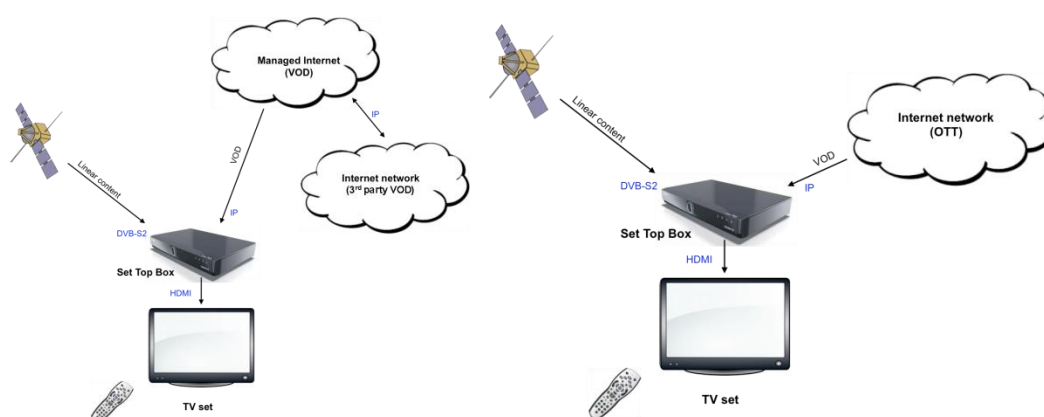
Figure 3: IPTV platform



Satellite platform is a typical one-way broadcasting platform although the technical possibility to deliver two-way Internet may be offered by implementing the DVB-S/RCS standard (Digital Video Broadcasting – Satellite/Return Channel Satellite). Due to the long latency and the limited capacity of the satellite, a satellite platform operator may offer alternative access to managed or unmanaged Internet network over fixed broadband access.



Figure 4: Satellite TV platform



When content is delivered over the unmanaged Internet network, the Internet access provider is neither responsible for the content nor able to guarantee the quality of service. Such services are called OTT (over the top) and refer in particular to content that is provided by a third-party service provider. The responsibility for the content lies entirely in the hands of the OTT service provider. In case of such audiovisual content delivered over the managed Internet network (IPTV), the IPTV platform operator is not responsible for the audiovisual content but it plays a role in implementing/managing the access restrictions when it comes to protection of minors. It does so via the set-top box it provides to the consumer, since audiovisual services delivered over a managed Internet network requires the use of such a box. In the case of unmanaged Internet the user can access OTT services via a browser or a dedicated application on a personal computer, a tablet or a smartphone.

This chapter will mainly focus on the tools provided by managed Internet networks (IPTV) and broadcast platform operators offering their services via cable and satellite where content is delivered via a set-top box. OTT services that offer harmful content (such as pornography) over the unmanaged open Internet may be blocked by the Internet service providers and are addressed via initiatives like “Safer Internet”⁵¹.

Other OTT services such as the pure VOD players like Netflix, Amazon Prime etc. are providing services via Internet (and also in some cases via Internet but through the set top box of the cable or IPTV platform operator). Either way, the service requires subscription and a login identity. The services also have the possibility to provide age ratings on the content as the broadcasters do, to adjust the catalogue according to the time of day (as is the case with some catch-up TV services). They may also have additional PIN codes for parental control over adult content (as with the cable operators), or may offer the option of multi-users passwords where they will recognise when a minor has signed into the service. The main point is that OTT providers will mainly use the same tools as the other platform operators that are also offering on-demand over the Internet.

The protection of minors in the case of free-to-air linear audiovisual services is also not a topic of this part of the report, as the content provided by these services is dealt with via age-rating systems and the watershed (described in chapter 1).

⁵¹ See <https://ec.europa.eu/digital-agenda/en/news/communication-european-strategy-make-internet-better-place-kids>.



Access to linear programmes which are likely to impair minors may be better restricted via technical measures provided by the set-top box than the insertion of a visual symbol or acoustic warning on free-to-air networks or the application of watershed rules, which all require the presence of a parent to be fully efficient.

Non-linear audiovisual services require two-way communication and the use of a set-top box. Given that broadcasting platforms are by nature one-way communication platforms (except IPTV), the set-top box is the key technology to enable two-way communication as it includes a broadcast receiver (satellite, cable or terrestrial) and is connected to the Internet. The set-top box is in most cases provided by the platform operator and is using proprietary operating software (middleware), which provides all the necessary support to display linear and non-linear audiovisual content. The proprietary operating system/software does not allow any user modifications of the set-top box functions, thus preventing the minor from bypassing the settings of parental control set by the parent.

3.2.1.2. Methodology

An overview of the systems dedicated to the protection of minors of all the broadcast platform operators of the European Union would require an extensive effort as there are more than 600 in existence (according to the MAVISE database⁵²). For the purpose of the survey conducted to feed this part of the report, the number of platform providers had to be reduced, following a methodology that guarantees the consistency of the results obtained.

To narrow down the amount of operators from 600+ to a more manageable number, the first step was to select those having a significant share of subscribers in a particular country. Such a reduced list includes 183 IPTV, satellite and cable operators.

The second analysis of this reduced list revealed that some operators in different countries are members of the same group. Fourteen (14) groups were identified, holding together a cumulative share of 67,9% of all EU28 pay TV homes (see table 10 below). The difference between “pay TV homes” and “all TV homes” is the number of households watching free-to-air television not using services of any broadcasting platform (in other words, “all TV households” is a sum of “pay TV households” and “free-to-air households”).

In order to provide an overview of the types of tools used in the protection of minors, questionnaires were developed and sent to a wide range of broadcasters (all EU broadcasters linked to the main associations) and platform operators (more than 70). These questionnaires were distributed via major associations in the industry. These included: the European Broadcasting Union (EBU) with 73 member broadcasters in Europe; the Association of Commercial Television (ACTE) with 33 member companies in 37 European countries; the European Competitive Telecommunications Association (ECTA) representing more than 100 communications service provider companies; and the European Telecommunications Network Operators Association (ETNO) with 50 members and observers in 35 countries.

⁵² See <http://www.obs.coe.int/en/shop/yearbook>.



Table 10: Platform operators groups

	service)	Platforms	Countries	Number of households all platforms all EU (thousand)	% of all TV households EU	% of all pay TV households EU	number of cable households/subscriptions (thousand)	% of cable households EU	number of satellite households/subscriptions (thousand)	% of satellite households EU	number of IPTV households (thousand)	% of IPTV households EU
Liberty Global	1	Cable/Satellite	AT, BE, CZ, DE, GB, HU, IE, NL, PL, RO, SK	21.470	10,1%	15,8%	20.690	36,7%	780	1,8%	-	-
Deutsche Telekom	7	IPTV/ Sat/cable	CZ, DE, GR, HU, HR, RO, SK	6.348	3,0%	4,7%	-	-	1.845	4,3%	4.504	14,7%
France Telecom	5	IPTV/ Sat	ES, FR, PL, RO, SK	7.500	3,5%	5,5%	-	-	221	0,5%	7.279	23,7%
Sky PLC	5	Satellite	AT, DE, GB, IE, IT	20.553	9,7%	15,1%	-	-	20.553	47,8%	-	-
Altice	3	IPTV/ Sat/cable	BE,FR,PT	6.632	3,1%	4,9%	1.918	3,4%	n.a.	n.a.	4.714	15,4%
Vodafone	3	IPTV/Cable	DE, ES, PT	9.559	4,5%	7,0%	9.100	16,1%	-	-	459	1,5%
Telekom Austria	4	IPTV/ Sat/cable	AT, BG, HR, SI	943	0,4%	0,7%	571	1,0%	n.a.	n.a.	372	1,2%
Viasat / MTG	6	Satellite	DK, EE, FI, LT, LV, SE	644	0,3%	0,5%	-	-	644	1,5%	-	-
Telenor	4	IPTV/ Sat/cable	DK, FI, SE, BG	709	0,3%	0,5%	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
TeliaSonera	6	IPTV/Cable	DK, EE, FI, LT, LV, SE	1.846	0,9%	1,4%	n.a.	n.a.	-	-	1.846	6,0%
M7 Group	7	IPTV/ Sat	AT, BE, CZ, HU, LU, NL, SK	2.913	1,4%	2,1%	-	-	2.720	6,3%	193	0,6%
RCS/RDS	2	Cable/Satellite	HU,RO	3.941	1,9%	2,9%	2.868	5,1%	1.073	2,5%	-	-
Telefonica	2	IPTV	CZ, ES	2.388	1,1%	1,8%	-	-	-	-	2.388	7,8%
Vivendi	2	Satellite	FR, PL	7.040	3,3%	5,2%	-	-	7.040	16,4%	-	-
Total				92.487	43,6%	67,9%	35.147	62,3%	34.876	81,1%	21.755	70,9%

Source: Yearbook of the European Audiovisual Observatory 2015 (forthcoming)⁵³, on the basis of operator data from company annual reports

The data in the table above is based on company data (households subscribing to services), while the share of a particular group in the table 10 has been calculated on the basis of total numbers of households, provided to the European Audiovisual Observatory by IHS:

Table 10: TV households across Europe

211.985.209	Total TV households EU 2014
136.224.486	Total Pay TV households
56.371.802	Total cable households EU 2014
43.029.000	Total satellite households EU 2014
30.686.000	Total IPTV households EU 2014
26.647.000	Free satellite households

⁵³ <http://www.obs.coe.int/en/shop/yearbook>.



A third examination of the list of 183 operators revealed that in some countries none of the platform operators belongs to this group of 14, or that in some cases the operators belonging to one of these groups do not have a significant market share in the country. Therefore an additional list of 57 operators has been identified (see table 12 below).

Table 11: Relevant platform operators outside of the group of 14

1	Proximus TV	IPTV	BE	1692	0,8%	1,2%	
2	Voo	Cable		1.500	0,7%	1,1%	
3	Bulsatcom	Satellite	BG	400	0,2%	0,3%	
4	Cytavision	IPTV	CY	30	0,0%	0,0%	
5	PrimeTV	IPTV		30	0,0%	0,0%	
6	Cablenet	Cable		45	0,0%	0,0%	
7	Rio Media	Cable	CZ	115	0,1%	0,1%	
8	Digi TV	Satellite		130	0,1%	0,1%	
9	Telecolumbus	Cable	DE	1700	0,8%	1,2%	
10	TDC	IPTV	DK	271	0,1%	0,2%	
11	YouSee	Cable		1.113	0,5%	0,8%	
12	Stofa	Cable		325	0,2%	0,2%	
13	Starman	Cable	EE	130	0,1%	0,1%	
14	STV	Cable		65	0,0%	0,0%	
15	Movistar Canal +	Satellite	ES	1.700	0,8%	1,2%	
16	Elisa Viihde	Cable / IPTV	FI	200	0,1%	0,1%	
17	DNA	Cable		600	0,3%	0,4%	
18	Free	IPTV	FR	5700	2,7%	4,2%	
19	Alice	IPTV		2200	1,0%	1,6%	
20	Bouygues	IPTV			Darty	IPTV	
21	Darty	IPTV					
22	Telecom Italia	IPTV	IT	80	0,0%	0,1%	
23	Melita	Cable	MT	81	0,0%	0,1%	
24	KPN	IPTV	NL	1216	0,6%	0,9%	
25	NOS	IPTV	PT	1474	0,7%	1,1%	
26	NOS	Cable					
27	Zon TV Satélite	Satellite					
28	BT Vision	IPTV	GB	1000	0,5%	0,7%	
29	TalkTalk TV Plus	IPTV		1100	0,5%	0,8%	
30	EE TV Now	IPTV		n.a.	n.a.	n.a.	
31	Nova	Satellite	GR	500	0,2%	0,4%	
32	Magnet Entertainment	IPTV	IE	30	0,0%	0,0%	
33	eVision	IPTV		28	0,0%	0,0%	
34	Tivusat	Satellite	IT	1800	0,8%	1,3%	
35	Balticum	Cable	LT	85	0,0%	0,1%	



36	Cgates	Cable		113	0,1%	0,1%
37	Init	Cable		103	0,0%	0,1%
38	Post TV	IPTV		34	0,0%	0,0%
39	Imagin	Cable	LU	100	0,0%	0,1%
40	Numericable	Cable		30	0,0%	0,0%
41	Baltcom	Cable	LV	140	0,1%	0,1%
42	Izzi	Cable		120	0,1%	0,1%
43	GO Interactive TV	IPTV	MT	6	0,0%	0,0%
44	Tele2	IPTV		330	0,2%	0,2%
45	Caiway	Cable	NL	143	0,1%	0,1%
46	Multimedia Polska S.A.	IPTV		318	0,2%	0,2%
47	Netia SA	IPTV		127	0,1%	0,1%
48	Multimedia Polska S.A.	Cable	PL	681	0,3%	0,5%
49	Vectra S.A.	Cable		842	0,4%	0,6%
50	TNK (Telewizja na karte)	Satellite		322	0,2%	0,2%
51	Polsat Cyfrowy SP Z.O.O.	Satellite		4.405	2,1%	3,2%
52	Com Hem	Cable	SE	606	0,3%	0,4%
53	T-2 Televizija	IPTV		75	0,0%	0,1%
54	SiOL TV	IPTV	SI	130	0,1%	0,1%
55	Telemach Digital TV	Cable		200	0,1%	0,1%
56	Total TV	Satellite		27	0,0%	0,0%
57	Digi TV	Satellite	SK	350	0,2%	0,3%
	Total			34.542	16,3%	25,4%

Source: Yearbook of the European Audiovisual Observatory 2015 (forthcoming)

on the basis of operator data from company annual reports

The combined share of “pay TV households” of the group of 14 and the additional list of 57 operators represents 92,3% of the market in the European Union. Therefore the survey was based on this list of 71 operators.

3.2.1.3. Survey

The survey was focused on the provision of both linear and non-linear services.

The questions to platform operators related to linear services was focused on the tools they provide to support the parental control:

- How do you help viewers to block or filter linear channels (parental control)?
 - Controls active by default on set-top box
 - Option to set controls when installing set-top box
 - Option to block age-rated programmes
 - Adult (+18) channels automatically PIN controlled
 - Option to hide adult (+18) channels from the TV guide



- No option to block/filter⁵⁴ linear content.

When platform operators are offering non-linear services, the restrictions imposed by the AVMS Directive are less restrictive as they are related only to content which might seriously impair minors. Member states shall take appropriate measures to ensure that such audiovisual media services are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services. Regardless of the low restrictions imposed by the AVMS Directive, many operators are using technical protection also for content which is likely to impair minors, applying for example the age-ratings provided by the film industry. In the case of catch-up programmes platform operators may use normal TV broadcast watershed in two ways: either age-rated blocking the access to such programmes in pre-watershed time, or removing such programmes from the EPG during the pre-watershed period of the day. Some member states decided to impose watershed rules also to non-linear services.

The question related to non-linear services was focused on different levels of parental control:

- How do you restrict access to third-party VOD services?
 - Different levels of restriction based on certificate ratings that correspond with the film rating system
 - The adult on-demand menu is automatically PIN controlled at all times
 - Applying normal TV broadcast watershed for catch-up programmes
 - Voluntary soft age verification
 - Restriction provided by third-party VOD provider.

Table 13 shows the results which have been obtained, either through the survey or, when answers were lacking, through additional desk research.

It should be noted that it is very difficult to access information on the types of tools being used by operators. The level of transparency varies a lot amongst operators. For example, in Germany the broadcasters, and in some cases the platform operators, have a section "Jugendmedienschutz" (protection of minors) on the bottom of their home page.

In other cases, the information may be found under "frequently asked questions - FAQ", or in the other consumer information. In some cases, the details may only be outlined in the contracts between subscriber and platform. In addition, the information often only becomes available when setting up the system via the set-top box.

⁵⁴ Blocking of content is used when an operator does not allow access to certain audiovisual content. Filtering means not to show unsuitable content on the EPG service.



Table 13: Results of the platform operators survey and research

	Linear						Non-linear (Own services)				Non/linear (3 rd party)	
	Controls active by default on set-top box	Option to set controls when installing set-top box	Option to block age-rated programmes	Adult (+18) channels automatically PIN controlled	Option to hide adult (+18) channels from the TV guide	No option to block/filter linear content	Different levels of restriction based on certificate ratings that correspond with the film rating system	The Adult On Demand menu is automatically PIN controlled at all times	Applying normal TV broadcast watershed for catch-up programmes	Voluntary "soft" age verification	Providing 3 rd party VOD	Restriction provided by 3 rd party provider
Liberty Global	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No
Deutsche Telekom	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	No
Orange⁵⁵	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Sky PLC	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Altice	Yes	No	Yes	Yes	No	No	No	Yes	No	No	Yes	No
Vodafone	No	No	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes
Telekom Austria	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	No	No	-
Viasat / MTG	No	Yes	Yes	Yes	No	No	Yes	No	Yes	No	No	-
Telenor	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Teliasonera	No	No	Yes	Yes	Yes	No	n/a	n/a	n/a	n/a	Yes	Yes
M7 Group	No	Yes	Yes	Yes	No	No	Yes	n/a	n/a	n/a	n/a	n/a
RCS/RDS	No	Yes	Yes	Yes	No	No	Yes	Yes	No	No	Yes	n/a
Telefónica	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No

⁵⁵ Group-level and domestic initiatives available at http://www.orange.com/sirius/protection_enfants/protectiondesenfants_VF/.



	Linear						Non-linear (Own services)					Non/linear (3 rd party)	
	Controls active by default on set-top box	Option to set controls when installing set-top box	Option to block age-rated programmes	Adult (+18) channels automatically PIN controlled	Option to hide adult (+18) channels from the TV guide	No option to block/filter linear content	Different levels of restriction based on certificate ratings that correspond with the film rating system	The Adult On Demand menu is automatically PIN controlled at all times	Applying normal TV broadcast watershed for catch-up programmes	Voluntary "soft" age verification	Providing 3 rd party VOD	Restriction provided by 3 rd party provider	
Vivendi⁵⁶	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Proximus (BE)	Yes	No	No	Yes	No	No	Yes	Yes	Yes	No	No	-	
Voo (BE)	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No	No	-	
Bulsatcom	No	Yes	Yes	Yes	n/a	No	n/a	n/a	n/a	n/a	n/a	n/a	
Cytavision	n/a	Yes	n/a	n/a	n/a	No	n/a	Yes	No	No	Yes	n/a	
Prime TV	No	Yes	n/a	Yes	n/a	n/a	n/a	Yes	n/a	No	No	n/a	
Cablenet	n/a	Yes	No	Yes	n/a	No	No	Yes	No	No	No	n/a	
Rio Media	No	No	No	Yes	Yes	No	n/a	n/a	n/a	n/a	n/a	n/a	
NOVI Digi TV	No	Yes	Yes	Yes	No	No	Yes	Yes	No	No	Yes	n/a	
Telecolumbus	No	Yes	Yes	Yes	n/a	No	n/a	n/a	n/a	n/a	n/a	n/a	
TDC TV (DK)	Yes	No	No	No	No	No	No content which is likely to impair or might seriously impair minors is offered						
YouSee (DK)	Yes	No	No	No	No	No	No content which is likely to impair or might seriously impair minors is offered						
Stofa (DK)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	

⁵⁶ Group-level and domestic initiatives available at

<http://www.vivendi.com/responsabilite-societale/enjeux-specifiques/protection-et-accompagnement-de-la-jeunesse-2/>.



