



## **“Empowering Users: Rating Systems, Protection Tools and Media Literacy across Europe”**

**Workshop organised by the European Audiovisual Observatory and the European Platform of Regulatory Authorities**

**15 December 2014  
European Youth Centre, Strasbourg**

### **Summary of the Debate<sup>1</sup>**

#### **I. Opening of the Workshop**

**Susanne Nikoltchev**, Executive Director of the [European Audiovisual Observatory](#) (OBS), opened this first joint workshop organised by the OBS and the [European Platform of Regulatory Authorities](#) (EPRA) and welcomed the participants. This event is a by-product of the long-lasting collaboration between the two organisations which recently culminated with EPRA Vice-Chairperson Maja Cappello being appointed as Head of the Observatory’s Legal Department. The content and composition of the present workshop mirror the mission of the Observatory, which is to contribute to transparency in the audiovisual sector by collecting reliable factual data in the field of law, market and financing.

**Damir Hajduk**, Vice-Chairperson of EPRA, an independent forum for the exchange of best practices between regulators in Europe, thanked the Observatory for the offer to co-organise this joint workshop. The two pillars underlying the topic of “Empowering users”, media literacy and protection tools, were part of the 2014 EPRA Working Programme and were addressed during the meetings in Budva and Tbilisi. He welcomed the initiative of deepening and enlarging the scope of the discussion by inviting experts and representatives of the industry.

The workshop took place at the European Youth Centre which is a residential training and conference centre of the Council of Europe (CoE) built in the spirit of non-formal education. The Centre was created for the implementation of the [Council of Europe’s youth policy](#). **Mara Georgescu**, educational adviser based at the Centre, warmly welcomed the participants and reported on the activities of her department. She pointed the participants towards the “[No hate speech movement](#)” which is an educational campaign aiming at increasing the capacity of youth to recognise racism, sexism and discrimination online, through in particular the development of media literacy tools. The campaign will come to an end in March 2015.

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<sup>1</sup> This report has been drafted by Amélie Lépinard and is based on notes taken during the workshop. It reports on the key information that emerged from the discussion. Please note that it does not reproduce in full all interventions and presentations. Links are provided where available.

## II. Setting the scene

### 1. Introduction to the Workshop

**Emmanuelle Machet**, Secretary of the EPRA, briefly introduced the concept of the workshop. When EPRA originally selected the topic of empowerment for its Work Programme in 2014, the idea was to address a relatively novel role played by regulators, namely that of empowering users to engage with media and to protect themselves, with practical focus on protection of minors' aspects.

Building on the work conducted by the EPRA working group at the 2014 [spring](#) and [autumn](#) meetings, the aim of the workshop was to produce a more substantial and comprehensive output through a dialogue and cross-fertilisation between experts, representatives of the industry and regulators. This tripartite format was particularly suited to the themes of "Empowering Users" and "protection of minors", both being societal topics which typically require a multi-stakeholder approach.

The interactive workshop was built around a four-tier structure encompassing regulatory aspects, self- and co-regulatory commitments, protection tools and media literacy. A cross media approach was followed throughout the discussion.

Before delving into the minutiae of the legal and regulatory framework and in order to better understand the bigger picture, two keynote speeches provided guidance through the maze of concepts and the complexity of the current media value chain.

### 2. What Type of Empowerment Do Users Need?

**Natali Helberger**,<sup>2</sup> professor at the [Institute for Information Law \(IViR\)](#) of the University of Amsterdam, partner institution of the OBS, introduced participants to some key concepts underlying the empowerment of users. Originally, empowerment means *giving people the tools and knowledge they need to organise their life and to participate in a cultural, social or political context*. The notion has lately been politicised, especially in the Internet context, to help solve complex regulatory puzzles.

Empowerment implies **a five-step process and an outcome**. Users: (1) have to be aware that they need to be "empowered"; (2) to be able to identify risks and opportunities; (3) they need to have the means to deal with difficult situations; (4) co-ordination with others is key in facing big media companies or state authorities; (5) finally, feedback mechanisms are required to assess the success of a strategy. The different steps may require different types of empowerment.

User empowerment is necessary and useful. Yet, as users have no superpowers, some realism is needed about who users are and who is their counterpart. Empowerment alone may often not be sufficient. In order to be productive, empowerment strategies need to look at the entire process.