	Linear						Non-linear (Own services)					Non/linear (3 rd party)	
	Controls active by default on set-top box	Option to set controls when installing set-top box	Option to block age-rated programmes	Adult (+18) channels automatically PIN controlled	Option to hide adult (+18) channels from the TV guide	No option to block/filter linear content	Different levels of restriction based on certificate ratings that correspond with the film rating system	The Adult On Demand menu is automatically PIN controlled at all times	Applying normal TV broadcast watershed for catch-up programmes	Voluntary "soft" age verification	Providing 3 rd party VOD	Restriction provided by 3 rd party provider	
Starman (EE)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
STV (EE)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Movistar C+ (ES)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Elisa Viihde (FI)	No	Yes	No	Yes	Yes	No	n/a	n/a	n/a	No	n/a	n/a	
DNA (FI)	No	n/a	Yes	No	n/a	No	n/a	n/a	n/a	No	n/a	n/a	
Free (FR)	No	n/a	n/a	Yes	n/a	No	n/a	Yes	n/a	n/a	Yes	Yes	
Alice (FR)	No	n/a	n/a	Yes	n/a	No	n/a	Yes	n/a	n/a	Yes	Yes	
Bouygues (FR)	No	n/a	n/a	Yes	Yes	No	n/a	Yes	n/a	n/a	Yes	Yes	
Darty (FR)	No	n/a	n/a	Yes	n/a	No	n/a	Yes	n/a	n/a	Yes	Yes	
Telecom Italia	No	Yes	Yes	n/a	n/a	No	Yes	Yes	No	No	Yes	Yes	
Melita (MT)	No	n/a	n/a	n/a	Yes	No	n/a	n/a	n/a	n/a	No	-	
KPN (NL)	No	n/a	n/a	Yes	Yes	No	n/a	n/a	n/a	n/a	Yes	n/a	
NOS	No	Yes	Yes	n/a	n/a	No	Yes	n/a	n/a	No	No	No	
Zon TV Satélite	No	Yes	Yes	Yes	No	No	n/a	n/a	n/a	n/a	n/a	n/a	
BT Vision (GB)	No	n/a	Yes	No	Yes	No	n/a	n/a	n/a	n/a	Yes	n/a	
TalkTalk (GB)	No	n/a	Yes	No	Yes	No	Yes	No	Yes	n/a	Yes	n/a	



	Linear						Non-linear (Own services)					Non/linear (3 rd party)	
	Controls active by default on set-top box	Option to set controls when installing set-top box	Option to block age-rated programmes	Adult (+18) channels automatically controlled	Option to hide adult (+18) channels from the TV guide	No option to block/filter linear content	Different levels of restriction based on certificate ratings that correspond with the film rating system	The Adult On Demand menu is automatically PIN controlled at all times	Applying normal TV broadcast watershed for catch-up programmes	Voluntary "soft" age verification	Providing 3 rd party VOD	Restriction provided by 3 rd party provider	
EE TV (GB)	No	n/a	Yes	No	Yes	No	n/a	No	Yes	n/a	Yes	No	
Forthnet Nova	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No	-	
Magnet Entertainment	No	No	n/a	n/a	n/a	n/a	n/a	n/a	n/a	No	n/a	n/a	
eVision	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Tivusat	No	Yes	Yes	n/a	n/a	No	n/a	n/a	n/a	n/a	Yes	Yes	
Balticum (LT)	No	Yes	Yes	n/a	n/a	No	n/a	n/a	n/a	n/a	n/a	n/a	
Cgates (LT)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Init (LT)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Post TV (LU)	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	n/a	n/a	
Imagin (LU)	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	n/a	n/a	
Numericable (LU)	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	n/a	n/a	
Baltcom (LV)	Yes	No	No	Yes	No	No	n/a	n/a	n/a	n/a	No	-	
IZZI (LV)	See line above (has been acquired by Baltcom)												
GO Interactive TV (MT)	No	No	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Yes	n/a	
Tele2 (NL)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Caiway (NL)	No	No	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Yes	n/a	



	Linear						Non-linear (Own services)					Non/linear (3 rd party)	
	Controls active by default on set-top box	Option to set controls when installing set-top box	Option to block age-rated programmes	Adult (+18) channels automatically controlled	Option to hide adult (+18) channels from the TV guide	No option to block/filter linear content	Different levels of restriction based on certificate ratings that correspond with the film rating system	The Adult On Demand menu is automatically PIN controlled at all times	Applying normal TV broadcast watershed for catch-up programmes	Voluntary "soft" age verification	Providing 3 rd party VOD	Restriction provided by 3 rd party provider	
Multimedia Polska	No	Yes	Yes	Yes	n/a	No	Yes	Yes	No	No	No	No	
Netia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Vectra	Yes	No	No	Yes	No	No	No	Yes	No	No	Yes	n/a	
Telewizjana karte	No	Yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Cyfrowy Polsat	No	Yes	Yes	n/a	n/a	No	Yes	n/a	No	No	Yes	No	
Com Hem (SE)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
T-2 Televizija	No	No	No	Yes	Yes	No	n/a	n/a	n/a	n/a	n/a	n/a	
SiOL TV	Yes	Yes	Yes	n/a	Yes	No	Yes	n/a	No	No	Yes	No	
Telemach Digital TV	No	Yes	Yes	No	Yes	No	Yes	No	No	No	Yes	No	
Total TV	Yes	Yes	Yes	Yes	Yes	No	n/a	n/a	n/a	n/a	n/a	n/a	
Digi TV	No	Yes	Yes	Yes	No	No	Yes	Yes	No	No	Yes	n/a	

3.2.2. Service providers

The survey on linear and non-linear audiovisual service providers was focused on broadcasters offering VOD or catch-up services. The main questions were related to the provision of the age-rating information for EPG services and applying normal TV broadcast watershed for the catch-up programmes.

The requirements for the protection of minors as laid down in the AVMS Directive are specified only as a visual symbol or acoustic warning. With the digitalisation of audiovisual media



services, additional tools became available to protect minors when programmes not suitable to them are broadcast. Namely, visual and acoustic warning is effective only when parents are having control over the consumption of TV programmes in the home. Audiovisual service providers may additionally provide age-rating information in a digital transport stream, which can be used by the parental control software integrated into TV set or set-top box.

The European legal framework does not require non-linear watershed but when the broadcaster is offering its content as a catch-up service, the question of applying watershed to such services becomes relevant. In theory, the watershed content of the linear service should not be available as a catch-up service during the pre-watershed time.

According to the results of the survey, 66% of the broadcasters included in the survey are providing age-rating information in a digital transport stream. Catch-up services not suitable for minors are made available by more than 83% of broadcasters but only 33% are applying non-linear watershed for their catch-up audiovisual services.



4. Studies on the protection of minors from harmful audiovisual content

The following list of existing studies has been set up with the cooperation of the national (or regional) authorities in charge of supervising the legal and regulatory framework for the protection of minors, i.e. in most cases the regulatory authorities. Additional desk research for some countries also helped to find additional studies or research.

It has been considered that studies published before the official end of the transposition process of the AVMS Directive would no longer be topical; therefore only studies published between 2010 and 2015 are mentioned.

For a list of cross-country or pan-European studies and reports, we refer to our recent IRIS *Bonus* 2015-2.⁵⁷

Since the publication of this IRIS *Bonus*, it is also worth mentioning that the results of the pan-European project “Net children go mobile” have been published (<http://netchildrengomobile.eu/reports/>). Alongside the pan-European reports, national reports about Belgium, Ireland, Italy, Portugal, Romania and the United Kingdom.

Table 14: list of available studies in the member states

	Studies
AT	No
BE FR	No
BE NL	No
BG	No
CY	No
CZ	No
DE	<p>Yearly JIM studies (media literacy of 12-19 years old) available at http://www.mpfs.de/index.php?id=276</p> <p>Yearly KIM studies (media literacy of 6-13 years old) available at http://www.mpfs.de/index.php?id=462</p> <p>Yearly mini-KIM studies (media literacy of 2-5 years old) available at http://www.mpfs.de/index.php?id=660</p> <p>DREYER Stefan & HAJOK Daniel, <i>Jugendschutzprogramme : Aktueller Forschungsstand zur Nutzung</i></p>

⁵⁷ CAPPELLO Maja (ed.), Annotated bibliography on the protection of minors in a converged media environment, IRIS Bonus 2015-2, European Audiovisual Observatory, Strasbourg, 2015, <http://www.obs.coe.int/documents/205595/8234567/Annotated+bibliography+on+the+protection+of+minors+in+a+converged+media+environment.pdf>.



	<p><i>und Akzeptanz bei Eltern</i>, JMS Report, Februar 1/2012, http://www.jms-report.nomos.de/fileadmin/jms/doc/Aufsatz_JMS-Report_12_01.pdf</p> <p>Several other articles available at http://www.hans-bredow-institut.de/de/search/node/Jugendschutzprogramme</p>
DK	No
EE	<p>Results of the EU Kids Online project in Estonia, http://eukidsonline.ut.ee/?page_id=18</p> <p>Summary of the EU Kids Online project in Estonia, http://www.lse.ac.uk/media@lse/research/EUKidsOnline/EU%20Kids%20II%20%282009-11%29/EUKidsExecSummary/EstoniaExecSum.pdf</p> <p>List of recent research available at http://eukidsonline.ut.ee/?cat=6</p> <p>List of recent thematic reports available at http://eukidsonline.ut.ee/?cat=7</p> <p>List of recent student thesis available at http://eukidsonline.ut.ee/?cat=8</p>
ES	<p>FUENTE COBO Carmen, « La protección de la infancia en la nueva ley audiovisual: hacia un modelo de responsabilidad distribuida », in UTECA, <i>La televisión en España</i>, Madrid, Informe, 2010.</p> <p>FUENTE COBO Carmen & RUIZ SAN ROMAN José A., « Protección de la infancia en la nueva regulación audiovisual en España », in <i>Revista Latina de Comunicación Social</i> # 66 – 2011, ISSN 1138-5820, http://www.revistalatinacs.org/11/art/928_UCM/RLCS_art928.pdf</p> <p>BALLANO MACIAS Sonia, <i>La Educación en Comunicación en Catalunya. Percepciones, enfoques y perspectivas en la Secundaria Obligatoria</i>, marzo 2014, http://www.cac.cat/pfw_files/cma/premis_i_ajuts/treball_guanyador/Sonia_ballano.pdf</p> <p>Consell de l'Audiovisual de Catalunya, <i>Anàlisi de la presència de continguts proanorèxia i probulímia a internet</i>, juliol 2015, http://www.cac.cat/pfw_files/cma/proanor_xia_i_probul_mia.pdf</p> <p>Consell de l'Audiovisual de Catalunya, <i>Infància, adolescència i educació en comunicació audiovisual, Quaderns del CAC</i>, 40, vol. XVII, juliol 2014, http://www.cac.cat/pfw_files/cma/recerca/quaderns_cac/q40.pdf</p> <p>Consell de l'Audiovisual de Catalunya, <i>Premis el CAC a l'escola</i>, http://www.premiscacescola.cat</p> <p>CRESCENZI LANNA Lucrezia, <i>Competencias cognitivas y televisión infantil. Una propuesta de análisis y clasificación de series por edades</i>, http://www.cac.cat/pfw_files/cma/premis_i_ajuts/treball_guanyador/Sumari_mencio_LCrescenzi_C_ompetencias_cognitivas_televisio.pdf</p> <p>Departament de Benestar i Família, Consell de l'Audiovisual de Catalunya i Col·legi de Periodistes de Catalunya, <i>Com informar dels maltractaments infantils. Manual d'estil per a mitjans de comunicació</i>, març 2014, http://www.cac.cat/pfw_files/cma/actuacions/com_informar_maltractament.pdf</p>



	<p>Grup de recerca Comunicació i Nous Mitjans - Internet Interdisciplinary Institute (IN3), <i>Convergència mediàtica i joves Usos, espais i estratègies de mediació familiar en el consum audiovisual dels adolescents catalans</i>, Universitat Oberta de Catalunya, setembre 2012, http://www.cac.cat/pfw_files/cma/recerca/estudis_recerca/Convergencia_mediatica_i_joves.pdf</p>
FI	<p>KOTILAINEN Sirkku, <i>Lasten Mediabarometri 2010, 0-8-vuotiaiden lasten mediankäyttö Suomessa</i>, http://www.mediakasvatus.fi/publications/ISBN978-952-99964-6-9.pdf</p> <p>PÄÄJÄRVI Saara, <i>Lasten Mediabarometri 2011, 7-11-vuotiaiden lasten mediankäyttö jakokemukset mediakasvatuksesta</i>, http://www.mediakasvatus.fi/publications/ISBN978-952-67693-1-8.pdf</p> <p>PÄÄJÄRVI Saara, HAPPO Hanna & PEKKALA Leo, <i>Lapsiperheiden mediakysely 2012, 0-12-vuotiaiden lasten mediankäyttö ja kotien edikasvatus huoltajien kuvaamina</i>, https://kavi.fi/sites/default/files/documents/mediakysely.pdf</p> <p>Kulttuuripoliittisen tutkimuksen edistämisyhdistys (CUPORE) & Kansallinen audiovisuaalinen instituutti (KAVI), <i>Selvitys huoltajien kuvaohjelmien ikärajiin liittyvästä tiedoudesta sekä ikärajojen noudattamisesta perheissä</i>, 1/2014, https://kavi.fi/sites/default/files/documents/ikarajaselvitys.pdf</p>
FR	<p>Calysto, <i>Enfants et Internet, Baromètre 2009-2010 de l'opération nationale de sensibilisation</i>, 2010, http://www.itrpress.com/cp/2010/2010-12-17_Barometre-Calysto-Enfants--Internet-decembre-2010.pdf</p> <p>Conseil supérieur de l'audiovisuel, <i>La protection des mineurs à l'heure de la convergence des médias audiovisuels et d'internet</i>, mars 2012, http://www.csa.fr/content/download/20592/342842/file/Protection_des_mineurs_et_internet.pdf</p> <p>Conseil supérieur de l'audiovisuel, <i>Réflexion sur les émissions dites « de télé réalité » - Auditions du CSA, bilan et préconisations</i>, octobre 2012, http://www.csa.fr/Etudes-et-publications/Les-etudes-thematiques-et-les-etudes-d-impact/Les-etudes-du-CSA/Reflexion-sur-les-emissions-dites-de-telerealite-Auditions-du-CSA-bilan-et-preconisations</p> <p>Conseil supérieur de l'audiovisuel, <i>Adolescents, jeunes adultes et médias : le séquençage des pratiques médias des 13-24 ans</i>, juin 2014, http://www.csa.fr/Etudes-et-publications/Les-etudes-thematiques-et-les-etudes-d-impact/Les-etudes-du-CSA/Adolescents-jeunes-adultes-et-medias-le-sequençage-des-pratiques-medias-des-13-24-ans</p> <p>Conseil supérieur de l'audiovisuel, <i>Quels écrans utilisent les 13-24 ans et pour quels usages ?</i>, décembre 2014, http://www.csa.fr/Etudes-et-publications/Les-etudes-thematiques-et-les-etudes-d-impact/Les-etudes-du-CSA/Quels-ecrans-utilisent-les-13-24-ans-et-pour-quels-usages</p> <p>Défenseurs des droits, <i>Rapport 2012 consacré aux droits de l'enfant, Enfants et écrans : grandir dans le monde numérique</i>, 20 Novembre 2012, http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_ra_e_2012.pdf</p>
GB	<p>ATVOD <i>Submission to Parental Controls Consultation</i>, 18 September 2012, http://www.atvod.co.uk/uploads/files/Parental_controls_consultation_-_ATVOD_response_FINAL.pdf</p> <p>BDRC Continental, <i>Attitudes to online and on demand content</i>, April 2015, http://stakeholders.ofcom.org.uk/market-data-research/other/internet/attitudes-to-on-demand-</p>



	<p><u>content</u></p> <p>CRG, Violence in UK Soaps: a four wave trend analysis, 18 July 2014, http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/tv-violence/</p> <p>Department for Culture, Media & Sport, <i>Connectivity, Content and Consumer, Britain's digital platform for growth</i>, July 2013, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225783/Connectivity_Content_and_Consumers_2013.pdf</p> <p>Essential Research, <i>On-demand services, understanding consumer choices</i>, October 2012, http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/vod/Research_Report.pdf</p> <p>Ipsos Mori, <i>Protecting audiences in a converged world, Deliberative research report</i>, 25 January 2012, http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/protecting-audiences/</p> <p>Jigsaw Research, <i>Audience attitudes towards violent content on television</i>, 18 July 2014, http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/tv-violence/</p> <p>Jigsaw Research, <i>Parents' views on parental controls, Findings of qualitative research</i>, October 2012, http://stakeholders.ofcom.org.uk/binaries/research/research-publications/childrens/oct2012/Annex_1.pdf</p> <p>Kantar Media, <i>Protecting audiences in an online world, Deliberative research report</i>, 4 December 2014, http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/protecting-audiences-online-world/</p> <p>Ofcom, <i>Report on Internet safety measures, Strategies of parental protection for children online</i>, 12 January 2015, http://stakeholders.ofcom.org.uk/binaries/internet/third_internet_safety_report.pdf</p> <p>Ofcom, <i>Report on Attitudes to non-linear content and regulation</i>, January 2015, http://stakeholders.ofcom.org.uk/binaries/research/statistics/2015January/On-demand and online media use and attitudes tracker 2014 Year 1 data tables.pdf</p> <p>Ofcom, <i>Children and Parents: Media use and attitudes report</i>, 9 October 2014, http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/children-parents-oct-14/</p> <p>Ofcom, <i>Report on Internet safety measures, Internet Service Providers: Network level filtering Measures</i>, 22 July 2014, http://stakeholders.ofcom.org.uk/binaries/internet/internet_safety_measures_2.pdf</p> <p>Ofcom, <i>Report on Internet safety measures, Strategies of parental protection for children online</i>, 15 January 2014, http://stakeholders.ofcom.org.uk/binaries/internet/internet-safety-measures.pdf</p> <p>Ofcom, <i>Children and parents: Media use and attitudes in the nations</i>, 4 January 2014, http://stakeholders.ofcom.org.uk/market-data-research/other/research-</p>
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GR	No
HR	No



HU	<p>KOSA Éva, Médiaszocializáció, Budapest, Wolters Kluwer, 2015, http://buvosvolgy.hu/cikk/116/Mediaszocializacio</p> <p>HARTAI László, Médiaesemény esettanulmányok, Budapest, Wolters Kluwer, 2015, http://buvosvolgy.hu/cikk/115/Mediaesemeny</p> <p>NMHH, Gyerekek a képernyő előtt - Szülők gyermekeik tévénézési szokásairól, http://nmhh.hu/dokumentum/165306/kutatasi_eredmenyek.pdf</p> <p>NMHH, Online felmérés a kiskorúak médiafogyasztási szokásairól, 2015, http://mediatanacs.hu/dokumentum/166332/kiskoruk_mediafogyasztasi_szokasai_2014dec_2015feb.pdf</p> <p>ANTALOCZY Tímea, Határtalan médiakultúra, Budapest, Wolters Kluwer, 2015, http://buvosvolgy.hu/cikk/114/Hatartalan_mediakultura</p>
IE	No
IT	<p>Agcom, <i>Libro Bianco Media e Minori</i>, 2013, http://www.agcom.it/libro-bianco-media-e-minori</p> <p>Agcom & Corecom Lazio, <i>Media e Minori</i>, 2015, http://www.dimt.it/wp-content/uploads/2015/05/Sintesi-censis-Corecom_febb-2014.pdf</p> <p>Save the Children & IPSOS, <i>I Nativi digitali conoscono veramente il loro ambiente?</i>, 2014, http://images.savethechildren.it/IT/f/img_publicazioni/img263_b.pdf</p> <p>Save the Children & IPSOS, Internet and virtual sex interaction between adults and teenagers, 2014, http://risorse.savethechildren.it/files/comunicazione/Ufficio%20Stampa/Safer%20Internet%20Day%20-%20Interazioni%20sessuali%20adulti-minori%20a%20partire%20da%20Internet.pdf</p> <p>Corecom Toscana & Istituto Degli Innocenti, <i>Famiglie digitali in Toscana</i>, 2014, http://www.trool.it/it/pagine/ricerche-e-osservatorio</p>
LT	No
LU	<p>KÖNIG Andreas & STEFFGEN Georges, <i>Mediennutzung Jugendlicher in Luxemburg. Aktueller Überblick zur Nutzung von Internet und Computerspielen und erste Prävalenzdaten zur dysfunktionalen Nutzung</i>, Luxembourg, University of Luxembourg, 2015, https://www.bee-secure.lu/sites/default/files/dokument/inside%20research%20report_mediennutzung%20final.pdf</p>
LV	No
MT	No
NL	<p>GOSELT Jordy, VAN HOOFF Joris & DE JONG Menno, "Media rating systems: do they work? Shop floor compliance with age restrictions in the Netherlands", in <i>Mass communication and society</i>, 15:3 (3). 335 - 359. ISSN 1520-5436, http://doc.utwente.nl/81082/</p>
PL	<p>KRRiT, Monitoring of VOD providers, July 2013, http://www.krrit.gov.pl/dla-abonentow-i-konsumentow/ochrona-maloletnich/aktualnosci-o-ochronie-maloletnich/news,1673,dostawcy-vod-skontrolowani.html</p>



	<p>KRRiT, Monitoring of VOD providers, November 2013, http://www.krrit.gov.pl/dla-abonentow-i-konsumentow/ochrona-maloletnich/aktualnosci-o-ochronie-maloletnich/news,1671,dostawcy-vod-ponownie-skontrolowani.html</p> <p>KRRiT, Monitoring of online pornography, 2015, http://www.krrit.gov.pl/en/for-journalists/press-releases/news,2006,krrit-effectively-limits-online-pornography.html</p>
PT	<p>PEREIRA Sara & PINTO Manuel, "Making Sense of TV for Children: The Case of Portugal", in Journal of Media Literacy Education, 3:2, 2011, http://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1072&context=jmle</p> <p>Result of the COST project "Transforming Audiences, Transforming Societies" in Portugal, http://www.cost-transforming-audiences.eu/taxonomy/term/125</p> <p>Results of the EU Kids Online project in Portugal, http://www.fcsh.unl.pt/eukidsonline/</p> <p>Results of the "GAMILearning – Jogos Digitais para a Literacia Mediática e Informacional" project, http://cicant.ulusofona.pt/publications/</p>
RO	No
SE	No
SI	<p>Results of the EU Kids Online project in Slovenia, http://www.lse.ac.uk/media@lse/research/EUKidsOnline/ParticipatingCountries/slovenia.aspx</p> <p>Guidelines on media portrayal of children, http://www.varuh-rs.si/fileadmin/user_upload/pdf/Razni_dokumenti/Smernice_za_porocanje_o_otrocih_1.pdf</p> <p>Internet child sexual abuse, http://safe.si/spletno-okno/raziskave-clanki-publikacije-0</p> <p>Statistics on hate speech 2007-2012, http://safe.si/spletno-okno/raziskave-clanki-statistika</p>
SK	No





ANNEX I - Overview of the national classification systems

AT – Austria

Legal and institutional framework

Three organizations are involved in providing guidance for the rating system of audiovisual content: Österreichischen Jugendmedienkommission (JMK)⁵⁸, Alterseinstufungen der deutschen Freiwilligen Selbstkontrolle der Filmwirtschaft (FSK),⁵⁹ and Deutschen Freiwilligen Selbstkontrolle Fernsehen (FSF)⁶⁰.

The Youth Media Commission (JMK) sees itself as a service point for parents, educators and junior media consumers. It makes available its age ratings to the Austrian Länder, distributors, service providers and all other interested parties.⁶¹

The Law on AVMS sets the rating systems and watershed rules as self-regulatory mechanisms supervised by the NRA (Kommunikationsbehörde Austria – KommAustria).⁶²

Rating system and watershed

The rating guidelines of the JMK do not distinguish between linear and non-linear content.

Its age ratings refer to the degree to which a given movie is expected to have a negative effect on minors, and distinguishes 7 categories:

- Released for all age groups: in order to be released for all age groups, movies should, as a rule, be no longer than 90 minutes. Their dramatic structure should allow children below the age of six to mentally detach themselves from the story temporarily.
- Released for children from age 6: this rating assumes that elementary school children are better able to distinguish between imagination and reality.
- Released for children from age 8: children aged 8-10 years are generally already able to understand longer and more complex film plots.
- Released for children from age 10: between age 10 and 12, children have acquired sufficient media experience to understand movie scenes and assess their potential threat. They draw parallels between their own experience and what they see in the movie.

⁵⁸ <https://www.bmbf.gv.at/schulen/service/jmk/index.html>.

⁵⁹ <http://www.spio.de/index.asp?SeitID=2>.

⁶⁰ <http://fsf.de>.

⁶¹ https://www.bmbf.gv.at/schulen/service/jmk/jmk_agerating_17349.pdf?4f2jk2.

⁶² <http://www.rtr.at>.



- Released for children from age 12: twelve-year-olds are capable of following the overall story and cope with fraught-filled scenes. They are well able to distinguish between reality and fiction. Their understanding of the story is no longer tied to a chronological pattern. They can separate the essential from the non-essential and are able to understand complex stylistic artifices such as flashbacks.
- Released from age 14: this age group to all intents and purposes has viewing habits similar to those of adults. Its members wish to be seen as adults – as is confirmed by empirical studies. Their behaviour is increasingly guided by the peer group rather than the parental home.
- Released from age 16: young people of that age generally have considerable media competence. Nevertheless, movies that send socially damaging messages are still problematic. Under Austrian law, in the case of television programmes that may affect the physical, mental or moral development of minors, it must be ensured, through the choice of the time of transmission or by other measures, that minors will not normally view such programmes.

Given that Austria was one of the last European countries to open up to commercial TV channels, the watershed was initially outlined by the public broadcaster ORF as part of a self-regulatory system:⁶³

- before 20.15: children's programmes (K) and programmes classified for different age groups of minors;
- between 20.15 and 22.00: parents share responsibility with the service provider. ORF specified 3 optical signs: not appropriate for children, adults only and children programmes;
- after 22.00: all programmes allowed; fiction programmes have to be labeled individually.

Watershed was applied also to private broadcasters as first defined by the Privat-fernsehgesetz – PrTV-G⁶⁴ Article 32. The Privat-fernsehgesetz – PrTV-G was later replaced by the Law on AVMS (Audiovisuelle Mediendienste-Gesetz - AMD-G).⁶⁵ The general rules on protection of minors are laid down in Articles 39 and 42.

A watershed for catch-up services is also specified by the ORF self-regulation rules. TV programmes available as catch-up services should not appear in the VOD catalogue during the pre-watershed period of the day (i.e. before 20.15).

⁶³ <http://kundendienst.orf.at/service/humanitaeres/medienjugendschutz/kennzeichnung.html>.

⁶⁴ https://www.jusline.at/32_Schutz_von_Minderj%C3%A4hrigen_PrTV-G.html.

⁶⁵ <https://www.rtr.at/de/m/AMDG>.



BE – Belgium (French speaking Community)

Legal and institutional framework

By a decree of 21 February 2013,⁶⁶ the government of the French speaking Community of Belgium has adopted the rating system detailed below. Upon the agreement given by the NRA of France on 30 March 2004, it uses similar labels as those used in France, considering the success of the French broadcasters among viewers in the French speaking Community of Belgium.⁶⁷

If the use of the rating system is imposed by the government, the classification is made by the service providers, which have to set up an internal “viewing committee” and inform the NRA (Conseil supérieur de l’audiovisuel - CSA)⁶⁸ of its composition.

The NRA supervises this regulatory framework.

Rating system and watershed

The rating system applies both to linear and non-linear services.

Linear programmes have to be classified in 5 categories, and some of them imply a watershed:⁶⁹

- no rating: suitable for all audiences; can be broadcast anytime;
- -10: not suitable for minors under 10; can be broadcast anytime;
- -12: not suitable for minors under 12; can be broadcast between 20.00 and 6.00;
- -16: not suitable for minors under 16; can be broadcast between 22.00 and 6.00;
- -18: not suitable for minors under 18; banned.

Programmes -10, -12, -16 and -18 that are made available only through a parental code are exempted of editing the rating on the screen and of any watershed. Advertising and news programmes are also exempted of any rating and watershed. However, if content that is likely to harm minors is aired in a news programme, the presenter has to make an oral warning before airing the sequence. On several occasions, the NRA has estimated that there was no warning or that the warning was not appropriate.⁷⁰

The same rating system applies to non-linear services. The watershed rule is replaced by the obligation to make available programmes -12, -16 and -18 programmes only with the use of a parental code.

⁶⁶ <http://www.csa.be/documents/2070>.

⁶⁷ A specific rating system had first been developed, but it appeared from its assessment that it was not well understood and that the existence of two different rating systems was confusing. Since then, the French rating system is used.

⁶⁸ <http://www.csa.be>.

⁶⁹ The labels and the detailed rules are available at <http://www.csa.be/documents/show/980>.

⁷⁰ See the following case law on this issue: <http://www.csa.be/documents/2280> (08.05.2014), <http://www.csa.be/documents/1694> (26.01.2012), <http://www.csa.be/documents/1596> (15.09.2011), <http://www.csa.be/documents/819> (29.05.2008) and <http://www.csa.be/documents/790> (06.03.2008).



BE – Belgium (Flemish Community)

Legal and institutional framework

According to the Act on radio and television broadcasting,⁷¹ *“Linear television broadcasters may not broadcast any programmes which could cause serious detriment to the physical, mental or moral development of minors, in particular, programmes containing pornographic scenes or unnecessary violence. This provision shall extend to other programmes which are likely to cause detriment to the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the service area will not normally hear or see such broadcasts. Should such programmes be broadcast unencrypted, they need to be preceded by an acoustic warning or must be recognizable for the duration of the broadcast with a visual symbol”* (Article 42).

Non-linear service providers have to *“make the on-demand services that they provide, which may be seriously detrimental to the physical, mental or moral development of minors available in such a way that minors will not usually hear or see such on-demand television services”* (Article 45).

There is also an obligation imposed on distributors, which *“shall take all reasonable technical measures in order to ensure that access of minors to their broadcasting services, which would severely impair their physical, spiritual or moral development is limited, or that their offer does not comprise such services and will notify subscribers to their services of these measures. This obligation is applicable to all the broadcasting services comprised in their offer, and to the electronic programme guide or to other audiovisual or text-based information which is an integral part of the services offered”* (Article 180 §6).

The NRA supervises this regulatory framework (Vlaamse Regulator voor de Media - VRM). This is the duty of one of its two Chambers; the Chamber for impartiality and protection of minors.⁷²

Rating system and watershed

No mandatory rating or watershed system exists. It is up to the service providers to use the programming, systems, or tools that they find the most appropriate.

On a voluntary basis, the public broadcaster (VRT) and the two main private service providers (Medialaan and SBS Belgium) have developed their own rating system, with three categories (ALL, 12 and 16).⁷³

⁷¹ http://www.vlaamseregulatormedia.be/sites/default/files/act_on_radio_and_television_broadcasting.pdf.

⁷² <http://www.vlaamseregulatormedia.be/en/sanctions>.

⁷³ <http://www.vrt.be/leeftijdlabels>.



BG – Bulgaria

Legal and institutional framework

According to the Radio and Television Act:⁷⁴ *"Media service providers are required to prevent the creation or provision ... of programmes that are unfavourable or create a risk of harm to the physical, mental, moral and/or social development of children under the criteria developed by the Council for Electronic Media and the State Agency for Child Protection"* Article 17(2) and 32(5). *"The provisions of Article 17(2) shall not apply to: 1. encrypted broadcasts; 2. channels that distribute programmes between 23.00 and 6.00 pm. and are clearly marked by preceding audio and/or audio visual symbol or identified by a visual symbol throughout their duration"* Article 17(3).

The NRA (Council for Electronic Media - CEM)⁷⁵ and the State Agency for Child Protection (SACP)⁷⁶ adopted the rating system provided by the National Film Centre Executive Agency (Agency),⁷⁷ which is an administrative body under the Minister of Culture.

The National Film Categorization Commission⁷⁸ is appointed for a term of two years by order of the Executive Director of the Agency. The Commission is composed of one representative of the Ministry of Culture, one representative of the Ministry of Education, Youth and Science, three representatives of the National Cinema Council, one representative of the Agency and one psychologist.

The NRA, the SACP and service providers conclude annually by March 31 an agreement on specific content that is unfavourable or threatens to damage the physical, mental, moral and/or social development of minors.

The NRA supervises this regulatory framework.

Rating system and watershed

Programmes have to be classified in to five categories:⁷⁹

- Recommended for children. When the film confirms the ideals of humanism or popularises the national and world cultures or contributes to the upbringing of children.
- No restrictive recommendations from the Committee. When the film is in no way contrary to the universal rules of morality in this country, has no restrictive recommendations from the Committee and does not fall in rating A.
- No persons under the age of 12 are admitted unless accompanied by an adult. When the film contains certain erotic scenes or scenes with drinking, taking drugs or stimulants or a few scenes of violence.

⁷⁴ <http://lex.bg/laws/ldoc/2134447616>.

⁷⁵ <http://www.cem.bg>.

⁷⁶ <http://sacp.government.bg/english/>.

⁷⁷ https://www.nfc.bg/en/_a_ae_.

⁷⁸ https://www.nfc.bg/en/_a_an/en_a_o_-e_noeoaoea_e_aa_e.html.

⁷⁹ <http://www.nfc.bg/files/media/files/2d6e8d2745aea4ff77cea52659622eb2/Film%20Industry%20Act.doc>.



- No persons under the age of 16 are admitted. When the film contains quite a number of erotic scenes or scenes with drinking, taking drugs or stimulants or a considerable number of scenes showing violence.
- No persons under the age of 18 are admitted. When the film is naturalistically erotic or shows violence in an ostentatious manner.

The rating system applies both to linear and non-linear services.

The watershed is defined by the Radio and Television Act and the Criteria for audio-visual media classification act⁸⁰ as being between 23.00 and 06.00. A specific watershed for non-linear services is not defined. Pre-watershed programmes must be clearly marked by visual symbol, which does not exclude the liability of services providers.

The NRA supervises this regulatory framework, pursuant to the Radio and Television Act.⁸¹

⁸⁰ http://sacp.government.bg/media/cms_page_media/501/kriterii.pdf.

⁸¹ http://www.cem.bg/en/files/Radio_and_Television_Act-1.pdf.



CY – Cyprus

Legal and institutional framework

According to the Radio Television Law,⁸² broadcasters have the obligation to ensure that their channels shall not include programmes which may seriously harm the physical, spiritual or moral development of minors and particularly programmes containing pornographic scenes or scenes of excessive violence (Article 29(1)).

The obligation extends also to other programmes that are likely to harm the physical, spiritual or moral development of minors unless it is ensured, through the selection of the right time of broadcast of the programme or by other technical measures, that minors shall not watch or hear these broadcasts.

Audiovisual content providers have the obligation to ensure that these programmes are preceded by warning or are identified by the presence of a visual symbol.

The Radio Television Law prohibits:

- The broadcast of programmes within the family zone likely to seriously harm the physical, intellectual or moral development of minors and more specifically of programmes which contain sexual or violent scenes;
- The broadcast within the family zone of cartoon films which contain scenes of violence even if those who make them consider them as “films for children”, the presentation of minors as witnesses to, or victims of, criminal actions or accidents in news and other informative broadcasts of stations. This shall be allowed only exceptionally and provided it is necessary for the information of the public and does not cause pain or harm to the personality of the minor and only following the written permission from the guardian.

This regulatory framework is supervised by the regulatory authority (CRTA).

Rating system and watershed

Programmes have to be classified in five categories:

- K for programmes suitable for general viewing;
- 12 for programmes unsuitable for persons under 12;
- 15 for programmes unsuitable for persons under 15;
- 18 in a red color bracket for programmes unsuitable for persons under 18;
- A for programmes of a strong sexual content.

21.00 is the “watershed”, but it does not mark a “waterfall”, meaning that there is not a sudden switch to wholly unsuitable material. After the family zone ends, material unsuitable for children will

⁸² www.crt.a.org.cy/images/users/1/CRTA-LAW7%281%2998%20FINAL%202011.pdf.



be shown only progressively, with the more unsuitable programming shown at progressively later hours.



CZ – Czech Republic

Legal and institutional framework

The Act on RTV broadcasting⁸³ requires that visual warning labels be used if the programmes might endanger the physical, mental or moral development of minors. Such symbols shall remain on the screen throughout the time of broadcasting. As the guidance labels for audiovisual works are not specified by the law, broadcast providers associated in the ATO (Association of TV Organizations) decided to implement⁸⁴ a labelling system consensually as self-regulation. Czech Television and the private TV Prima have committed to the self-regulatory mechanism.

The NRA supervises this regulatory framework. (Rada pro rozhlasové a televizní vysílání - RRTV / Council for Radio and Television Broadcasting).⁸⁵

Rating system and watershed

Label testing has been realised in Czech Television since last year.

The children's channel Děčko rates certain programmes that might be too complicated for children by using the 8+ label. Other channels use one symbol (15+), for now only in a test phase. Script editors classify the programme content according to harmful aspects such as pornography, rough, self-serving violence, violence, fear and outrage, sex, alcohol and drugs, and offensive language.

The test will be assessed at the end of this year based on discussions with parents and child psychology and media experts. The experience to date and the interest of broadcasters led to the ATO's intention to commit to the project and, as a self-regulatory body, to develop and support it universally.

The watershed period is defined in the Act on RTV broadcasting as the period between 22.00 and 06.00.

The system for classification of non-linear programmes is not specified beyond the provision of the On-Demand Audiovisual Media Services Act,⁸⁶ which limits the access to contents which might seriously impair the physical, mental or moral development of minors according to the provisions of the AVMS directive.

⁸³ www.rrtv.cz/cz/static/cim-se-ridime/stavajici-pravni-predpisy/pdf/Act-on-RTV-broadcasting-reflecting-AVMSD.pdf.

⁸⁴ <http://www.ato.cz/en/news/ato-prepares-labelling>.

⁸⁵ <http://www.rrtv.cz>.

⁸⁶ http://www.rrtv.cz/en/static/documents/act-132-2010/132_2010-EN.pdf.



DE – Germany

Legal and institutional framework

Broadcasting content is regulated by the Interstate Broadcasting Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (JMStV),⁸⁷ prepared by the KJM (Kommission für Jugendmedienschutz der Landesmedienanstalten /Commission for the protection of minors), which is in force since 01 April 2010. The Interstate Treaty provides for the consistent protection of children and adolescents against content in electronic information and communication media that impairs or harms their development or education.

The supervisory authority is the Commission for the Protection of Minors in the Media (Kommission für Jugendmedienschutz - KJM). This commission is primarily responsible for the protection of minors in the media in commercial radio and television channels as well as telemedia services such as the Internet. It acts on behalf of the regulatory authorities as a non-state body. The KJM supervises the norms according to the Interstate Treaty on the Protection of Minors in the Media (Jugendmedienschutz-Staatsvertrag: JMStV).

Rating system and watershed

The rating system is provided by two organisations: The “Freiwillige Selbstkontrolle Fernsehen” (Organisation for the voluntary self-regulation of television - FSF) and the “Freiwillige Selbstkontrolle der Filmwirtschaft” (Voluntary Self-Regulation of the Movie Industry - FSK). The FSF⁸⁸ is an independent association that was set up by the private service providers in 1993. The German system for the protection of minors in the media is based on the principle of co-regulation/self-regulation with supervision by another authority.

Movies or series that are already classified by the Voluntary Self-regulation of Film Industry (FSK) are linked to these time schedules as well; however broadcasters can apply for an exemption and FSF examination boards can issue a special license. In these cases the channels often carry out editing before the films are submitted to the FSF.

The classifications of FSF are the following:

- Without restriction;
- Suitable for 12 years and above; primetime (20.00-22.00);
- Suitable for 16 years and above; late evening (22.00-23.00);
- Suitable only for adults; late night (23.00 - 6.00).

The classifications provided by the FSK (Voluntary Self-regulation of Film Industry)⁸⁹ are the following:

- Adults 18 years and above: late night (23.00 - 6.00);

⁸⁷ www.kjm-online.de/fileadmin/Download_KJM/Recht/JMStV_Stand_13_RStV_mit_Titel_deutsch3.pdf.

⁸⁸ <http://en.fsf.de/examination-of-programmes/>.

⁸⁹ <http://www.fsk.de/?seitid=1286&tid=480>.



- Adolescents 16 years and above: late evening (22.00 - 23.00);
- Children 12 years and above: primetime (20.00 - 22.00);
- Children under 12 years, however, cinema films classified with "12" may be shown during the daytime, if they are not considered harmful to younger children: daytime (6.00 – 20.00);
- Children 6 years and above: without restriction;
- Children 0 years and above: without restriction.

The JMStV specifies the watershed in Article 5(4): *“If an impairment of the development of children or adolescents... can be assumed, the provider shall be deemed to fulfill his obligation ... if he transmits or makes accessible the content during the period 23.00 hours to 06.00 hours only. This shall apply mutatis mutandis for the provision of content made available during the period 22.00 hours to 06.00 hours only if an impairment of the development of children or adolescents under the age of 16 years is to be feared. For films not released for children aged less than 12 years of age pursuant to the German Protection of Young People Act, the well-being of younger children shall be given priority in the scheduling of transmission.”*

Platform operators (telemedia providers) shall ensure that children or adolescents of the relevant age groups do not normally see or hear content, which might harm children. Such content shall be transmitted or made available on-demand separately from the content aimed at children (Article 5(5) of JMStV).



DK – Denmark

Legal and institutional framework

According to the Danish Executive Order on Registration-Based Programme Activity and On-Demand Audiovisual Programme Activities;⁹⁰ *“Registered broadcasters that pursue radio or television broadcasting activities must not broadcast programmes that may cause serious harm to the physical, mental or moral development of minors, including particularly programmes containing pornography or unmotivated violence. Other programmes that may cause harm to the physical, mental or moral development of minors may not be broadcast unless the choice of transmission time or technical measures are such as to ensure that minors in the broadcast area do not usually see or hear the broadcasts. When such programmes are broadcast in unencoded form, an acoustic warning shall be given before they are broadcast, or they shall be marked by a visual symbol throughout the entire duration of the broadcast”* (section 6).

Non-linear service providers *“may only make available on-demand audiovisual media services that may cause serious harm to the physical, mental or moral development of minors in such a way that minors do not usually see or hear such services. This may be through providers marking the services so as to draw attention to their harmful content”* (section 11).

The NRA supervises this regulatory framework (Radio og tv-nævnet / Radio and Television Board).⁹¹

Rating system and watershed

No mandatory rating or watershed system exists.⁹²

It is up to the service providers to use the programming, systems or tools that they find the most appropriate, and the NRA is responsible for supervising the application of these provisions. Yet, via case law,⁹³ the NRA has considered that programmes that may impair the physical, mental or moral development of minors should not be broadcast by linear service providers before 24.00 (unless encoded).

⁹⁰ <https://www.retsinformation.dk/Forms/R0710.aspx?id=130027>.

⁹¹ <http://www.kulturstyrelsen.dk/medier/radio-og-tv-naevnet/>.

⁹² A film rating system is provided by the Danish Film Institute, but it is not mandatory for broadcasters.

⁹³

http://www.kulturstyrelsen.dk/fileadmin/user_upload/dokumenter/medier/reklamer/afgoerelser/afgoerelser_2007/pornografisk020407.pdf.



EE – Estonia

Legal and institutional framework

According to Article 19 of the Media Services Act,⁹⁴ *“(2) The television or radio service provider shall not transmit the programmes that may cause substantial physical, mental or moral detriment to minors, in particular such programmes that include pornography or propagate violence or cruelty [...] (3) The programmes that may cause damage to the physical, mental or moral development of the minors and are improper for their age with the scenes involving indecent content, violence or cruelty or demonstrate unlawful behaviour shall not be transmitted by the television and radio service provider within the period from 6.00 until 22.00. (4) If the programme referred to in subsection (3) of this section is transmitted outside the noted period, a warning that announces that the subsequent programme is unsuitable for the minors shall be transmitted to the viewers before the programme in the manner understandable to the viewers or a relevant symbol about the unsuitability of this programme to the minors or some age groups of the minors shall be seen on the screen during the whole television programme”* (Article 19).

Non-linear services providers *“that may cause substantial damage to the physical, mental or moral development of a minor shall be made accessible by the on-demand audiovisual media service provider by means of personal identification codes or other relevant technical solutions only in a manner that is not accessible to the minors under normal circumstances”* (Article 19.7).

The NRA supervises this regulatory framework (Tehnilise Järelvalve Amet / Technical Regulatory Authority – TRA).⁹⁵

Rating system and watershed

There is no watershed other than the one provided for in Article 19(3) of the Act, and no rating system exists.

The Iris Bonus published in January 2015 stated, *“Broadcasters had announced in 2011 the launching of a self-regulation system for the protection of minors. As of March 2015, broadcasters were doing active work, in order to examine current rules (whether they are sufficient and into what extent) and mechanisms to assess the need for additional measures. Some tangible progress was expected for the second half of 2015”*.⁹⁶ This process is ongoing and no final results have been achieved.

⁹⁴ https://www.riigiteataja.ee/en/compare_original/506112013019, in Estonian and English.

⁹⁵ <http://www.tja.ee>.

⁹⁶ Valais S., *Comparative tables on the protection of minors in audiovisual media services*, IRIS bonus 2015-1, European Audiovisual Observatory, Strasbourg, 2015, pp. 6-7.



ES – Spain

Legal and institutional framework

According to the General Law on Audiovisual Communication,⁹⁷ *“the free transmission of audiovisual content which could cause serious physical, mental or moral detriment to minors shall be prohibited, especially programmes which include pornographic scenes or gratuitous violence. Conditional access must make provision for parental control”* (Article 7.2).

The same Article requires, for programmes that are likely to harm minors, the use of a *“visual signal”* during the broadcast of these programmes.

For non-linear services, the General Law on Audiovisual Communication provides *“where the audiovisual media service is provided through a catalogue of programmes, providers shall produce separate catalogues for content which must not be accessible to minors”* (Article 7.5).

The NRA supervises this regulatory framework (Comisión Nacional de los Mercados y la Competencia – CNMC / National Authority for Markets and Competition),⁹⁸ which has recently adopted a by-law, which specifies the different categories and criteria for classification by the service providers.⁹⁹

Rating system and watershed

Linear and non-linear service providers apply the classification system *“TV infancia”*¹⁰⁰ which has been developed through self-regulation.¹⁰¹

Programmes are classified in 7 categories, according to the criteria determined by the NRA:

- TP: suitable for all audiences;
- Children: recommended for children;
- +7: suitable for 7 years and over;
- +12: suitable for 12 years and over;
- +16: suitable for 16 years and over;
- +18: suitable for 18 years and over;
- X: for adults.