### 3. Panorama of the Ecosystem for Audiovisual Content Distribution

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<sup>2</sup> Natali Helberger's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/1\\_Helberger\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_empowerment\\_IViR\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/1_Helberger_OBS_EPRA_ws_empowering_users_empowerment_IViR_2014.pdf)

**Pieter Nooren**,<sup>3</sup> senior scientist in the field of media and network services at the research organisation [TNO](#), gave an insight into the complexity and interaction of the media ecosystem.

Based on the recent [White Paper](#) he co-authored introducing the DAMIAN method for the systematic analysis of the converged value web, including the effects of regulation, he presented a detailed map of the complex value chain for audiovisual content distribution in the converged media environment.

Convergence between Internet, media and telecoms has brought numerous options for end-users to access audiovisual media. As traditional and new market players tend to compete and collaborate, the same content can be accessed via multiple routes. Whereas tools aimed at the protection of minors, such as filters, PIN numbers and watersheds, are typically associated to specific routes, this approach, while convenient for content providers, does not make sense for individual end-users, who may end up feeling “disempowered”.

In the course of the discussion, it was stressed that this analysis did not take into account that the websites where most of the potentially inappropriate content is available often do not offer any protection tools. It was concluded that such websites often use over-the-top/Internet distribution routes that are technically very similar to the routes used by companies that do offer protection. Attention was also drawn to the need to respect the principle of technological neutrality in policy development in the context of this value chain.

### **III. Mapping of Existing Regulatory Obligations**

#### 1. Introduction to the Panel 1

During the first panel, chaired by **Emmanuelle Machet**, the discussion focused on the specificities of the regulatory frameworks and the recent initiatives launched by regulators.

#### 2. Overview of Existing Regulatory Obligations

In order to set the scene for the first panel, **Sophie Valais**,<sup>4</sup> legal analyst at the OBS, showed the overall picture of the European regulatory obligations for audiovisual media services and their implementation in the Member States, with a special focus on on-demand services. She emphasised some main trends in the current system in the EU. It appears in particular that there is no real common definition of the key concepts of the AVMS Directive<sup>5</sup> “might seriously impair”, “likely to impair”, “pornography” etc. and no common approaches regarding the technical solutions in place across Europe. Valais concluded her presentation by posing open questions on the existing distinction between the standards that apply to linear and non-linear services, the harmonisation of protection

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<sup>3</sup> Pieter Nooren’s presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/2\\_TNO+%28NOOREN%29\\_OBS\\_EPRA\\_ws\\_empowering\\_user\\_s\\_Overview\\_of\\_instruments\\_final.pdf](http://www.obs.coe.int/documents/205602/8166194/2_TNO+%28NOOREN%29_OBS_EPRA_ws_empowering_user_s_Overview_of_instruments_final.pdf)

<sup>4</sup> Sophie Valais’ presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/3+Valais\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_Overview\\_of\\_regulatory\\_obligations.pdf](http://www.obs.coe.int/documents/205602/8166194/3+Valais_OBS_EPRA_ws_empowering_users_Overview_of_regulatory_obligations.pdf)

<sup>5</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0013&from=EN>.

measures and rating systems in the EU, as well as the effective enforcement of self- and co-regulatory regimes.

### 3. Presentation of Examples

**Benjamin Thull**,<sup>6</sup> expert on the protection of minors at the [Media Regulatory Authority of Baden-Württemberg](#) (LFK) presented the specificities of the German system for the protection of minors in the media. He looked at the respective mandates and competences of the regulatory body in charge of the protection of minors in the media ([Kommission für Jugendmedienschutz – KJM](#)) and the certified self-regulatory bodies. The system in Germany is a combination of regulation and self-regulation, wherein self-regulatory bodies have to make sure that their members respect their commitments. With regard to problematic content on the Internet he emphasised the role and achievements of [Jugendschutz.net](#). Under the supervision of the KJM and in cooperation with the media authorities, Jugendschutz.net is in charge of monitoring websites to detect harmful content for minors.

The case of Norway served to illustrate a new development, as well as a technology neutral approach. As described by **Marita Bergtun**,<sup>7</sup> senior adviser at the [Norwegian Media Authority \(NMA\)](#), the Norwegian Parliament has adopted an act<sup>8</sup> establishing new rules for the protection of minors that should come into force on 1 July 2015. These rules will apply to any audiovisual content regardless of the platform used (television programmes, on-demand audiovisual media services, cinema and videogames). The act will introduce a system of classification of content with age limits valid for 10 years. Age limits for cinema films will be set by the NMA, whereas age limits for other audiovisual content will be decided by the providers on the basis of guidelines provided by the NMA. For games, the PEGI rating system will still apply.