The watershed applicable to some of these categories and to certain type of content is determined by Article 7 of the law.

⁹⁷ http://noticias.iuridicas.com/base_datos/Admin/l7-2010.t2.html.

⁹⁸ <http://www.cnmc.es>.

⁹⁹ <http://www.cnmc.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1507 Julio/150709 Res CRITERIOS-DTSA-001-15-CRITERIOS%20DE%20CALIFICACION%20DE%20CONTENIDOS.pdf>.

¹⁰⁰ <http://tvinfancia.es/tvinfancia/>.

¹⁰¹ For the diverse self-regulatory initiatives developed in Spain, see <http://www.minetur.gob.es/TELECOMUNICACIONES/MEDIOSAUDIOVISUALES/CONTENIDOS/PROTECCIONMENOR/Paginas/autorregulacion.aspx> and <http://tvinfancia.es/tvinfancia/content/documentos>.



Two types of watershed are applicable:

- 18+ programmes can be broadcast between 22.00 and 06.00;
- Programmes rated +12 and above cannot be broadcast between 08.00-09.00 and 17.00-20.00 on working days and between 09.00-12.00 on Saturdays, Sundays, public holidays and on the following days: 1 and 6 January, Good Friday, 1 May, 12 October, 1 November, 6, 8 and 25 December.

There are also two different watersheds for specific kinds of programmes:

- Programmes dedicated to games of chance and betting can be broadcast between 01.00 and 05.00;
- Programmes with esoteric and/or alternative science content can be broadcast between 22.00 and 07.00.

Specific situation in Andalusia

There is no specific regulatory framework.

Specific situation in Catalonia

According to a by-law adopted on 19.12.2007 by the regional regulatory authority (Consell de l'Audiovisual de Catalunya – CAC), another rating system applies, with different criteria for classification and some categories that differ from the national system:

- Recommended for children;
- Suitable for all audiences;
- Not recommended for minors under 7;
- Not recommended for minors under 10;
- Not recommended for minors under 13;
- Not recommended for minors under 18.¹⁰²

¹⁰² http://www.cac.cat/pfw_files/cma/normativa_sa/Instruccio_infancia_i_adolescencia_senyaltzacio_i_dret_informacio.pdf.



FI – Finland

Legal and institutional framework

According to the Act on Audiovisual Programmes,¹⁰³ which applies both to linear and non-linear service providers, programmes have to be classified according to a two-part rating system.

A programme is exempted from rating if it: “1) only contains educational or cultural material; 2) only contains music, sports or replays of exercise, culture or spiritual events or other similar events and gatherings; 3) only deals with hobby crafts, well-being, discussion, games and play, fashion, gardening, construction, cooking, interior decoration, quizzes and quiz shows, or other topics offered to people of all ages; 4) only contains marketing material for goods or services; 5) only contains informative material about ideological or political activities; 6) contains topical news material; 7) is a live transmission in terms of content” (section 9).

The classification of the programs is not made by the broadcasters, but either by an official of the National Audiovisual Institute – Department for Media Education and Audiovisual Media (MEKU)¹⁰⁴ whose duties include classification using “audiovisual programme classifiers”, which have to follow a specific training and obtain a certificate from the Institute. This certificate can be revoked in case of misuse (section 22), and has to be renewed every five years (sections 12 and 13).

Rating system and watershed

The rating system is a combination of legally binding age rating (5 categories) and content descriptors (4 categories).¹⁰⁵

Age	Content
S: suitable for all	Contains violence
7: suitable for 7 years and older	Contains sex scenes
12: suitable for 12 years and older	May cause anxiety
16: suitable for 16 years and older	Contains drug use
18: only for adults	

The Act does not specify watershed but mentions that providers “must ensure that an audiovisual programme with an age limit of 7, 12 or 16 is not available for viewing by children younger than the age limit. Measures for ensuring this include: 1) broadcasting the programme on television at a time of day when children normally do not watch television, provided that programme reception does not require the use of a descrambling device; 2) making the programme available in such a way that a service that can be used to prevent the programme from being viewed is offered in connection with

¹⁰³ <https://www.finlex.fi/fi/laki/kaannokset/2011/en20110710.pdf>.

¹⁰⁴ <https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko>.

¹⁰⁵ <https://kavi.fi/fi/meku/ikarajat>.



the programme; 3) checking the viewer's age in another way when providing the programme" (section 6).

Service providers may draw up codes of conduct to promote best practices for providing audiovisual programmes and media education. The National Audiovisual Institute may inspect the codes of conduct to ensure that they comply with this Act.

All the major television companies (Yle, MTV Media, Nelonen Media, SBS Finland and Fox International) have agreed not to show 16-rated content before 21:00 and 18-rated content before 23:00.¹⁰⁶ In addition, the broadcasters have agreed to take into account the protection of minors, and the viewing habits of children in different age groups in daytime programming.

Programmes with an age limit of 18 are not to be broadcast unless *"at a time of day when people under the age of 18 normally do not watch television"* or if *"reception requires a descrambling device"* (section 6).

¹⁰⁶ <http://www.hs.fi/kulttuuri/a1392091564585>.



FR – France

Legal and institutional framework

By a recommendation of 07 June 2005 (for linear services),¹⁰⁷ and a deliberation of 20 December 2011 (for non-linear services),¹⁰⁸ the NRA (Conseil supérieur de l'audiovisuel - CSA) has adopted the rating system detailed below.

While NRA imposes the use of the rating system, it is up to the service providers to make the classification. The service providers can follow the rating system that has been applied earlier to works that have been distributed in cinemas, but have *“to check that this rating can be transposed without damage for a television broadcast and, if necessary, reinforce it”*.¹⁰⁹

Rating system and watershed

The use of the rating system implies the use certain watershed rules by linear service providers, as well as by non-linear services for one category.

On linear services, programmes have to be classified in 5 categories:

- No rating: suitable for all audiences; can be broadcast at any time;
- -10: not suitable for minors under 10; can be broadcast at any time, but not inside youth programmes;
- -12: not suitable for minors under 12; can be broadcast after 22.00, with some exceptions for cinema and pay-per-view channels;
- -16: not suitable for minors under 16; can be broadcast after 22.30, with some exceptions for cinema and pay-per-view channels;
- -18; not suitable for minors under 18; can be broadcast only between midnight and 5.00, and only on subscription channels which provide a parental code.¹¹⁰
- For non-linear services, the same classification system is applied, but with the following watershed:
 - No rating, -10 and -12: can be made available at any time;
 - -16: can be made available anytime, but between 22.30 and 5.00 only via a paying offer;
 - -18: can be made available anytime, but only via a paying offer and only in a special section of the catalogue.¹¹¹

¹⁰⁷ <http://www.csa.fr/Espace-juridique/Deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-la-protection-des-mineurs/Recommandation-du-7-juin-2005-aux-editeurs-de-services-de-television-concernant-la-signalétique-jeunesse-et-la-classification-des-programmes>.

¹⁰⁸ <http://www.csa.fr/Espace-juridique/Deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-la-protection-des-mineurs/Deliberation-du-20-decembre-2011-relative-a-la-protection-du-jeune-public-a-la-deontologie-et-a-l-accessibilite-des-programmes-sur-les-services-de-medias-audiovisuels-a-la-demande>.

¹⁰⁹ Recommendation of 07 June 2005, Article 2.

¹¹⁰ The labels and the detailed rules are available at <http://www.csa.fr/Television/Le-suivi-des-programmes/Jeunesse-et-protection-des-mineurs/La-signalétique-jeunesse/Quel-signal-pour-quel-contenu>.

¹¹¹ Recommendation of 20.12.2011.



Advertising and news programmes are exempted of any rating and watershed. However, if content that is likely to harm minors is aired in a news programme, the presenter has to make an oral warning before airing the sequence.



GB – United Kingdom

Legal and institutional framework

The British Board of Film Classification (BBFC), which is the statutory authority for age rating videos under the Video Recordings Act 1984,¹¹² has developed the rating system detailed below for movies and DVDs.

The Video Recording Act does make this rating legally binding on service providers. However, it is indeed legally binding:

- On linear services via the Broadcasting code adopted by the NRA (Ofcom),¹¹³ which refers several times to the BBFC classification;
- On non-linear services via the Audiovisual Media Services Regulations 2014, which also refers to the BBFC classification, at least for non-rated and for R18 content.¹¹⁴

The material that the BBFC considers not suitable for a classification (or not submitted to the BBFC but whose nature is such that it is reasonable to expect that, if submitted, it would be considered not suitable for a classification) is banned on linear and non-linear services.

For linear services, according to the Broadcasting Code, *“material that might seriously impair the physical, mental or moral development of people under eighteen must not be broadcast”* (Article 1.1). This includes material rated R18 by the BBFC or equivalent material (Article 1.17).

For non-linear services, ATVOD considers that *“R18 material or R18-equivalent content should only be made available in on demand programme services in a manner which secures that persons under the age of eighteen will not normally see or hear it”*¹¹⁵. This does not imply any kind of watershed in terms of availability: *“there should be in place an effective Content Access Control System (“CAC System”) which verifies that the user is aged 18 or over”* (see the “tools” chapter for more details on the system).

A Memorandum of understanding has recently been signed between ATVOD, BBFC and Ofcom in order to adopt a *“consistent approach”* to the classification of harmful content.¹¹⁶

Rating system and watershed

BBFC classifies programmes in 7 categories:

- U: Suitable for all;
- PG: Parental Guidance;

¹¹² <http://www.bbfc.co.uk/about-bbfc/faqs#F2>.

¹¹³ http://stakeholders.ofcom.org.uk/binaries/broadcast/code-july-15/Ofcom_Broadcast_Code_July_2015.pdf

¹¹⁴ http://www.legislation.gov.uk/ukxi/2014/2916/pdfs/ukxi_20142916_en.pdf See Article 2(6): *“In determining whether any material falls within subsection (3)(b) or (5)(b), regard must be had to any guidelines issued by the video works authority as to its policy in relation to the issue of classification certificates”*.

¹¹⁵ http://www.atvod.co.uk/uploads/files/ATVOD_Rules_and_Guidance_Ed_2.1_February_2014.pdf.

¹¹⁶ http://www.atvod.co.uk/uploads/files/MoU_between_ATVOD_Ofcom_and_BBFC.pdf.



- 12A: Cinema release suitable for 12 years and over;
- 12: Video release suitable for 12 years and over;
- 15: Suitable only for 15 years and over;
- 18: Suitable only for adults;
- R18: Adults works for licensed premises only.¹¹⁷

The watershed applies to *“material unsuitable for children”* (i.e. under 15 years old) and lasts from 21.00 to 5.30 (Articles 1.3. and 1.4). The code adds that *“the transition to more adult material must not be unduly abrupt at the watershed”*, that *“the strongest material should appear later in the schedule”* (Article 1.6), and that *“before the watershed, clear information about content that may distress some children should be given, if appropriate, to the audience”* (Article 1.7).

There are specific watershed rules for certain types of services:

- *“Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-20.00 and post-05.30”* (Article 1.24);
- *“Pay per view services may broadcast up to BBFC 18-rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-21.00 and post-05.30”* (Article 1.25).

Mandatory restricted access means that *“there is a PIN protected system (or other equivalent protection) which cannot be removed by the user, that restricts access solely to those authorized to view”* (Article 1.18).

¹¹⁷ <http://www.bbfc.co.uk/what-classification>.



GR – Greece

Legal and institutional framework

For linear services, according to Presidential Decree 109/2010 of 05 November 2010¹¹⁸ *“All television programmes (except for advertising and teleshopping spots) shall be classified in categories depending on the degree of the adverse impact their content may have on the personality and, in general, the moral and mental development of minors. A special symbol or acoustic signal, transmitted on the screen throughout the programme’s duration or during a specified part thereof, shall correspond to each category. In addition, the symbol must compulsory accompany the title of the television programmes in each publication or registration of these programmes in the Press and shall be transmitted throughout the respective informative self-promotion trailers of the broadcaster”* (Article 26.5).

If the government imposes the use of the rating system, the classification is made by the service providers, which have to set up an *“internal scientific committee”* (Article 26.7).

Non-linear services *“shall be only made available in such a way as to ensure that minors will not normally hear or see services which might seriously impair their physical, mental or moral development. Appropriate measures for the protection of minors include, in particular, labelling programmes, using personal identification numbers (PIN codes) and the use of a convenient filtering system”* (Article 13). There is a legal uncertainty about the application of the rating system to non-linear services: Article 13 does not explicitly impose its application, but Article 29 gives the power to the NRA to impose sanctions on non-linear service providers for a violation of Article 13. A Ministerial decision is expected to solve this legal vacuum.

The supervision of this regulatory framework is made by the NRA (Εθνικό Συμβούλιο Ραδιοτηλεόρασης – ΕΣΡ / NCRT - National Council for Radio and Television).¹¹⁹

Rating system and watershed

Linear programmes (except news programmes) have to be classified in 5 categories, some of which imply a watershed:

- Suitable for all audiences; can be broadcast at any time;
- Suitable for all audiences but parental guidance advised; can be broadcast at any time, except during the period in which children’s programmes are broadcast, as well as 30 minutes before and after this period;
- May be unsuitable for children thus parental guidance required; can be broadcast between 21.00 and 06.00 (22.00 on Fridays, Saturdays and days before public holiday);
- Suitable for children 15 years and over; can be broadcast between 22.30 and 06.00 (23.00 on Fridays, Saturdays and days before public holiday);
- Suitable only for adults; can be broadcast between 00.30 and 06.00.

¹¹⁸ <http://www.esr.gr/arxeion-xml/uploads/PD.109-2010.pdf>.

¹¹⁹ <http://www.esr.gr/>.



HR – Croatia

Legal and institutional framework

According to the Electronic Media Act, "the Electronic Media Council shall prescribe by ordinance the conduct of the broadcaster in the event referred to in paragraph 2 and 3 of this Article", Article 26, Protection of Minors.

The programme classification is defined in the Ordinance on the Protection of Minors in Electronic Media of 27 February 2015.¹²⁰

Linear and non-linear service providers are responsible for rating all programmes, especially their own production. They may take into account already existing signs, but such signs may not be below the standards stipulated by the Ordinance.

If a non-linear service provider makes available programmes that are likely to be able to impair the physical, mental or moral development of minors, the on-demand media service provider shall ensure that such programmes can be identified by means of visual symbols. Such identification should be available in the service catalogue.

The Electronic Media Regulatory Authority (AEM) supervises this regulatory framework.

Rating system and watershed

Programmes are classified in 3 categories:

- 18: programmes intended for viewers over 18; can be broadcast between 23.00 and 7.00;
- 15: programmes intended for viewers over 15; can be broadcast between 20.00 and 7.00;
- 12: programmes not suitable for children under 12; must be preceded by an audible 8warning that says, "*The following programme is not suitable for persons under the age of 12 years*".

The same categorisation is used for television and radio media service providers, on-demand media service providers and electronic publications providers in cases where the publication of programmes is likely to impair the physical, mental or moral development of minors.

Regarding films, media service providers are recommended to adopt film categorizations, which can be found in the database of the Croatian Audiovisual Centre.¹²¹

¹²⁰ http://www.e-mediji.hr/repository_files/file/580/.

¹²¹ <http://www.havc.hr/eng>.



HU – Hungary

Legal and institutional framework

The classification of media content is provided by the National Media and Infocommunications Authority, published on 19 July 2011.¹²² The Recommendation presents basic principles for the application of the law in respect of the detailed rules of the age rating of programmes, the signals applicable prior to and during the broadcasting of the various programmes and the communication of the rating.

Service providers are responsible for rating the programmes.

Supervision is shared between the NRA (Nemzeti Média- és Hírközlési Hatóság – Médiatelepítési / Media Council of the National Media and Infocommunications Authority – NMHH)¹²³ and a co/self regulatory body. The difference between self and co-regulation is not entirely clear. Article 190 of the Media law provides; “*With a view to effective achievement of the objectives and principles set forth herein and the Press Freedom Act, facilitating voluntary observance of law and achieving a more flexible system for law enforcement on media administration, the Media Council shall cooperate with the professional self-regulatory bodies and alternative dispute resolution forums of media service providers, ancillary media service providers, publishers of press products, media service distributors and intermediary service providers (hereinafter for the purposes of this chapter: self-regulatory bodies).*”

Rating system and watershed

Programmes have to be classified in 6 categories:

- Intended for a general audience. The question of comprehension should be examined if the element of potential damage is present. If a programme is not intended especially for children, the basis of assessment should be that members of the youngest age group may be part of the audience and so the viewing of the programme should cause no damage even to them.
- Not recommended for audiences under the age of 6 - programmes that do not contain scenes that portray levels of fear and aggression that a child between the ages of 6 and 12 cannot process; programmes that do not convey behavioral patterns depicting violence in an uncritical way, which the given age group is not able to interpret as fictitious; programmes that are directed at children between the ages of 6 - 12 and are, therefore, comprehensible to them.
- Not recommended for audiences under the age of 12 - the programmes recommended for classification as category III should not present content that a child between ages of 12 and 16 cannot process. Programmes specifically targeting adolescent audiences also belong to this category.

¹²² http://hunmedialaw.org/dokumentum/555/classification_Rec_EN_130111.pdf.

¹²³ <http://www.nmhh.hu>.



- Not recommended for audiences under the age of 16 - if sexual content is combined with violence, the protracted and direct representation of this is not acceptable in this age rating category. Exploitative or non-consensual sexual relationships may not be depicted in a manner suggesting that these are actually desirable for the victim or that the behaviour of the victim is the root cause of the aggression suffered.
- Not recommended for audiences under the age of 18. This category includes those programmes that do not meet the criteria of the lower categories, but do not belong to category VI either. In respect of violence, these programmes depict crude, brutal and especially cruel acts of violence; violence is depicted openly in a detailed and protracted manner.
- Severely harmful to minors. This category includes programmes that, due to their content or the manner of the presentation of the topic, cannot be assigned to category V or any other lower categories and may not be broadcasted in linear audiovisual media services. Within the limits of criminal law, however, they may be published in on-demand media services as well as linear audiovisual media services where it is guaranteed that such programmes can only be accessed by viewers over the age of eighteen.

The watershed is not defined for non-linear services. Regarding linear services programmes rated over 16 can be broadcast between 21.00 and 05.00, and programmes rated over 18 between 22.00 and 05.00.



IE – Ireland

Legal and institutional framework

Under the Broadcasting Act 2009,¹²⁴ children are defined as persons under the age of 18 years. For the purpose of regulation, the NRA (Broadcasting Authority of Ireland - BAI¹²⁵) defines children's programmes as programmes that are commonly referred to as such and/or have an audience profile of which over 50% are under 18 years of age. This principle recognises that children of different ages require different levels of protection and broadcasters provide a range of programming for children, some of which may deal with more mature themes, appropriate to the lived reality and experience of older children. Instead of classification, guidelines on criteria for classification are provided:¹²⁶

- Ensure that programme material that might seriously impair the physical, mental or moral development of children is not broadcast when children are likely to be viewing, in particular, programmes that include pornography or gratuitous violence.
- Take particular care when broadcasting programme material to children or at times when children may be watching or listening. This will include, in particular, programme material broadcast before the watershed.
- Take particular care when scheduling programming material that is broadcast either side of programmes that are likely to be watched or listened to by children, such as after the watershed, during school runs, and during school holidays.
- Take particular care to ensure that trailers and promotions for programming not reasonably regarded as suitable for children shall not be shown immediately before, during or after children's programming or before the watershed.

Rating system and watershed

The public service broadcaster RTÉ Television implements a watershed¹²⁷ of 21.00 as well as a rating system¹²⁸ in the form of small icons in the top left hand corner of their screens. The icons appear for 20 seconds at the start of programmes.

Programmes are classified in 4 categories:

- General audience (GA): a programme that would be acceptable to all ages and tastes;
- Children (CH): a programme aimed specifically at children, i.e. the pre-teenage or very young teenage audience;
- Parental supervision (PS): a programme aimed at a mature audience, i.e. it might deal with adult themes, be moderately violent, frightening or contain an occasional swear word; the classification label invites parents or guardians to consider restricting children's access;

¹²⁴ www.bai.ie/wordpress/wp-content/uploads/Broadcasting-Act-2009.pdf.

¹²⁵ <http://www.bai.ie>.

¹²⁶ <http://www.bai.ie/?download=93950>.

¹²⁷ http://www.rte.ie/radio/irp/guidelines_general.html#CAB.

¹²⁸ http://www.rte.ie/tv/onscreen_classification.html.



- Suggested for mature audience (MA): a typical “post-watershed” programme that might contain scenes of sexual activity or violence, or the dialogue might be profane.

Programmes rated MA can be broadcast only after the watershed. RTÉ's guidelines states that “A cornerstone of our contract with television viewers is the watershed and the understanding that prior to 21.00 material broadcast should be suitable for a family audience. The immediately post 21.00 broadcast period should be regarded as a graduation period towards more adult material and due allowance must be made for the potential presence of children in the audience”. More nuanced limits may also be applied; for example, RTÉ cleared a trailer for horror film “Paranormal Activity” for broadcast after 19:00, except during the Saturday evening film which many children watch.

The private broadcaster TV3 operates what it calls “the internationally accepted watershed” of 21.00.

A separate system for audiovisual content is provided by the Irish Film Classification Office (IFCO).¹²⁹ Its website is primarily a resource for the public, and for parents/guardians in particular, to research the suitability of cinema releases or video works for themselves or their families. Current cinematic certificates that are issued are:

- G – General: Suitable for all;
- PG – Parental Guidance: Parents are advised to accompany younger children;
- 12A – Minimum age for admission is 12, but younger children can be admitted if accompanied by an adult (formerly 12PG);
- 15A – Minimum age for admission is 15, but younger children can be admitted if accompanied by an adult (formerly 15PG);
- 16 – Minimum age for admission is 16;
- 18 – Only adults will be admitted.

A watershed for on demand services is not specifically defined. In the “Code of Conduct On Audiovisual Media Services”¹³⁰ it is stated that media services that might seriously impair the physical, mental or moral development of minors can only be made available by media service providers in such a way that ensures that minors will not normally hear or see such on- demand audiovisual media services. This definition applies only for services that are encrypted and falls under the conditional access category.

¹²⁹ <http://www.ifco.ie/website/ifco/ifcweb.nsf/web/classcatintro>.

¹³⁰ <http://www.bai.ie/wordpress/wp-content/uploads/Code-of-Conduct-On-Demand-Audiovisual-Media-Services.pdf>.



IT - Italy

Legal and institutional framework

The Italian Broadcasting law (Decreto Legislativo 31 luglio 2005, n. 177 "Testo unico della radiotelevisione")¹³¹ as amended by the Law on AVMS¹³² (Legislative Decree No.44 of 15 March 2010 on the Implementation of directive 2007/65/EC) and by the legislative decree no. 120¹³³ of 28 June 2012, regulates the protection of minors both on linear and non-linear services.

The NRA (Autorità per le garanzie nelle comunicazioni – AGCOM¹³⁴) adopted two deliberations in May 2013: Deliberation n°51/13¹³⁵ defining technical tools to protect minors and Deliberation n°52/13¹³⁶ where criteria for classification of programmes were further elaborated.

An additional specification of programme schedule restrictions was specified in the self-regulatory act "Codice di autoregolamentazione TV e minori"¹³⁷ in 2002.

Rating system and watershed

Instead of age groups, Italy specifies criteria for different programming periods of the day:

- From 07.00 to 23.00: television for all; programmes must take into account the needs of viewers of all ages and the fundamental educational role of families regarding the children. News programmes should avoid including brutal scenes and information that may harm the integrity or moral development of minors. Movies and dramas intended for adult audiences should be labelled by a warning sign;
- From 19.00 to 23.00: parents should supervise their children;
- From 16.00 to 19.00; television for minors. Specific protection has to be applied such as to allow clear distinction of commercial communications recognizable by children who cannot yet read and children with disabilities.

Classification of non-linear content was amended by Decree 120¹³⁸ of 28 June 2012. In addition to that the watershed was moved from 22.30 to 23.00.

¹³¹ <http://www.corecom.marche.it/normativa/scheda.php?id=9&start=0>.

¹³² http://www.eni.lu/content/download/31290/371510/file/Italy_translation.pdf.

¹³³ <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012;120>.

¹³⁴ <http://www.agcom.it>.

¹³⁵ www.agcom.it/documents/10179/540051/Delibera+51-13-CSP/e5e897fd-4913-4a35-a9e9-d6493c59642a?version=1.0.

¹³⁶ www.agcom.it/documents/10179/540051/Delibera+52-13-CSP/4802efd5-e6fb-484d-8556-2c8d67d06edb?version=1.0.

¹³⁷ www.agcom.it/documents/10179/539169/Documento+Generico+26-05-2009/86f55527-dff2-4c55-9e39-4f18faed175a?version=1.0

¹³⁸ http://www.aeranti.it/index.php?option=com_content&view=article&id=6234:decreto-legislativo-28-giugno-2012-n120-recante-modifiche-ed-integrazioni-al-decreto-legislativo-15-marzo-2010-n44-recante-attuazione-della-direttiva-200765ce-relativa-al-coordinamento-di-determinate-disposizioni-legislative-regolamentari-e-amministrative&catid=26:legislazione-base-in-materia-di-disciplina-del-sis&Itemid=4.



LT - Lithuania

Legal and institutional framework

According to the Law on the protection of minors against the detrimental effect of public information¹³⁹ and to the Resolution for the categorization and dissemination of information that might have a negative effect on minors,¹⁴⁰ programmes that are likely to impair minors have to be rated by linear services providers.

The supervision of the appropriate use of these rules is made by the “Inspector of Journalist Ethics”, with the assistance of “*a group of experts of unblemished reputation, having special knowledge*” in the field of protection of minors. These experts are appointed by the Inspector on the suggestion of the following institutions, which have to cooperate with the Inspector within the scope of their competence: the Lithuanian Radio and Television Council, the Lithuanian Radio and Television Commission, the Ministry of Culture, the Ethics Commission of the Lithuanian Journalists and Publishers, the Children’s Rights Ombudsman Institution, the executive institutions of municipalities, the Information Society Development Committee, and the Police Department under the Ministry of the Interior (Article 9).

According to the Law on Provision of Information to the public,¹⁴¹ non-linear service providers “*must ensure, in accordance with procedures specified in legislation, that on-demand public audiovisual information services which could negatively affect the mental health of minors or their physical, mental or moral development are presented in such a way as to be certain that the public audiovisual information services ordered by minors could not be heard or seen by them without the control of the people responsible for the care or training of the minors*” (Article 40.3).

Rating system and watershed

On linear services, according to Article 7 of the Law on the Protection of Minors against the Detrimental Effect of Public Information, programmes have to be rated in 3 categories, which imply the use of certain watershed rules (unless other technical measures are applied):

- N-7: not suitable for minors under 7; can be broadcast anytime;
- N-14: not suitable for minors under 14; can be broadcast between 21.00 and 06.00;
- S: not suitable for minors (i.e. under 18); can be broadcast between 23.00 and 06.00.
- For non-linear services, Article 40.3 of the Law on Provision of Information to the Public does not imply the use of the rating system and of the watershed.

¹³⁹ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363137.

¹⁴⁰ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=378922.

¹⁴¹ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=458157.



LU – Luxembourg

Legal and institutional framework

By a decree of 08 January 2015,¹⁴² the Government of Luxembourg has adopted the rating system for linear services applicable in the French speaking Community of Belgium. The same ratings apply to the same 5 categories with the same watershed, except for -18 programmes.

Due to the large amount of broadcasters targeting foreign audiences, those who target the audience of the country of reception and not the country of origin can choose to apply the rating system applicable in the country of reception, provided that *“the system of classification and protection is equivalent”* and with the prior approval of the NRA (Autorité Luxembourgeoise Indépendante de l'Audiovisuel - ALIA¹⁴³), which is also in charge of the overall supervision of the classification system.

For non-linear services, three options are left to service providers:

- Using the rating system of the country of origin;
- Using the rating system applicable in the country of origin of the rated work;
- Using the rating system applicable in the country of reception.
- As well as for linear services, the two latter options are open only if the NRA has considered that the system is equivalent.

Rating system and watershed

The rating system applies both to linear and non-linear services.

Linear programmes have to be classified in 5 categories, and some of them imply a watershed:

- No rating: suitable for all audiences; can be broadcast at any time;
- -10: not suitable for minors under 10; can be broadcast at any time;
- -12: not suitable for minors under 12; can be broadcast between 20.00 and 6.00;
- -16: not suitable for minors under 16; can be broadcast between 22.00 and 6.00;
- -18: not suitable for minors under 18; can be broadcast between 24.00 and 5.00;

The same rating system applies to non-linear services, without watershed. The watershed rule is replaced by the obligation to use a parental code.

¹⁴² <http://www.legilux.public.lu/leg/a/archives/2015/0007/a007.pdf>.

¹⁴³ <http://www.alia.lu>.



LV – Latvia

Legal and institutional framework

According to the Electronic Mass Media law,¹⁴⁴ the following rules apply to linear service providers: “(9) Audio and audiovisual works displaying physical or psychological violence, bloody or horror scenes, scenes relating to sexual acts and the use of drugs or containing foul language may not be transmitted between the hours of 07:00 and 22:00. (10) The electronic mass media may not distribute audio and audiovisual works with content that may be harmful to the physical, mental and moral development of minors, unless they have been scheduled for a time other than that referred to in Paragraph nine of this Section, or if the electronic mass media provide conditional access control. If conditional access control is not ensured, an acoustic warning shall be provided before such audiovisual works and they must be specially marked with a visual symbol” (section 24).

For non-linear services, “(3) In a catalogue and during transmission films shall be marked with the appropriate film classification index as indicated in the Cabinet Regulations. (4) When providing on-demand services which might seriously impair the physical, mental and moral development of minors, the electronic mass medium shall ensure conditional access control for such services (so that they are not receivable under normal conditions)” (section 23).

This framework is supervised by the NRA (Nacionālā elektronisko plašsaziņas līdzekļu padome - NEPLP / National Electronic Media Council),¹⁴⁵ except for the rating system, the application of which is supervised by the National Film Center (Nacionālais kino centrs).¹⁴⁶

Rating system and watershed

A Cabinet Regulation¹⁴⁷ has determined the following rating system, which is applicable to linear and non-linear service providers:

- U: suitable for all;
- 7+: suitable for minors of 7 years and older;
- 12+: suitable for minors of 12 years and older;
- 16+: suitable for minors of 16 years and older;
- 18+: not suitable for minors.

This rating system only applies to movies.

The watershed does not specifically apply to one or several categories. For example, a programme 18+ might be broadcast before 22.00 and another rated 12+ might not be, depending on their compliance with section 24.9 of the law, which is checked by the NRA on a case by case basis.

¹⁴⁴ <http://neplpadome.lv/en/home/electronic-mass-media-law.html>.

¹⁴⁵ <http://www.neplpadome.lv>.

¹⁴⁶ <http://www.latfilma.lv/nfc>.

¹⁴⁷ http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_587_-_Classification_of_Films.doc.



MT - Malta

Legal and institutional framework

According to secondary legislation (“Television Programmes Regulations - 350/1”),¹⁴⁸ an audiovisual work (i.e. “a cinematographic work or a work created by a process analogous to cinematography and also includes any film made for television and any creative audiovisual work”) cannot be broadcast unless it has been granted and delivered by a person appointed by the service providers for this task (Articles 2, 3 and 4).

A certificate is “a statement that the work concerned is suitable for general viewing at any time (with or without advice as to the desirability of parental guidance with regard to the viewing of the work by young children or as to the particular suitability of the work for viewing by children) or a statement that the work concerned is suitable for viewing only after a time stated in the certificate” (Article 5).

Besides this system of certificate for audiovisual works, another secondary legislation (“Requirement as to standards and practice applicable to the family viewing and listening - 350/18”)¹⁴⁹ has established the rating system for linear services described below.

In October 2014 the NRA (Broadcasting Authority of Malta¹⁵⁰) launched a public consultation on a draft “Code for the Protection, Welfare and Development of Minors on the Broadcasting Media”¹⁵¹ which would replace the current “Broadcasting Code for the Protection of Minors 350/5”¹⁵² and introduce a new rating system. This work is still in progress.

Rating system and watershed

According to secondary legislation 350/18, linear programmes have to be classified in 5 categories:

- U: for all ages;
- PG: parental guidance required;
- 12: suitable for minors 12 years and older;
- 16: suitable for minors 16 years and older;
- AO: for adults only.

The same secondary legislation has fixed a watershed at 21.00, but without linking it to any of these categories.

¹⁴⁸ <http://www.ba-malta.org/file.aspx?f=1061>.

¹⁴⁹ <http://www.ba-malta.org/file.aspx?f=1078>.

¹⁵⁰ <http://www.ba-malta.org>.

¹⁵¹ <http://www.ba-malta.org/file.aspx?f=1456>.

¹⁵² <http://www.ba-malta.org/file.aspx?f=1065>.



NL – Netherlands

Legal and institutional framework

Linear service providers apply the rating system “Kijkwijzer”.¹⁵³ It is a self-regulatory system managed by the Netherlands Institute for the Classification of Audiovisual Media (NICAM),¹⁵⁴ whose members are 2.200 companies representing all the audiovisual sector (service providers, producers, distributors, cinemas, video retailers etc.). There is no legal obligation to be member of NICAM and to apply Kijkwijzer system, but broadcasters that are not members of NICAM cannot broadcast rated content and fall under the direct supervision of the NRA.¹⁵⁵

The overall supervision of the efficiency of the system is also in the hands of the NRA (Commissariaat voor de Media - CVDM¹⁵⁶).

Non-linear service providers can make available rated content without the obligation to be a member of NICAM. However, the main VOD providers, which are members of the national platform VODNET, have become members of NICAM on a voluntary basis.¹⁵⁷ Besides, non-linear services provided by the public service broadcaster (NPO) have to apply both Kijkwijzer and the watershed.

Kijkwijzer is meant to be applied on all audiovisual platforms (cinemas, DVDs, videos and television), except for games on which the (very similar) rating system PEGI¹⁵⁸ is applicable. News and live programmes are not rated, but the broadcasters have an obligation in this case take the time of broadcast into consideration and, if necessary, impose a warning.

Rating system and watershed

Kijkwijzer consists in a two-part rating system, one about age recommendation (5 categories) associated with another one about content descriptors (6 categories):

Age	Content
AL: all ages	Violence
6 : take care with children under 6	Fear
9: take care with children under 9	Sex
12: take care with children under 12	Discrimination
16: take care with children under 16	Drug and alcohol abuse
	Coarse language

¹⁵³ <http://www.kijkwijzer.nl/english>.

¹⁵⁴ <http://www.kijkwijzer.nl/nicam>.

¹⁵⁵ http://wetten.overheid.nl/BWBR0025028/geldigheidsdatum_17-09-2015.

¹⁵⁶ <http://www.cvdn.nl>.

¹⁵⁷ <http://www.vodned.nl/185/>.

¹⁵⁸ <http://www.kijkwijzer.nl/about-peg>.



On linear services, the broadcasters have to apply a watershed to the two last age categories: from 20.00 to 06.00 for -12 programmes, and from 22.00 to 06.00 for -16 programmes.



PL – Poland

Legal and institutional framework

The categorization of audio-visual content was determined by the NRA (Krajowa Rada Radiofonii I Telewizji - KRRIT /National Broadcasting Council)¹⁵⁹ in a regulation from 23.6.2005 (below the official translation provided by the regulator).¹⁶⁰

Minors under 18 should not watch programmes or other broadcasts featuring scenes or contents that:

- Unilaterally show the privileges of adult life while ignoring the duties, work, obligations and decisions of significance for their life without due regard to their consequences, that provide social justification for aggression, vulgarity, prejudice and negative social stereotypes, that feature sex, aggression and breaching upon moral standards as a source of success in life;
- Present distorted image of human nature consisting in the search for solely egoistic pleasures, striving for success at any cost with the use of other persons for one's own purposes, justify violence, treat sex as a source of dominance;
- Display images of sex, particularly accompanied by violence and coercion, of pathological forms of sexual life, as well as images of aggression, especially presented in a naturalistic and brutal manner;
- Show attractive persons (e.g. in terms of looks, wealth, success) who behave in a morally reprehensible, aggressive, dishonest and vulgar manner, without any judgment of inappropriateness of such behaviour, and that demonstrate the rewarding of symptoms of social pathology.

The NRA supervises this regulatory framework.

Rating system and watershed

Programmes have to be classified in 4 categories:

- Contains programmes or other broadcasts that may be watched by all viewers irrespective of their age, including pre-school age minors. These programmes substantially present a positive (or neutrally described) image of the world, in a mild emotional climate, exhibiting pro-social outlooks and friendly attitudes towards people; they are replete with positive emotions like: joy, admiration, happiness, sympathy. They may show rivalry in sports with specified rules (with the exclusion of drastic scenes) and exhibit positive patterns of love without sexual images (e.g. of romantic, caring or friendly love).

¹⁵⁹ <http://www.krrit.gov.pl>.

¹⁶⁰ http://www.krrit.gov.pl/Data/Files/_public/pliki/regulations/23june2005.pdf.



- For minors under 7; should not watch programmes that present the image of the world arousing fear or disgust and negative attitudes towards other people and the environment, display contents in the case of which the moral judgment of heroes' behaviour requires insight and differentiating of reasons, intentions and motives, evoke strong emotions, especially negative, such as fear, terror, anger etc., whose heroes, regardless of the degree of realism (hence, also in cartoons) behave in a manner that is not suitable for children to follow.
- For minors under 12; should not watch programmes that contain accumulation of negative facts and events such as violence or vulgar behaviour, create a vision of a hostile and threatening world and exhibit interpersonal relations as a struggle and rivalry, show scenes of violence and sex that depict an idea in a film that the child is not able to understand, arouse strong excitement related to images of violence and dangerous entertainment as well as kindle interest in sex, violence is portrayed without any consequences.
- For minors under 16; should not watch programmes that depict distorted forms of social intercourse (or human coexistence) and equate the world with violence and eroticism, and particularly present them in a primitive and brutal manner, and exhibit images of sexual activity devoid of higher emotions; provide a simplified vision of maturity excessively exposing: physical strength, use of violence, particularly demonstrated in social roles; evoke strong feelings and emotions related to violence and sex; might incline to morally repulsive behaviour by presenting attractive characters that, simultaneously, represent the model of negative behaviour.
- Categories 1 to 3 have no watershed. Programmes of category 4 can be broadcast between 20.00 and 06.00.

Programmes or other broadcasts containing scenes or contents which may have an adverse impact upon a healthy physical, mental or moral development of minors, other than those of categories 1 to 4, can be broadcast only between 23:00 and 06:00, and do not need to be labelled.



PT – Portugal

Legal and institutional framework

The NRA (Entidade Reguladora para a Comunicação Social – ERC /Regulatory Authority for the Media)¹⁶¹ gave service providers incentives to adopt a common rating system, which should also take into account the ratings of the Portuguese Board of Classification (Comissão de Classificação de Espectáculos).¹⁶²

Three broadcasters (RTP, SIC and TVI) adopted the common rating system.¹⁶³

The NRA is supervising the appropriate use of rating systems of linear and non-linear service providers.

Rating system and watershed

Programmes are classified in 4 categories:

- Programmes for all audiences;
- Programmes for viewers aged 10 or older;
- Programmes for viewers aged 12 or older;
- Programmes for viewers age 16 or older; the content of these programmes can prove to influence negatively the development of personality of children and adolescents.

The watershed for linear content is defined by the Media law (between 22.30 and 6.00);¹⁶⁴ any programme which is likely to have an adverse effect on the development of children or adolescents is only to be broadcast on television while permanently displaying an appropriate visual symbol.

No watershed for non-linear services is specified.

¹⁶¹ <http://www.erc.pt>.

¹⁶² http://www.fpf.pt/Portals/0/Documentos/Centro%20Documentacao/LegislacaoDesporto/Recintos/dl_23_2014.pdf.

¹⁶³ http://www.tvi.iol.pt/pdf/sinalizacao_de_emissao_explicacao_para_sites_versao2.pdf.

¹⁶⁴ <http://www.anacom.pt/render.jsp?contentId=1105532>.



RO - Romania

Legal and institutional framework

Linear and non-linear service providers have the responsibility for classifying programmes according to Regulatory Code of the Audiovisual Content¹⁶⁵ adopted by the NRA (Consiliul National Al Audiovizualului – CNA/National Audiovisual Council).¹⁶⁶

Rating system and watershed

Programmes have to be classified in 6 categories:

- Programmes accessible to all categories of audience, without any restrictions or warning signs;
- AP: programmes that may be viewed by minors aged under 12 only with the parents permission or together with the family;
- 12: programmes prohibited to minors under 12;
- 15: programmes prohibited to minors under 15;
- 18: programmes prohibited to minors under 18, other than pornographic audiovisual productions, that are prohibited to the public under 18 in the USA and in the European Union to the public under 18: horror or erotic movies, extremely violent movies, programmes sponsored by the producers of alcoholic drinks;
- 18+: programmes prohibited to minors, pornographic films or programmes whose main aim is to present in detail sexual intercourse or the means to satisfy sexual needs, or programmes presenting real-life sexual activity, irrespective of the filming manner.

For the classification of audiovisual fiction works, the audiovisual media service providers shall also be guided by the classification established by the producer, or as the case may be, by the classification under which the film was broadcast in other countries, while avoiding less restrictive labelling.

A three-tier watershed is used:

- Programmes 12 shall be broadcast only after 20:00 accompanied by a warning sign;
- Programmes 15 shall be broadcast only between 23.00 and 6.00 and shall be permanently accompanied by a warning sign;
- Programmes 18 shall be broadcast only between 1.00 and 6.00 and shall be permanently accompanied by a warning sign.

¹⁶⁵ <http://www.cna.ro/Decision-no-220-dated-February.html>.

¹⁶⁶ <http://www.cna.ro/>.



The watershed for non-linear service is not defined. The Regulatory Code of the Audiovisual Content published by the Decision n°220 of 24 February 2011 stipulates that during video-on-demand audiovisual media services, programmes which might impair the physical, mental or moral development of minors shall be made available only under the condition that access restriction measures are being provided for parental control system, so that minors cannot normally see or hear the respective programmes.



SE – Sweden

Legal and institutional framework

According to chapter 5 of the Radio and Television Act,¹⁶⁷ *“Programmes containing portrayals of violence of a realistic nature or pornographic images which are broadcast on television must either be preceded by a verbal warning or contain a warning text continuously displayed on the screen throughout the broadcast. Such programmes may not be broadcast at times and in a manner that would create a considerable risk of children viewing the programmes unless the broadcast is nevertheless defensible on special grounds”* (section 2).

For non-linear services, the same Act states that *“Programmes provided by on-demand TV and which contain detailed portrayals of violence of a realistic nature or pornographic images may not be provided in such a manner that creates a considerable risk of children viewing the programmes, unless this is nevertheless defensible on special grounds”* (section 3).

The NRA supervises this regulatory framework (Myndigheten för radio och tv / Swedish Broadcasting Authority – SBA).¹⁶⁸

Rating system and watershed

This regulatory framework does not imply any rating or watershed system. However, through a provision included in their licenses upon the initiative of the NRA, linear service providers apply a 21.00 watershed.

¹⁶⁷ <http://www.radioochtv.se/Documents/Styrdokument/Radio%20and%20Television%20Act.pdf?epslanguage=sv>.

¹⁶⁸ <http://www.radioochtv.se>.



SI - Slovenia

Legal and institutional framework

The rating system is defined by a decree of 14 October 2013 which applies both to linear and non-linear services.¹⁶⁹

The Law on AVMS¹⁷⁰ specifies the rules for protection of minors for linear and non/linear services. Content not suitable for minors under 18 is banned on linear services, and content which might impair the development of minors has to comply with watershed rules. Content not suitable persons under the age of 18 is allowed on non-linear services under the condition that minors have no access to such services. A VOD service which is contains content that likely to impair the development of minors has to be equipped with an acoustic warning and a visual label. VOD service providers are also obliged to provide information about the programme category accessible in the programme catalogue. This information is intended for parents but there are no requirements for technical protection when minors are accessing VOD services via personal devices such as smartphones and tablets.

There is no watershed for non-linear services.

Although the rating system is a legal obligation for all service providers, internet, cable and mobile operators established an additional self-regulatory system.¹⁷¹

The NRA supervises this regulatory framework (Agencija za komunikacijska omrežja in storitve Republike Slovenije – AKOS / Agency for Communication Networks and Services of the Republic of Slovenia).¹⁷²

Rating system and watershed

Programmes have to be classified in 4 categories:

- Suitable for minors under supervision of the parent;
- Not suitable for children under 12: not to be broadcast before 21.00;
- Not suitable for minors under 15; not to be broadcast before 22.00;
- Not suitable for minors under 18; can be broadcast between 00.00 and 05.00.

¹⁶⁹ <http://www.uradni-list.si/1/objava.jsp?urlid=20133113>.

¹⁷⁰ <http://www.uradni-list.si/1/objava.jsp?urlid=201187&stevilka=3715>.

¹⁷¹ www.amis.net/web3/files/docs/Kodeks_ravnanja_za_zascito_uporabnikov_2013.pdf.

¹⁷² <http://www.akos-rs.si>.



SK – Slovakia

Legal and institutional framework

The rating system is provided by the Ministry of Culture of the Slovak Republic in the decree 589 of 3 December 2007.¹⁷³

Amendments to the classification published in Decree 50 on 14 March 2013 improved the description of harmful content of particular age categories and changed the limitations of the under 12 age group. The restrictions applied to this category were extended also to non-linear services.

Each service provider is responsible for the rating of its programmes. This obligation does not apply to self-promotion.

The NRA supervises this regulatory framework¹⁷⁴ (Rada pre vysielanie a retransmisiu – RVR / Council for Broadcasting and Retransmission – CBR).¹⁷⁵

Rating system and watershed

Programmes have to be classified in 4 categories:

- Under 7; inappropriate where there is content showing aggressively attacking animals, images of a dark and gloomy colours or scenes with excessively loud music or sudden changes in sound, forced violence against the powerless, especially against children or animals, presentation of threats to parental relations;
- Under 15; inappropriate where there are images of physical aggression, animal cruelty, sexual scenes that are part of the storyline, displaying addiction such as alcoholism, smoking and drugs, displaying behaviour that may have a high health risk;
- Under 12; inappropriate where there is content provoking anxiety and depression, showing helplessness of adults to the outside world and threats to the family environment, images of real violence, showing negative experiences of children, nudity that is not common in family environment, extreme sports or superhuman fantasy content;
- Under 18; inappropriate where there are images of violence, verbal aggression, demonstrations of intolerance or hatred, addiction, including alcoholism, smoking, drug or gambling, erotic/sexual scenes, and horror.

The watershed is defined in the Decree 589 as a period between 22.00 and 06.00. In 2013 the watershed definition was amended to the period between 20.00 and 22.00, and the watershed for categories 7 and 12 was extended for two hours (20.00 to 06.00).

¹⁷³ <http://www.culture.gov.sk/extdoc/2613/decree%20589%20update>.

¹⁷⁴ www.rvr.sk/cms/data/modules/download/1390832132_zakon_308_2000_2014-01-01.pdf.

¹⁷⁵ <http://www.rvr.sk/sk>.



ANNEX II - Country factsheets

AT – Austria

AT - Austria		
1.	Classification	
1.1.	Rating system for linear services	7 categories: all, 6, 8, 10, 12, 14 and 16 (Self-regulatory system) Austrian Board of Media Classification (ABMC) https://www.bmbf.gv.at/schulen/service/jmk/jmk_agerating_17349.pdf?4f2jk2
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	Before 20.15 for children's programmes Between 20.15 and 22:00 Parental supervision (PS) After 22.00 (no end time specified) for all programmes
1.5.	Watershed for non-linear services	Only for public broadcaster, via self-regulation (same as for linear services)
1.6.	Supervision	Kommunikationsbehörde Austria – KommAustria http://www.rtr.at/
2.	Concepts	
2.1.	Definition of "might seriously impair"	No <i>Source: n/a</i>
2.2.	Definition of "likely to impair"	No <i>Source: n/a</i>
2.3.	Definition of "pornography"	No <i>Source: n/a</i>
2.4.	Definition of "gratuitous violence"	No <i>Source: n/a</i>
2.5.	Rules applicable to "might seriously impair" content on linear services	Banned
2.6.	Rules applicable to "might seriously impair" content on non-linear services	Allowed with protection
2.7.	Rules applicable to "likely to impair"	Allowed with protection



	content on linear services	
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	Conditional access required for programmes which are “ <i>primarily restricted to the uncritical presentation of sexual acts</i> ” AVMS Act, Article 42 (4) https://www.rtr.at/de/m/AMDG
3.3.	Rules applicable to non-linear services	Conditional access required for programs which might seriously impair minors AVMS Act, Article 39 https://www.rtr.at/de/m/AMDG
4.	Studies	
4.1.	No	



BE – Belgium FR

BE – Belgium (French speaking Community)	
1.	Classification
1.1.	Rating system for linear services 5 categories: all, 10, 12, 16 and 18 http://www.csa.be/documents/show/980
1.2.	Rating system for non-linear services Same as for linear services
1.3.	Decision on the rating Service providers, which have to set up an internal “viewing committee” and inform the NRA of its composition
1.4.	Watershed for linear services 20.00 – 6.00 for 12 programmes (unless parental code) 22.00 – 6.00 for 16 programmes (unless parental code) Ban for 18 programmes (unless parental code)
1.5.	Watershed for non-linear services No
1.6.	Supervision Conseil supérieur de l’audiovisuel – CSA http://www.csa.be
2.	Concepts
2.1.	Definition of “might seriously impair” No Source: n/a
2.2.	Definition of “likely to impair” “repeated recourse to physical or psychological violence” (12) “including erotic scenes or strong violence” (16) “including pornographic scenes or very strong violence” (18) Additional considerations provided via case law Source: Decree of 21.02.2013 on the protection of minors http://www.csa.be/documents/2070 Case law – summarised in a recommendation of the NRA on the protection of minors http://www.csa.be/documents/2230



2.3.	Definition of “pornography”	No <i>Source:</i> n/a
2.4.	Definition of “gratuitous violence”	<i>“complacent exposure of sadistic and humiliating behaviours”;</i> <i>“lack or trivialization of the artistic, aesthetic or political dimension of violence”;</i> <i>“very strong violence in a sexual context”</i> <i>Source:</i> <i>Case law – summarised in a recommendation of the NRA of on the protection of minors</i> http://www.csa.be/documents/2230
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Banned
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	Every platform distributing a service with a parental code must put in place a system which ensures that the original access code is exclusively communicated to a user older than 18 Every platform distributing a service with a parental code must ensure the compatibility of the conditional access system of its set-to-box with the metadata provided by the service provider The conditional access system must meet several requirements detailed in the decree of 21.02.2013 http://www.csa.be/documents/2070
3.2.	Rules applicable to linear services	Services using a parental code must give to the platform all the metadata about the rating applied to their programmes Linear services do not have to apply the rating system and the watershed if the program is accessible only with a parental code http://www.csa.be/documents/2070



3.3.	Rules applicable to non-linear services	<p>Services using a parental code must give to the platform all the metadata about the rating applied to their programmes</p> <p>Programmes rated 12, 16 and 18 can be made available only with a parental code</p> <p>http://www.csa.be/documents/2070</p>
4.	Studies	
4.1.	No	

BE – Belgium NL

BE – Belgium (Flemish Community)		
1.	Classification	
1.1.	Rating system for linear services	<p>The public broadcaster (VRT) and the two main private broadcasters (Medialaan and SBS Belgium) have developed their own rating system on a voluntary basis</p> <p>3 categories: ALL, 12 and 16</p> <p>http://www.vrt.be/leeftijdlabels</p>
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	No
1.5.	Watershed for non-linear services	No
1.6.	Supervision	<p>No supervision of the rating system, which is fully self-regulatory. General supervision of the regulatory framework by Flemish Regulatory Authority for the Media (Vlaamse Regulator voor de Media - VRM)</p> <p>http://www.vlaamseregulatormedia.be</p>
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<p>Source:</p> <p>n/a</p>
2.2.	Definition of “likely to impair”	No
		n/a
2.3.	Definition of “pornography”	No
		<p>Source:</p> <p>n/a</p>



2.4.	Definition of “gratuitous violence”	No <i>Source:</i> n/a
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	Platform providers <i>“shall take all reasonable technical measures in order to ensure that access of minors to their broadcasting services, which would severely impair their physical, spiritual or moral development is limited, or that their offer does not comprise such services and will notify subscribers to their services of these measures. This obligation is applicable to all the broadcasting services comprised in their offer, and to the electronic programme guide or to other audiovisual or text-based information which is an integral part of the services offered”</i> Radio and Television Broadcasting Act, Article 180 §6 http://www.vlaamseregulatormedia.be/en/documents
3.2.	Rules applicable to linear services	No specific tool required
3.3.	Rules applicable to non-linear services	No specific tool required
4.	Studies	
4.1.	No	



BG – Bulgaria

BG - Bulgaria		
1.	Classification	
1.1.	Rating system for linear services	5 categories: all, children, 12, 16 and 18 NFC (National Film Categorisation Commission) ¹⁷⁶
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	23.00 – 6.00 for programmes which are likely to harm minors Watershed not linked with any categories
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Council for Electronic Media - СЕМ (СЪВЕТ ЗА ЕЛЕКТРОННИ МЕДИИ) http://www.cem.bg
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No <i>Source: n/a</i>
2.3.	Definition of “pornography”	<p><i>“Pornographic material is prepared in any way, indecent, unacceptable or incompatible with public morality material whose content represents real or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism and lascivious exhibition of sexual organs of a person”</i></p> <p><i>“pornographic performance is the live or in real time in front of another lascivious exhibition of sexual organs of a person under 18 years of age, or the participation of such person in real or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism”</i></p> <p><i>Source :</i> <i>Criminal code, Articles 93 §28 and 93 §30</i> http://www.lex.bg/bg/laws/ldoc/1589654529</p>

¹⁷⁶ <http://www.nfc.bg/files/media/files/2d6e8d2745aea4ff77cea52659622eb2/Film%20Industry%20Act.doc>



2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	Watershed is not required if programmes are broadcast in an encoded form
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	No	



CY – Cyprus

CY – Cyprus		
1.	Classification	
1.1.	Rating system for linear services	5 categories: all, 12, 15, 18 and strong sexual content
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	21.00 (no end time specified) for programmes which are likely to harm minors Watershed not linked with any categories
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Cyprus Radio-Television Authority - CRTA (Αρχή Ραδιοτηλεόρασης Κύπρου) http://www.crt.a.org.cy
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	<i>“on-demand audiovisual media service providers must have and must advise the Authority of additional</i>



		<p><i>technical means, in addition to labelling, especially user-friendly filtering systems and PIN codes which shall be provided to the parents/guardians of minors when they subscribe to a service provider, so that they can ensure that access for minors is blocked to services which might impair their physical, mental or moral development.”</i></p> <p>Radio Television Law, Article 31 (b)</p> <p>http://www.crt.a.org.cy/images/users/1/CRTA-LAW7%281%2998%20FINAL%202011.pdf</p>
4.	Studies	
4.1.	No	



CZ – Czech Republic

CZ – Czech Republic		
1.	Classification	
1.1.	Rating system for linear services	2 categories: 8 and 15 (Self-regulatory system under development) http://www.ato.cz/en/news/ato-prepares-labelling
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	22.00 – 6.00 for programmes which are likely to harm minors Watershed not linked with any categories
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Council for Radio and TV Broadcasting - RRTV (Rada pro rozhlasové a televizní vysílání) http://www.rrtv.cz
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No



3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	No	



DE – Germany

DE - Germany		
1.	Classification	
1.1.	Rating system for linear services	4 categories: all, 12, 16 and 18 http://en.fsf.de/examination-of-programmes/
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	FSF (Freiwillige Selbstkontrolle Fernsehen)
1.4.	Watershed for linear services	20.00 – 22.00 for 12 programmes 22.00 – 23.00 for 16 programmes 23.00 – 6.00 for 18 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Commission for the Protection of Minors (Kommission für Jugendmedienschutz – KJM) http://www.kjm-online.de
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No <i>Source: n/a</i>
2.3.	Definition of “pornography”	<i>“a portrayal in which sexual practices come to the fore in an overtly crude manner at the expense of other human interaction and activity and which is entirely or primarily concerned with sexual stimulation, and that clearly oversteps the bounds of generally accepted social values in its depiction thereof”</i> <i>Source:</i> <i>Case law Federal supreme Court (no online reference)</i>
2.4.	Definition of “gratuitous violence”	<i>“cruel or otherwise inhuman acts of violence against a person in a manner devised to glorify or trivialise such acts of violence or devised to present the cruel or inhuman nature of the act in a manner which violates human dignity”</i> <i>Source:</i> <i>Interstate Treaty on the protection of minors – JMStV, Article 4 (1) 5</i> http://www.kjm-online.de
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned



2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	Separate catalogue required for programmes which are likely to harm minors
4.	Studies	
4.1.	<p>Yearly JIM studies (media literacy of 12-19 years old) available at: http://www.mpfs.de/index.php?id=276</p> <p>Yearly KIM studies (media literacy of 6-13 years old) available at: http://www.mpfs.de/index.php?id=462</p> <p>Yearly mini-KIM studies (media literacy of 2-5 years old) available at: http://www.mpfs.de/index.php?id=660</p> <p>DREYER Stefan & HAJOK Daniel, <i>Jugendschutzprogramme: Aktueller Forschungsstand zur Nutzung und Akzeptanz bei Eltern</i>, JMS Report, Februar 1/2012, http://www.jms-report.nomos.de/fileadmin/jms/doc/Aufsatz_JMS-Report_12_01.pdf</p> <p>Several other articles available at: http://www.hans-bredow-institut.de/de/search/node/Jugendschutzprogramme</p>	



DK – Denmark

DK – Denmark		
1.	Classification	
1.1.	Rating system for linear services	No
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	<i>n/a</i>
1.4.	Watershed for linear services	24.00 (no end time specified) for programmes which are likely to impair minors
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Radio and Television Board (Radio og tv-nævnet) http://www.kulturstyrelsen.dk/medier/radio-og-tv-naevnet/
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source:</i> <i>n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source:</i> <i>n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source:</i> <i>n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source:</i> <i>n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tool required



		Watershed is lifted if programmes are broadcast in an encoded form
3.3.	Rules applicable to non-linear services	No specific tool required
4.	Studies	
4.1.	No	



EE – Estonia

EE – Estonia		
1.	Classification	
1.1.	Rating system for linear services	No
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	n/a
1.4.	Watershed for linear services	22.00 – 6.00 for “programmes that may cause damage to the physical, mental or moral development of the minors and are improper for their age with the scenes involving indecent content, violence or cruelty or demonstrate unlawful behavior” Media Services Act, §19 (3) https://www.riigiteataja.ee/en/eli/511052015002/consolide
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Technical Surveillance Authority (Tehnilise Järelvalve Amet) http://www.tja.ee
2.	Concepts	
2.1.	Definition of “might seriously impair”	“programmes that include pornography or propagate violence or cruelty”
		Source: Media Services Act, §19 (2) https://www.riigiteataja.ee/en/eli/511052015002/consolide
2.2.	Definition of “likely to impair”	No
		Source: n/a
2.3.	Definition of “pornography”	“a manner of representation in which sexual acts are brought to the foreground in a vulgar and intrusive manner and other human relations are disregarded or relegated to the background”
		Source: Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty, §1 (2) 3) https://www.riigiteataja.ee/en/eli/520012015009/consolide
2.4.	Definition of “gratuitous violence”	“promotion of violence or cruelty” means “depiction of violence or cruelty which exceeds the limits of justified self-defense in an approving manner for the purpose of promoting violent or cruel behavior among people”



		<p><i>Source:</i></p> <p><i>Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty, §1 (2) 4)</i></p> <p>https://www.riigiteataja.ee/en/eli/520012015009/consolide</p>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tool required
3.3.	Rules applicable to non-linear services	<p><i>“On-demand audiovisual media service that may cause substantial damage to the physical, mental or moral development of a minor shall be made accessible by the on-demand audiovisual media service provider by means of <u>personal identification codes or other relevant technical solutions</u> only in a manner that is not accessible to the minors under normal circumstances.”</i></p> <p>Media Services Act, §19 (7)</p> <p>https://www.riigiteataja.ee/en/eli/511052015002/consolide</p>
4.	Studies	
4.1.	<p>Results of the EU Kids Online project in Estonia available at: http://eukidsonline.ut.ee/?page_id=18</p> <p>Summary of the EU Kids Online project in Estonia available at: http://www.lse.ac.uk/media@lse/research/EUKidsOnline/EU%20Kids%20II%20%282009-11%29/EUKidsExecSummary/EstoniaExecSum.pdf</p> <p>List of recent researches available at: http://eukidsonline.ut.ee/?cat=6</p> <p>List of recent thematic reports available at: http://eukidsonline.ut.ee/?cat=7</p> <p>List of recent student thesis available at:</p>	



<http://eukidsonline.ut.ee/?cat=8>



ES – Spain

ES – Spain		
1.	Classification	
1.1.	Rating system for linear services	7 categories: all, children recommended, 7, 12, 16, 18 and X (Self-regulatory system) http://tvinfancia.es/tvinfancia/ Slightly different rating system in Catalonia (10 and 13 instead of 7 and 12)
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers, based on criteria given by the NRA in a by-law ¹⁷⁷
1.4.	Watershed for linear services	18+ programmes can be broadcast between 22.00 and 06.00 Programmes rated +12 and above cannot be broadcast between 08.00-09.00 and 17.00- 20.00 on working days and between 09.00-12.00 on Saturdays, Sundays, public holidays and on the following days: 1 and 6 January, Good Friday, 1 May, 12 October, 1 November, 6, 8 and 25 December
1.5.	Watershed for non-linear services	No
1.6.	Supervision	National Authority for Markets and Competition (Comisión Nacional de los Mercados y la Competencia - CNMC) http://www.cnmc.es
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source:</i> <i>n/a</i>
2.2.	Definition of “likely to impair”	Mix between the presence of certain elements (violence, fear, sex etc.) and the context in which they are presented

¹⁷⁷http://www.cnmc.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1507_Julio/150709_Res_CRITERIOS-DTSA-001-15-CRITERIOS%20DE%20CALIFICACI%C3%93N%20DE%20CONTENIDOS.pdf.



		<p><i>Source:</i></p> <p><i>NRA by-law (see footnote 1)</i></p>
2.3.	Definition of “pornography”	<p><i>“the continuous and explicit presentation of sexual acts that shows in detail the consumption of such acts, with the primary purpose of provoking the excitation of the viewer”</i></p> <p><i>Source:</i></p> <p><i>NRA by-law (see footnote 1)</i></p>
2.4.	Definition of “gratuitous violence”	<p>No</p> <p><i>Source:</i></p> <p><i>n/a</i></p>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	<p><i>“All television audiovisual media service providers, including providers of on demand services, shall, when classifying their content according to age, use a <u>digital code which enables parents to exercise control</u>. The coding system shall be approved by the Audiovisual Authority.”</i></p> <p>General Law on Audiovisual Communication, Article 7.2</p> <p>http://noticias.juridicas.com/base_datos/Admin/l7-2010.t2.html</p>
3.3.	Rules applicable to non-linear services	<p>See 3.2.</p> <p>+</p> <p><i>“Where the audiovisual media service is provided through a catalogue of programmes, providers shall produce <u>separate catalogues</u> for content which must not be accessible to minors.”</i></p> <p>General Law on Audiovisual Communication, Article 7.5</p>
4.	Studies	
4.1.	FUENTE COBO Carmen, « La protección de la infancia en la nueva ley audiovisual: hacia un modelo de responsabilidad distribuida », in UTECA, <i>La televisión en España</i> , Madrid, Informe, 2010.	



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http://www.revistalatinacs.org/11/art/928_UCM/RLCS_art928.pdf

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http://www.cac.cat/pfw_files/cma/premis_i_ajuts/treball_guanyador/Sonia_ballano.pdf

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http://www.cac.cat/pfw_files/cma/proanor_xia_i_probul_mia.pdf

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http://www.cac.cat/pfw_files/cma/recerca/quaderns_cac/q40.pdf

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<http://www.premiscacescola.cat>

CRESCENZI LANNA Lucrezia, *Competencias cognitivas y televisión infantil. Una propuesta de análisis y clasificación de series por edades*, available at:

http://www.cac.cat/pfw_files/cma/premis_i_ajuts/treball_guanyador/Sumari_mencio_LCrescenzi_Competicencias_cognitivas_televisio.pdf

Departament de Benestar i Família, Consell de l'Audiovisual de Catalunya i Col·legi de Periodistes de Catalunya, *Com informar dels maltractaments infantils. Manual d'estil per a mitjans de comunicació*, març 2014, available at:

http://www.cac.cat/pfw_files/cma/actuacions/com_informar_maltractament.pdf

Grup de recerca Comunicació i Nous Mitjans - Internet Interdisciplinary Institute (IN3), *Convergència mediàtica i joves Usos, espais estratègics de mediació familiar en el consum audiovisual dels adolescents catalans*, Universitat Oberta de Catalunya, setembre 2012, available at:

http://www.cac.cat/pfw_files/cma/recerca/estudis_recerca/Convergencia_mediatica_i_joves.pdf



FI – Finland

FI - Finland		
1.	Classification	
1.1.	Rating system for linear services	Combination of age ratings (5 categories: all, 7, 12, 16 and 18) and content descriptors (4 categories: contains violence, contains sex scenes, may cause anxiety, contains drug use) https://kavi.fi/fi/meku/ikarajat
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Either by an official of the Finnish Centre for Media Education and Audiovisual Programmes (MEKU) whose duties include classification or by “audiovisual programme classifiers”, which have to follow a specific training and obtain a certificate from the MEKU https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko
1.4.	Watershed for linear services	21.00 (no end time specified) for -16 programmes 23.00 (no end time specified) for -18 programmes http://www.hs.fi/kulttuuri/a1392091564585
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Finnish Centre for Media Education and Audiovisual Programmes (MEKU) https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection



2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	<p>“A programme that has the age limit of 18 may be broadcast as a part of television programming at a time of day when people under the age of 18 normally do not watch television or as a television programme whose reception requires a descrambling device”</p> <p>Act on Audiovisual Programmes, section 6</p> <p>https://www.finlex.fi/fi/laki/kaannokset/2011/en20110710.pdf</p>
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	<p>KOTILAINEN Sirkku, <i>Lasten Mediabarometri 2010, 0-8-vuotiaiden lasten mediankäyttö Suomessa</i>, available at: http://www.mediakasvatus.fi/publications/ISBN978-952-99964-6-9.pdf</p> <p>PÄÄJÄRVI Saara, <i>Lasten Mediabarometri 2011, 7–11-vuotiaiden lasten mediankäyttö jakokemukset mediakasvatuksesta</i>, available at: http://www.mediakasvatus.fi/publications/ISBN978-952-67693-1-8.pdf</p> <p>PÄÄJÄRVI Saara, HAPPO Hanna & PEKKALA Leo, <i>Lapsiperheiden mediakysely 2012, 0–12-vuotiaiden lasten mediankäyttö ja kotien edikasvatus huoltajien kuvaamina</i>, available at: https://kavi.fi/sites/default/files/documents/mediakysely.pdf</p> <p>Kulttuuripoliittisen tutkimuksen edistämissätiö (CUPORE) & Kansallinen audiovisuaalinen instituutti (KAVI), <i>Selvitys huoltajien kuvaohjelmien ikärajoihin liittyvästä tietoudesta sekä ikärajojen noudattamisesta perheissä</i>, 1/2014, available at: https://kavi.fi/sites/default/files/documents/ikarajaselvitys.pdf</p>	



FR – France

FR – France		
1.	Classification	
1.1.	Rating system for linear services	5 categories: all, 10, 12, 16 and 18 http://www.csa.fr/Television/Le-suivi-des-programmes/Jeunesse-et-protection-des-mineurs/La-signaletique-jeunesse/Quel-signal-pour-quel-contenu
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	Not inside youth programmes for 10 programmes 22.00 – 5.00 for 12 programmes 22.30 – 5.00 for 16 programmes 24.00 – 5.00 for 18 programmes
1.5.	Watershed for non-linear services	16 programmes between 22.30 and 5.00 + only via a paying offer
1.6.	Supervision	Conseil supérieur de l’audiovisuel – CSA http://www.csa.fr
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source:</i> <i>n/a</i>
2.2.	Definition of “likely to impair”	No <i>Source:</i> <i>n/a</i>
2.3.	Definition of “pornography”	No <i>Source:</i> <i>n/a</i>
2.4.	Definition of “gratuitous violence”	No <i>Source:</i> <i>n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned



2.6.	Rules applicable to “might seriously impair” content on non-linear services	Banned
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	<p>10, 12 and 16 programmes: the CSA encourages service providers and platform operators “to promote the technical devices allowing to restrict the access of minors the programs according to their age and of the classification of the programs”</p> <p>18 programmes: services providers and platform operators “make available to the users the existence and the operation of the locking mechanism in their various vectors of communication; this information is available permanently, and its utility is regularly pointed out; they develop technical devices allowing the user to choose constantly not to receive these contents”</p> <p>http://www.csa.fr/Espace-juridique/Deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-la-protection-des-mineurs/Deliberation-du-20-decembre-2011-relative-a-la-protection-du-jeune-public-a-la-deontologie-et-a-l-accessibilite-des-programmes-sur-les-services-de-medias-audiovisuels-a-la-demande</p>
3.2.	Rules applicable to linear services	<p>18 programmes:</p> <p>Similar rules as the ones mentioned below for non-linear services. Available in the « <i>Recommandation n° 2004-7 du 15 décembre 2004 aux éditeurs et distributeurs de services de télévision diffusant en métropole et dans les départements d'outre-mer des programmes de catégorie V</i> »¹⁷⁸</p>
3.3.	Rules applicable to non-linear services	<p>There must be a “zone of trust” in the catalogue where no 10, 12 or 16 programmes are available</p> <p>18 programmes:</p> <p>1. Marketing: exclusively marketed within the framework of</p>

¹⁷⁸

http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=5400DC3A7BB56C9220A8A829D10FBB64.tpdjo12v_2&dateTexte=?cidTexte=JORFTEXT000000785725&categorieLien=cid.



		<p>paying offers</p> <p>2. Organization: isolated in a reserved space, as well as the images, descriptions, extracts, trailers and advertisements</p> <p>3. Access: the homepage of the reserved space comprises a warning addressed to the user</p> <p>4. Technical measures of locking: a) reserved space is the object of a specific, active locking as of the first use of the service; b) this locking consists of a personal code including at least four digits (except for a succession of zeros), nonvisible with the screen, and is blocked after five unfruitful attempts; c) any user must use the personal code and as long as the personal code is not configured the access should not be possible; d) the personal code is exclusively affected to the access of these programmes; e) the access must be locked at each attempt to access the reserved space; f) the user cannot disable the system of locking.</p> <p>http://www.csa.fr/Espace-juridique/Deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-la-protection-des-mineurs/Deliberation-du-20-decembre-2011-relative-a-la-protection-du-jeune-public-a-la-deontologie-et-a-l-accessibilite-des-programmes-sur-les-services-de-medias-audiovisuels-a-la-demande</p>
4.	Studies	
4.1.		<p>Calysto, <i>Enfants et Internet, Baromètre 2009-2010 de l'opération nationale de sensibilisation</i>, 2010, available at: http://www.itrpress.com/cp/2010/2010-12-17_Barometre-Calysto-Enfants--Internet-decembre-2010.pdf</p> <p>Conseil supérieur de l'audiovisuel, <i>La protection des mineurs à l'heure de la convergence des médias audiovisuels et d'internet</i>, mars 2012, available at: http://www.csa.fr/content/download/20592/342842/file/Protection_des+mineurs_et+_internet.pdf</p> <p>Conseil supérieur de l'audiovisuel, <i>Réflexion sur les émissions dites « de télé réalité » - Auditions du CSA, bilan et préconisations</i>, octobre 2012, available at: http://www.csa.fr/Etudes-et-publications/Les-etudes-thematiques-et-les-etudes-d-impact/Les-etudes-du-CSA/Reflexion-sur-les-emissions-dites-de-telerealite-Auditions-du-CSA-bilan-et-preconisations</p> <p>Conseil supérieur de l'audiovisuel, <i>Adolescents, jeunes adultes et médias : le séquençage des pratiques médias des 13-24 ans</i>, juin 2014, available at: http://www.csa.fr/Etudes-et-publications/Les-etudes-thematiques-et-les-etudes-d-impact/Les-</p>



études-du-CSA/Adolescents-jeunes-adultes-et-medias-le-sequencage-des-pratiques-medias-des-13-24-ans

Conseil supérieur de l'audiovisuel, *Quels écrans utilisent les 13-24 ans et pour quels usages ?*, décembre 2014, available at:

<http://www.csa.fr/Etudes-et-publications/Les-etudes-thematiques-et-les-etudes-d-impact/Les-etudes-du-CSA/Quels-ecrians-utilisent-les-13-24-ans-et-pour-quels-usages>

Défenseurs des droits, *Rapport 2012 consacré aux droits de l'enfant, Enfants et écrans : grandir dans le monde numérique*, 20 Novembre 2012, available at:

http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_ra_e_2012.pdf



GB – United Kingdom

GB – United Kingdom		
1.	Classification	
1.1.	Rating system for linear services	Application of the BBFC rating system, made of 7 categories: all, PG, 12, 12A, 15, 18 and R18 http://www.bbfc.co.uk/what-classification
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	BBFC or service providers
1.4.	Watershed for linear services	21.00 – 5.30 for programmes “unsuitable for children” (i.e. 15, 18 and R18)
1.5.	Watershed for non-linear services	No
1.6.	Supervision	OFCOM for linear services http://www.ofcom.org.uk ATVOD for non-linear services http://www.atvod.co.uk
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source:</i> <i>n/a</i>
2.2.	Definition of “likely to impair”	No <i>Source:</i> <i>n/a</i>
2.3.	Definition of “pornography”	<i>“an image is pornographic if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal”</i> <i>Source:</i> <i>Criminal Justice and Immigration Act 2008, Article 63</i> http://www.legislation.gov.uk/ukpga/2008/4/section/63
2.4.	Definition of “gratuitous violence”	No <i>Source:</i> <i>n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection



2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	<p>Access rules in OFCOM Broadcasting code:</p> <p><i>“1.18 ‘Adult sex material’ - material that contains images and/or language of a strong sexual nature which is broadcast for the primary purpose of sexual arousal or stimulation - must not be broadcast at any time other than between 22.00 and 05. 30 on premium subscription services and pay per view/night services which operate with mandatory restricted access. In addition, measures must be in place to ensure that the subscriber is an adult. Mandatory restricted access means there is a PIN protected system (or other equivalent protection) which cannot be removed by the user, that restricts access solely to those authorised to view”</i></p> <p><i>“1.24 Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-2000 and post-0530. In addition, those security systems which are in place to protect children must be clearly explained to all subscribers.”</i></p> <p><i>“1.25 Pay per view services may broadcast up to BBFC 18-rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-2100 and post-0530.”</i></p> <p>http://stakeholders.ofcom.org.uk/binaries/broadcast/code-july-15/Ofcom_Broadcast_Code_July_2015.pdf</p>
3.3.	Rules applicable to non-linear services	<p>Programmes which might seriously harm minors may be made available “provided access is controlled in a manner which secures that persons under eighteen ‘will not normally see or hear’ such material. ATVOD’s provisional interpretation of this requirement is that there should be in place an effective Content Access Control System (“CAC System”) which verifies that the user is aged 18 or over at the point of registration or access by the mandatory use of technical tools for age verification and, if age verification does not take place each time the user returns</p>



	<p><i>to the service, controls further access to such content when the user returns to the service by the use of mandatory security controls such as passwords or PIN numbers”</i></p> <p>http://www.atvod.co.uk/uploads/files/ATVOD Rules and Guidance Ed 2.1 February 2014.pdf</p>
4.	Studies
4.1.	<p>ATVOD, ATVOD Submission to Parental Controls Consultation, 18 September 2012, available at: http://www.atvod.co.uk/uploads/files/Parental_controls_consultation - ATVOD response FINAL.pdf</p> <p>BDRC Continental, Attitudes to online and on demand content, April 2015, available at: http://stakeholders.ofcom.org.uk/market-data-research/other/internet/attitudes-to-on-demand-content</p> <p>CRG, Violence in UK Soaps: a four wave trend analysis, 18 July 2014, available at: http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/tv-violence/</p> <p>Department for Culture, Media & Sport, <i>Connectivity, Content and Consumer, Britain’s digital platform for growth</i>, July 2013, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225783/Connectivity_Content_and_Consumers_2013.pdf</p> <p>Essential Research, <i>On-demand services, understanding consumer choices</i>, October 2012, available at: http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/vod/Research_Report.pdf</p> <p>Ipsos Mori, <i>Protecting audiences in a converged world, Deliberative research report</i>, 25 January 2012, http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/protecting-audiences/</p> <p>Jigsaw Research, <i>Audience attitudes towards violent content on television</i>, 18 July 2014, available at: http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/tv-violence/</p> <p>Jigsaw Research, <i>Parents’ views on parental controls, Findings of qualitative research</i>, October 2012, available at: http://stakeholders.ofcom.org.uk/binaries/research/research-publications/childrens/oct2012/Annex_1.pdf</p> <p>Kantar Media, <i>Protecting audiences in an online world, Deliberative research report</i>, 4 December 2014, available at:</p>



<http://stakeholders.ofcom.org.uk/market-data-research/other/tv-research/protecting-audiences-online-world/>

Ofcom, *Report on Internet safety measures, Strategies of parental protection for children online*, 12 January 2015, available at:

http://stakeholders.ofcom.org.uk/binaries/internet/third_internet_safety_report.pdf

Ofcom, *Report on Attitudes to non-linear content and regulation*, January 2015, available at:

http://stakeholders.ofcom.org.uk/binaries/research/statistics/2015January/On-demand_and_online_media_use_and_attitudes_tracker_2014_Year_1_data_tables.pdf

Ofcom, *Children and Parents: Media use and attitudes report*, 9 October 2014, available at:

<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/children-parents-oct-14/>

Ofcom, *Report on Internet safety measures, Internet Service Providers: Network level filtering Measures*, 22 July 2014, available at:

http://stakeholders.ofcom.org.uk/binaries/internet/internet_safety_measures_2.pdf

Ofcom, *Report on Internet safety measures, Strategies of parental protection for children online*, 15 January 2014, available at:

<http://stakeholders.ofcom.org.uk/binaries/internet/internet-safety-measures.pdf>

Ofcom, *Children and parents: Media use and attitudes in the nations*, 4 January 2014, available at:

<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/attitudes-nations/>

Ofcom, *Children and Parents: Media use and attitudes report*, 3 October 2013, available at:

<http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/october-2013/research07Oct2013.pdf>

Ofcom, *Children and parents: Media use and attitudes in the nations*, 15 February 2013, available at:

<http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/2012-Metrics-Bulletin/2012-Metrics-Bulletin.pdf>

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<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/october-2012/>

Ofcom, *Children and parents: Media use and attitudes report*, 25 October 2011, available at:

http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children_and_parents.pdf

Ofcom, *Sexually Explicit Material and Video On Demand Services, A Report to DCMS by Ofcom*, 4 August 2011, available at: <http://stakeholders.ofcom.org.uk/binaries/internet/explicit-material-vod.pdf>



Ofcom, *Children's media literacy in the nations*, July 2011, available at:
<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/children-media-lit-nations-july-2011/>

Ofcom, *UK children's media literacy*, April 2011, available at:

<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/ukchildrensm11/>

Ofcom, *Children's media literacy in the nations*, 17 May 2010, available at:

<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/childrensmedialitsummary/>

Ofcom, *UK children's media literacy*, 26 March 2010, available at:

<http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/ukchildrensm1.pdf>

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<http://stakeholders.ofcom.org.uk/market-data-research/other/research-publications/childrens/online-behaviour/>

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UK House of Commons Culture Media and Sport committee, report on "online safety", March 2014, available at:

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcmds/729/72902.htm>



GR – Greece

GR - Greece		
1.	Classification	
1.1.	Rating system for linear services	5 categories: all, PG advised, PG required, 15 and adults
1.2.	Rating system for non-linear services	Unclear if the same rating has to be applied
1.3.	Decision on the rating	Service providers, which have to set up an “ <i>internal scientific committee</i> ”
1.4.	Watershed for linear services	Not inside children’s programmes for parental advice required programmes 21.00 – 6.00 for parental guidance required programmes 22.30 – 6.00 for 15 programmes 00.30 – 6.00 for adults
1.5.	Watershed for non-linear services	No
1.6.	Supervision	National Council for Radio and Television - NCRT (Εθνικό Συμβούλιο Ραδιοτηλεόρασης - ΕΣΡ) http://www.esr.gr
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair”	Allowed without protection



	content on non-linear services	
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	<p>For programmes which might seriously impair minors, <i>“appropriate measures for the protection of minors include, in particular, labelling programmes, using <u>personal identification numbers (PIN codes) and the use of a convenient filtering system</u>”</i></p> <p>Presidential Decree 109/2010, Article 13</p> <p>http://www.esr.gr/arxeion-xml/uploads/PD.109-2010.pdf</p>
4.	Studies	
4.1.	No	



HR – Croatia

HR - Croatia		
1.	Classification	
1.1.	Rating system for linear services	3 categories: 12, 15 and 18 http://www.e-mediji.hr/repository_files/file/580/
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	20.00 – 7.00 for 15 programmes 23.00 – 7.00 for 18 programmes
1.4.	Watershed for non-linear services	No
1.5.	Supervision	Agency for Electronic Media of the Republic of Croatia - AEM (Agencija za elektronicke medije) http://www.e-mediji.hr
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source: n/a</i>
2.2.	Definition of “likely to impair”	<i>“all types of programmes with scenes depicting explicit physical and/or verbal violence, frightening scenes of deaths or woundings, sex and sexual exploitation, vulgar language and scenes, abuse of tobacco, alcohol, narcotics, gambling, betting and other scenes”</i> <i>Source:</i> <i>Ordinance on the protection of minors in electronic media, Article 2 (1)</i> http://www.e-mediji.hr/repository_files/file/580/
2.3.	Definition of “pornography”	No <i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No <i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection



3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	<p>When a catalogue contains programmes which are likely to impair minors, the service provider <i>“shall insist on having the PIN changed”</i></p> <p>Ordinance on the protection of minors, Article 14 (4)</p> <p>http://www.e-mediji.hr/repository_files/file/580/</p>
4.	Studies	
4.1.	No	



HU – Hungary

HU – Hungary		
1.	Classification	
1.1.	Rating system for linear services	6 categories: all, 6, 12, 16, 18 and severely harmful http://hunmedialaw.org/dokumentum/555/classification_Rec_EN_130111.pdf
1.2.	Rating system for non-linear services	Only for the category 18 and severely harmful
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	21.00 – 5.00 for 16 programmes 22.00 – 5.00 for 18 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Media Council of the National Media and Infocommunications Authority - NMHH (Nemzeti Média- és Hírközlési Hatóság - Médiatanács) http://www.nmhh.hu
2.	Concepts	
2.1.	Definition of “might seriously impair”	Programmes which “depict crude, brutal and especially cruel acts of violence” or which “depict sexuality in a direct and natural manner”
		Source: Recommendation of NMHH of 19.07.2011 http://hunmedialaw.org/dokumentum/555/classification_Rec_EN_130111.pdf
2.2.	Definition of “likely to impair”	No
		Source: n/a
2.3.	Definition of “pornography”	“the open depiction of sexuality and carnal acts; sexual stimulation”
		Source: Case law + Recommendation of NMHH of 19.07.2011 http://hunmedialaw.org/dokumentum/555/classification_Rec_EN_130111.pdf
2.4.	Definition of “gratuitous violence”	“where violent actions are depicted in a length and detail that goes well beyond what is required by the development of the plot; where the violence depicted is not integral to the plot or the exposition of the characters or the theme, or where it is depicted without any perceptible justification and in an exaggerated and gratuitous manner, on the basis of the assumption that violence attracts and captures the attention of audiences and thereby guarantees higher ratings”



		<p><i>Source:</i></p> <p><i>Recommendation of NMHH of 19.07.2011</i></p> <p>http://hunmedialaw.org/dokumentum/555/classification_Rec_EN_130111.pdf</p>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	Technical protection for 18 and severely harmful programmes
4.	Studies	
4.1.	<p>KOSA Éva, Médiaszocializáció, Budapest, Wolters Kluwer, 2015, available at: http://buvosvolgy.hu/cikk/116/Mediaszocializacio</p> <p>HARTAI László, Médiaesemény esettanulmányok, Budapest, Wolters Kluwer, 2015, available at: http://buvosvolgy.hu/cikk/115/Mediaesemeny</p> <p>NMHH, Gyerekek a képernyő előtt - Szülők gyermekeik tévézési szokásairól, available at: http://nmhh.hu/dokumentum/165306/kutatasi_eredmenyek.pdf</p> <p>NMHH, Online felmérés a kiskorúak médiafogyasztási szokásairól, 2015, available at: http://mediatanacs.hu/dokumentum/166332/kiskoruak_mediafogyasztasi_szokasai_2014dec_2015feb.pdf</p> <p>ANTALOCZY Tímea, Határtalan médiakultúra, Budapest, Wolters Kluwer, 2015, available at: http://buvosvolgy.hu/cikk/114/Hatartalan_mediakultura</p>	



IE – Ireland

IE - Ireland		
1.	Classification	
1.1.	Rating system for linear services	4 categories (public broadcaster RTE): General Audience (GA), Children (CH), Parental supervision (PS) and Mature audience (MA). 6 categories (film classification): all, PG, 12, 15, 16 and 18 http://www.rte.ie/tv/onscreen_classification.html
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	Service provider
1.4.	Watershed for linear services	21.00 (no end time defined) for MA programmes Watershed not linked with any categories
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Broadcasting Authority of Ireland - BAI http://www.bai.ie
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No



3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	No	



IT – Italy

IT - Italy		
1.	Classification	
1.1.	Rating system for linear services	3 categories: all, parental supervision and children recommended (Self-regulatory system) http://www.agcom.it/documents/10179/539169/Documento+Generico+26-05-2009/86f55527-dff2-4c55-9e39-4f18faed175a?version=1.0
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	16.00 – 19.00 for children recommended 19.00 – 23.00 for parental supervision 23.00 – 07.00 for programmes 14+
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Italian communications authority (Autorità per le garanzie nelle comunicazioni - AGCOM) http://www.agcom.it
2.	Concepts	
2.1.	Definition of “might seriously impair”	Mix between the presence of four “ <i>thematic areas</i> ” (violence, sex, fundamental rights, and personal dignity) and of an evaluation of four “ <i>main representative modes</i> ” of these themes: “ <i>frequency and duration of the scenes; level of verisimilitude (representation of the content and the characters in terms of realism); scene and story development (scene is separate from the narrative context, is not justified from the plot, or is non-functional or not actually necessary to the understanding of the story or the characters...); emotional tones (exaggeration of shots, insistence on the details, close-ups or meticulous description of the episode...)</i> ” <i>Source :</i> AGCOM Resolution no. 52/13/CSP, Article 3 http://www.agcom.it/documents/10179/540051/Allegato+03-05-2013+6/4bd15718-b0bd-4240-9e59-072391322150?version=1.0
2.2.	Definition of “likely to impair”	“ <i>the representation in a realistic and detailed way of behaviors consisting in a clear violation of the law or offending fundamental human rights</i> ” and “ <i>the representation in a realistic and detailed way of behaviors exalting and/or promoting the abuse of alcohol, the use of drugs, the practice of gambling, or presenting such behaviors in a positive way, or promoting other behaviors that, if done by minors, are seriously threatening their</i> ”



		<p><i>health and safety or the one of other people”</i></p> <p>Source: AGCOM Resolution no. 52/13/CSP, Article 6 http://www.agcom.it/documents/10179/540051/Allegato+03-05-2013+6/4bd15718-b0bd-4240-9e59-072391322150?version=1.0</p>
2.3.	Definition of “pornography”	<p><i>“the description or illustration of erotic subjects, through writings, drawings, speeches, photographs etc. that are suitable to expunge the sense of sexual continence and offend decency for their manifest wantonness”</i></p> <p>The representation of <i>“attitudes that evoke explicitly and brutally the acts of the reproduction”</i></p> <p>Other considerations around the concepts of <i>“indecenty”, “public morality”, “obscene behavior”, “exhibition of genital organs”</i> or <i>“the sense of natural confidentiality that in normal cases surrounds all the events regarding the sexual life”</i></p> <p>Source: Supreme Court and AGCOM deliberation no. 23/07/CSP http://www.agcom.it/documents/10179/539361/Delibera+23-07-CSP/6c7f6adb-53c9-4c67-95d6-9697c0823efc?version=1.0&targetExtension=pdf</p>
2.4.	Definition of “gratuitous violence”	<p><i>“the realistic and/or detailed representation of gratuitous, insisting or brutal violence, characterized by ferocity and cruelty or hatred for the victim, and of its effects, without prejudice to the absolute prohibition of incitement to hatred”</i></p> <p><i>“the realistic and/or detailed representation exalting and/or promoting violent behavior, or the realistic and/or detailed representation of violent behavior continuously provoked or rewarded or presented as normal and obvious or as the only mode of pursuit of one’s objectives or settlement of disputes”</i></p> <p>Source: AGCOM Resolution no. 52/13/CSP, Aarticle 4 http://www.agcom.it/documents/10179/540051/Allegato+03-05-2013+6/4bd15718-b0bd-4240-9e59-072391322150?version=1.0</p>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection



2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	Parental control (PIN number, filtering and identification)
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	Parental control (PIN number, filtering and identification)
4.	Studies	
4.1.	<p>Agcom, <i>Libro Bianco Media e Minori</i>, 2013, available at: http://www.agcom.it/libro-bianco-media-e-minori</p> <p>Agcom & Corecom Lazio, <i>Media e Minori</i>, 2015, available at: http://www.dimt.it/wp-content/uploads/2015/05/Sintesi-censis-Corecom_febb-2014.pdf</p> <p>Save the Children & IPSOS, <i>I Nativi digitali conoscono veramente il loro ambiente?</i>, 2014, available at: http://images.savethechildren.it/IT/f/img_pubblicazioni/img263_b.pdf</p> <p>Save the Children & IPSOS, <i>Internet and virtual sex interaction between adults and teenagers</i>, 2014, available at: http://risorse.savethechildren.it/files/comunicazione/Ufficio%20Stampa/Safer%20Internet%20Day%20-%20Interazioni%20sessuali%20adulti-minori%20a%20partire%20da%20Internet.pdf</p> <p>Corecom Toscana & Istituto Degli Innocenti, <i>Famiglie digitali in Toscana</i>, 2014, available at: http://www.trool.it/it/pagine/ricerche-e-osservatorio</p>	



LT – Lithuania

LT - Lithuania		
1.	Classification	
1.1.	Rating system for linear services	3 categories: 7, 14 and S Law on the Protection of Minors against the Detrimental Effect of Public Information, Article 7 http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363137
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	21.00 – 6.00 for 14 programmes (unless other technical measures) 23.00 – 6.00 for S programmes (unless other technical measures)
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Inspector of Journalist Ethics Law on the Protection of Minors against the Detrimental Effect of Public Information, Article 9 http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363137
2.	Concepts	
2.1.	Definition of “might seriously impair”	No Source: n/a
2.2.	Definition of “likely to impair”	No Source: n/a
2.3.	Definition of “pornography”	<i>“Information of pornographic nature means information where an actual or simulated sexual intercourse, genitalia, defecation, masturbation or paraphilias (paedophilia, sadism, masochism, zoophilia, necrophilia, etc.) are shown explicitly and in detail, this being the main purpose of such information”</i> Source: <i>Law on the Provision of Information to the Public, Article 2 §42</i> http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=458157
2.4.	Definition of “gratuitous violence”	No



		<i>Source:</i> <i>n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Banned
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tool required
3.3.	Rules applicable to non-linear services	No specific tool required
4.	Studies	
4.1.	No	



LU – Luxembourg

LU – Luxembourg	
1.	Classification
1.1.	<p>Rating system for linear services</p> <p>5 categories: all, 10, 12, 16 and 18 http://www.legilux.public.lu/leg/a/archives/2015/0007/a007.pdf</p> <p>Alternatively, linear service providers can use the rating system of the country of reception (with the prior approval of the NRA)</p>
1.2.	<p>Rating system for non-linear services</p> <p>Same as for linear services</p> <p>Alternatively, non-linear service providers can use the rating system of the country of reception or the rating system of the country of origin of the rated work (with the prior approval of the NRA)</p>
1.3.	<p>Decision on the rating</p> <p>Service providers</p>
1.4.	<p>Watershed for linear services</p> <p>20.00 – 6.00 for 12 programmes</p> <p>22.00 – 6.00 for 16 programmes</p> <p>24.00 – 5.00 for 18 programmes</p>
1.5.	<p>Watershed for non-linear services</p> <p>No</p>
1.6.	<p>Supervision</p> <p>Autorité Luxembourgeoise Indépendante de l'Audiovisuel – ALIA http://www.alia.lu</p>
2.	Concepts
2.1.	<p>Definition of “might seriously impair”</p> <p>No</p> <p>Source: n/a</p>
2.2.	<p>Definition of “likely to impair”</p> <p>No</p> <p>Source: n/a</p>
2.3.	<p>Definition of “pornography”</p> <p>No</p> <p>Source: n/a</p>
2.4.	<p>Definition of “gratuitous violence”</p> <p>No</p>



		<i>Source:</i> <i>n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	18 programmes must be broadcast encoded and must be accessible only with a personal code
3.3.	Rules applicable to non-linear services	A parental access code must be provided to the subscribers and 18 programmes must be in a special section of the catalogue
4.	Studies	
4.1.	KÖNIG Andreas & STEFFGEN Georges, <i>Mediennutzung Jugendlicher in Luxemburg. Aktueller Überblick zur Nutzung von Internet und Computerspielen und erste Prävalenzdaten zur dysfunktionalen Nutzung</i> , Luxembourg, University of Luxembourg, 2015, available at: https://www.bee-secure.lu/sites/default/files/dokument/inside%20research%20report_mediennutzung%20final.pdf	



LV – Latvia

LV - Latvia		
1.	Classification	
1.1.	Rating system for linear services	5 categories: all, 7, 12, 16 and 18 Rating system only applies to movies
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	22.00 – 6.00 Watershed not linked with any categories, cf. section 24 of the law http://neplpadome.lv/en/home/electronic-mass-media-law.html
1.5.	Watershed for non-linear services	No
1.6.	Supervision	National Electronic Media Council (Nacionālā elektronisko plašsaziņas līdzekļu padome - NEPLP) for the law http://www.neplpadome.lv and National Film Center (Nacionālais kino centrs) for the ratings of movies http://www.latfilma.lv/nfc/
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source:</i> n/a
2.2.	Definition of “likely to impair”	No
		<i>Source:</i> n/a
2.3.	Definition of “pornography”	No
		<i>Source:</i> n/a
2.4.	Definition of “gratuitous violence”	No
		<i>Source:</i> n/a
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned



2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tool required Watershed is lifted if conditional access is provided
3.3.	Rules applicable to non-linear services	Conditional access required for programmes which might seriously impair minors (section 23 of the law) http://neplpadome.lv/en/home/electronic-mass-media-law.html
4.	Studies	
4.1.	No	



MT – Malta

MT – Malta		
1.	Classification	
1.1.	Rating system for linear services	5 categories: U (all), PG, 12, 16, AO (adults only) http://www.ba-malta.org/file.aspx?f=1078
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	Qualified persons appointed by the service providers http://www.ba-malta.org/file.aspx?f=1061
1.4.	Watershed for linear services	21.00 (end time not defined) Watershed not linked with any categories
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Malta Broadcasting Authority http://www.ba-malta.org
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No <i>Source: n/a</i>
2.3.	Definition of “pornography”	No <i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No <i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	No specific tools required



a	Studies
4.1.	No



NL – Netherland

NL – Netherlands		
1.	Classification	
1.1.	Rating system for linear services	<p>“Kijkwijzer” system consists in a combination of age recommendation (5 categories: AL – 6 – 9 – 12 - 16) and content descriptors (6 categories: violence, fear, sex, discrimination, drug and alcohol abuse, coarse language)</p> <p>Linear services have to be members of NICAM and apply “Kijkwijzer” in order to broadcast rated content</p> <p>www.kijkwijzer.nl/</p>
1.2.	Rating system for non-linear services	<p>Application of “kijkwijzer” mandatory for public broadcaster. Not mandatory for private services providers but “Kijkwijzer” adopted on a voluntary basis by the platform of VOD providers VODNET (www.vodned.nl)</p>
1.3.	Decision on the rating	Dutch Institute for the Classification of Audiovisual Media (NICAM)
1.4.	Watershed for linear services	<p>20.00 - 6.00 for -12 programmes</p> <p>22.00 - 6.00 for -16 programmes</p>
1.5.	Watershed for non-linear services	Only for public broadcaster (same as for linear services)
1.6.	Supervision	<p>Commissariaat voor de media</p> <p>http://www.cvdm.nl</p>
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned



2.6.	Rules applicable to “might seriously impair” content on non-linear services	Banned on public service broadcaster Allowed with protection on private services
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tool required
3.3.	Rules applicable to non-linear services	No specific tool required
4.	Studies	
4.1.	<p>GOSSELT Jordy, VAN HOOFF Joris & DE JONG Menno, “Media rating systems: do they work? Shop floor compliance with age restrictions in the Netherlands”, in <i>Mass communication and society</i>, 15:3 (3). 335 - 359. ISSN 1520-5436, available at:</p> <p>http://doc.utwente.nl/81082/</p>	



PL – Poland

PL - Poland		
1.	Classification	
1.1.	Rating system for linear services	4 categories: all, 12, 16 and 18 http://www.krrit.gov.pl/Data/Files/_public/Portals/0/regulacje-prawne/polska/ochrona-dzieci-i-mlodziezy/rozp_maloletni_032013.pdf
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	20.00 – 6.00 for 16 programmes 23.00 – 6.00 for 18 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji - KRRiT) http://www.krrit.gov.pl
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific rules required



3.3.	Rules applicable to non-linear services	No specific rules required
4.	Studies	
4.1.	<p>KRRiT, Monitoring of VOD providers, July 2013, available at: http://www.krrit.gov.pl/dla-abonentow-i-konsumentow/ochrona-maloletnich/aktualnosci-ochronie-maloletnich/news,1673,dostawcy-vod-skontrolowani.html</p> <p>KRRiT, Monitoring of VOD providers, November 2013, available at: http://www.krrit.gov.pl/dla-abonentow-i-konsumentow/ochrona-maloletnich/aktualnosci-ochronie-maloletnich/news,1671,dostawcy-vod-ponownie-skontrolowani.html</p> <p>KRRiT, Monitoring of online pornography, 2015, available at: http://www.krrit.gov.pl/en/for-journalists/press-releases/news,2006,krrit-effectively-limits-online-pornography.html</p>	



PT – Portugal

PT - Portugal		
1.	Classification	
1.1.	Rating system for linear services	4 categories: all, 10, 12 and 16 (Self-regulatory system RTP, SIC and TVI) http://www.tvi.iol.pt/pdf/sinalizacao_de_emissao_explicacao_para_sites_versao2.pdf
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers and the Portuguese Board of Classification
1.4.	Watershed for linear services	22.30 – 6.00 for 16 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Regulatory Authority for the Media (Entidade Reguladora para a Comunicação Social - ERC) http://www.erc.pt
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		Source: n/a
2.2.	Definition of “likely to impair”	No
		Source: n/a
2.3.	Definition of “pornography”	<i>“the features with a low aesthetic quality that explore sexual situations and acts mainly aimed at the erotic arousal of the viewer, with an ostensive and insistent presentation of real sex acts and exhibition of sexual organs”</i>
		Source: Presidential decree 245/83 of 03.03.1983 https://dre.pt/application/file/309640
2.4.	Definition of “gratuitous violence”	No
		Source: n/a
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection



2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	<p>PEREIRA Sara & PINTO Manuel, “Making Sense of TV for Children: The Case of Portugal”, in Journal of Media Literacy Education, 3:2, 2011, available at: http://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1072&context=jmle</p> <p>Result of the COST project “Transforming Audiences, Transforming Societies” in Portugal, available at: http://www.cost-transforming-audiences.eu/taxonomy/term/125</p> <p>Results of the EU Kids Online project in Portugal, available at: http://www.fcsh.unl.pt/eukidsonline/</p> <p>Results of the “GAMILearning – Jogos Digitais para a Literacia Mediática e Informacional” project, available at: http://cicant.ulusofona.pt/publications/</p>	



RO – Romania

RO - Romania		
1.	Classification	
1.1.	Rating system for linear services	6 categories: all, AP, 12, 15, 18 and adult
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	20.00 – 6.00 for 12 programmes 23.00 – 6.00 for 15 programmes 01.00 – 6.00 for 18 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	National Audiovisual Council (Consiliul National al Audiovizualului) http://www.cna.ro
2.	Concepts	
2.1.	Definition of “might seriously impair”	No n/a
2.2.	Definition of “likely to impair”	Depends on the following criteria: <i>”a) the number and the nature of violent scenes, as well as their gratuitous or indispensable character, in connection with the genre and the subject of the audiovisual production; b) the use and role of violence for solving problems; c) the manner in which images depict violent scenes, the shooting plan, the realism of the presentation, the role of the sound track in generating fear or anguish; d) the context in which drugs and alcohol consumption is presented; e) the number and the nature of nude scenes, the representation of sexual intercourse; f) the characters’ psychology and the moral milestones that are offered to minors and teenagers; g) the heroes’ typology, the aim of their actions, the degree of resorting to violence; h) the presence and the role of minors in scenes of violence; i) presentation of women in degrading hypostasis; j) the number and the intensity of domestic violence scenes; k) the quality and typology of language; l) the gender or the theme of the programme.”</i> Source: Decision n°220 of 24.02.2011 regarding the Regulatory Code of the Audiovisual Content, Article 19 http://www.cna.ro/Decision-no-220-dated-February.html
2.3.	Definition of “pornography”	No



		<i>Source : n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source : n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	<p>18 programmes must be encrypted and restricted by a parental control system. Access is possible only with a personal code, which is especially dedicated to restrict these programs, consist of at least 4 numbers which should not be visible on the screen, and the first access to 18 programmes must be initially blocked</p> <p><i>Decision n°141/2013 amending and supplementing the National Audiovisual Council Decision n°220/2011 regarding the Code regulating audiovisual content, Article 27</i></p>
3.2.	Rules applicable to linear services	No specific tool required
3.3.	Rules applicable to non-linear services	No specific tool required
4.	Studies	
4.1.	No	



SE – Sweden

SE - Sweden		
1.	Classification	
1.1.	Rating system for linear services	No
1.2.	Rating system for non-linear services	No
1.3.	Decision on the rating	n/a
1.4.	Watershed for linear services	21.00 (no end time specified) for programmes which are likely to impair minors
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Swedish Broadcasting Authority (Myndigheten för radio och tv) http://www.radioochtv.se
2.	Concepts	
2.1.	Definition of “might seriously impair”	No
		<i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No
		<i>Source: n/a</i>
2.3.	Definition of “pornography”	No
		<i>Source: n/a</i>
2.4.	Definition of “gratuitous violence”	No
		<i>Source: n/a</i>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	No	



SI – Slovenia

SI - Slovenia		
1.	Classification	
1.1.	Rating system for linear services	4 categories: PG, 12, 15 and 18
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	21.00 – 5.00 for 12 programmes 22.00 – 5.00 for 15 programmes 24.00 – 5.00 for 18 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Agency for Communication Networks and Services of the Republic of Slovenia (Agencija za komunikacijska omrežja in storitve Republike Slovenije - AKOS) http://www.akos-rs.si/
2.	Concepts	
2.1.	Definition of “might seriously impair”	“a) programming content depicting violence without justification; b) pornographic programming content”
		Source: <i>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Article 11 (2)</i> http://www.akos-rs.si/files/APEK_eng/Legislation/Statutes/General-Act-on-the-Protection-of-Children-and-Minors-in-Television-Programs-and-Audiovisual-Media-Services-on-Demand.pdf
2.2.	Definition of “likely to impair”	Mix between the presence of certain elements (violence, sex, etc.) and the context in which they are presented
		Source: <i>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Articles 3 to 9</i> http://www.akos-rs.si/files/APEK_eng/Legislation/Statutes/General-Act-on-the-Protection-of-Children-and-Minors-in-Television-Programs-and-Audiovisual-Media-Services-on-Demand.pdf
2.3.	Definition of “pornography”	“any programming content with the main purpose of



		<p><i>sexually stimulating the audience by explicitly showing genitals, or consensual sexual acts between humans with explicit display of genitals, which also contains explicit elements of grave violence, humiliation, insult, or rough fetishes”</i></p> <p><i>Source:</i></p> <p><i>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Article 2 (6)</i></p>
2.4.	Definition of “gratuitous violence”	<p><i>“any display of excessive violence which exceeds the level of violence necessary for achieving the purpose of the violence (e.g. abuse, torture). This means any violence without the context or purpose that would justify the depiction of this violence (the display of violence has no other purpose)”</i></p> <p><i>Source:</i></p> <p><i>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Article 2 (2)</i></p>
2.5.	Rules applicable to “might seriously impair” content on linear services	Banned
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed with protection
3.	Tools	
3.1.	Rules applicable to platform operators	<p>Platforms have to provide technical protection for the content which might seriously harm minors either using PIN code or an adequate non-circumventing access protection tool</p> <p>Law on AVMS, Article 14 (5) and (6)</p>
3.2.	Rules applicable to linear services	<p><i>“Explicit sexual programming content may only be broadcast on television channels or through on-demand audiovisual media services if access to such content is restricted and <u>only enabled to adults by assigning users a PIN code or applying an equivalent protection system.</u> Access to such content must be blocked by default, and users must have the possibility of setting access to such content, whereas access (with a code, password) may only be granted to adults who are informed of the purpose of technical protection and given exact</i></p>



		<p><i>instructions on using it.”</i></p> <p>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Article 10 (1)</p>
3.3.	Rules applicable to non-linear services	<p>See 3.2.</p> <p>+</p> <p>For content which is likely to harm:</p> <p><i>“The on-demand audiovisual media service provider must classify any content from this Article in a special section of the catalog, so that it is separated from other content.”</i></p> <p>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Article 10 (3)</p> <p>+</p> <p>For content which might seriously harm:</p> <p><i>“Providers of on-demand audiovisual media services may broadcast content from the preceding paragraph at any time if access to such content is restricted and only enabled to adults by assigning users a <u>PIN code</u> or <u>applying an equivalent protection system</u>. Access to such content must be blocked by default, and users must have the possibility of setting access to such content, whereas access (with a code, password) may only be granted to adults who are informed of the purpose of technical protection and given exact instructions on using it.”</i></p> <p><i>“The on-demand audiovisual media service provider must classify any content from this Article in a <u>special section of the catalog</u>, so that it is separated from other content.”</i></p> <p>General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand, Article 11 (3) and (5)</p>
4.	Studies	
4.1.	Results of the EU Kids Online project in Slovenia, available at:	<p>http://www.lse.ac.uk/media@lse/research/EUKidsOnline/ParticipatingCountries/slovenia.aspx</p> <p>Statistics on hate speech 2007-2012, available at:</p> <p>http://safe.si/spletno-okno/raziskave-clanki-statistika</p> <p>Internet child sexual abuse, available at:</p> <p>http://safe.si/spletno-okno/raziskave-clanki-publikacije-0</p>



Guidelines on media portrayal of children, available at:

[http://www.varuh-rs.si/fileadmin/user_upload/pdf/Razni dokumenti/Smernice za porocanje o otrocih 1.pdf](http://www.varuh-rs.si/fileadmin/user_upload/pdf/Razni_dokumenti/Smernice_za_porocanje_o_otrocih_1.pdf)

SK – Slovakia

SK – Slovakia		
1.	Classification	
1.1.	Rating system for linear services	4 categories: 7, 12, 15 and 18 http://www.culture.gov.sk/extdoc/2613/decree%20589%20update
1.2.	Rating system for non-linear services	Same as for linear services
1.3.	Decision on the rating	Service providers
1.4.	Watershed for linear services	20.00 – 6.00 for 15 programmes 22.00 – 6.00 for 18 programmes
1.5.	Watershed for non-linear services	No
1.6.	Supervision	Council for Broadcasting and Retransmission of the Slovak Republic (Rada pre vysielanie a retransmisiu) http://www.rvr.sk/sk
2.	Concepts	
2.1.	Definition of “might seriously impair”	No <i>Source: n/a</i>
2.2.	Definition of “likely to impair”	No <i>Source: n/a</i>
2.3.	Definition of “pornography”	<i>“pornographic material that visually depicts sexual intercourse, different act of sexual intercourse, or other conduct similar to sexual intercourse, or naked human genitalia, and that is designed to gratify sexual desire of another person”</i> <i>Source:</i> <i>Criminal code</i> http://www.genpro.gov.sk/network-of-judicial-registers-njr-253b.html
2.4.	Definition of “gratuitous violence”	No <i>Source: n/a</i>
2.5.	Rules applicable to “might seriously	Banned



	impair” content on linear services	
2.6.	Rules applicable to “might seriously impair” content on non-linear services	Allowed with protection
2.7.	Rules applicable to “likely to impair” content on linear services	Allowed with protection
2.8.	Rules applicable to “likely to impair” content on non-linear services	Allowed without protection
3.	Tools	
3.1.	Rules applicable to platform operators	No
3.2.	Rules applicable to linear services	No specific tools required
3.3.	Rules applicable to non-linear services	No specific tools required
4.	Studies	
4.1.	No	