**Kenza Zaz**, European Affairs Officer at the [French Regulatory Authority \(CSA\)](#), presented the French rating system of audiovisual content (*signalétique jeunesse*). This system, which is composed of five categories of warning symbols, is used both on TV and on-demand services. In addition, recommended transmission time and watersheds are also used for linear services. As for providers of on-demand services, they have to include two distinct areas on the service: the trust zone (only programmes that are suitable to all viewers) and a locked zone (dedicated to adult programmes available with a pin code). The presenter drew the audience's attention to the need to give coherent information to viewers about the applicable rules and the complaints mechanisms, especially in an environment where the frontier between audiovisual services and online services is becoming increasingly blurred.

**Damir Hajduk**,<sup>9</sup> Deputy Chairman of the [Agency for Electronic Media](#) of the Republic of Croatia (AEM), reported on the Croatian legal framework relating to the protection of minors

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<sup>6</sup> Benjamin Thull's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/4\\_Thull\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_regulatory\\_obligations\\_DE\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/4_Thull_OBS_EPRA_ws_empowering_users_regulatory_obligations_DE_2014.pdf)

<sup>7</sup> Marita Bergtun's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/5\\_Bergtun\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_regulatory\\_obligations\\_NO\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/5_Bergtun_OBS_EPRA_ws_empowering_users_regulatory_obligations_NO_2014.pdf)

<sup>8</sup> On 15 December 2014, the Norwegian Parliament adopted a new law on the protection of minors. See more information at: [www.epra.org/news\\_items/protection-of-minors-norway-adopts-platform-independent-legislation](http://www.epra.org/news_items/protection-of-minors-norway-adopts-platform-independent-legislation)

<sup>9</sup> Damir Hajduk's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/6\\_Hajduk\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_regulatory\\_obligations\\_research\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/6_Hajduk_OBS_EPRA_ws_empowering_users_regulatory_obligations_research_2014.pdf)

in the media which is currently under revision. He presented the on-going co-operation between the AEM and UNICEF that started in 2014. The memorandum of understanding signed with UNICEF in 2014 includes research, assessment of the legal framework and media literacy initiatives. With regard to film classification, Hajduk mentioned the memorandum between the [Croatian Audiovisual Centre](#) (HAVC) and the AEM aiming at creating a rating system applicable on all distribution platforms.

During the discussion, the question arose as to whether different rules for linear and for non-linear services in the field of protection of minors should be maintained or not, especially in a convergent media environment. It was argued that, whereas adopting common rules for all platforms in this respect is necessary, the enforcement of these rules should adapt to the way content is consumed.

#### **IV. Mapping of Co- and Self-Regulatory Commitments**

##### 1. Introduction to Panel 2

New technologies and internationalisation have led to widespread and fundamental changes in the media sector and these represent a challenge for the regulating states. Traditional regulation might become unsuitable under changed circumstances and oblige the state to redefine its role. This is even true for fundamental objectives like the protection of minors. While in most countries the state has a responsibility to prevent children from having access to potentially harmful content, this does not mean that regulation in this field is completely in the hands of the state. In practice, self- and co-regulation offer very concrete alternatives to traditional legislative approaches, in particular in the online environment and in relation to the protection of minors in new audiovisual services. In most Member States, such schemes exist or are explicitly encouraged by law and they are often one of the pillars for the protection of minors against harmful content in audiovisual services.

Panel 2, chaired by **Sophie Valais**, legal analyst at the OBS, allowed an in-depth examination of the challenges of such complementary approaches. This occurred first through an overview of self- and co-regulatory commitments implemented across Europe, based on different legal traditions. In addition, the panel also enabled the presentation by experts from different countries and sub-sectors of the audiovisual industry of concrete examples of self- and co-regulation schemes that outlined the best practices in Europe and the conditions and criteria for their successful implementation in relation to the question of empowering users in audiovisual media services and, in particular, protecting minors against harmful content. This panel also helped to define self- and co-regulation based on practical experience and to identify the potential obstacles that can be encountered in the implementation of these approaches.

##### 2. Overview of Self and Co-Regulatory Commitments in Europe

**Peter Matzneller**,<sup>10</sup> General Manager at the [Institute of European Media Law \(EMR\)](#), partner institution of the OBS, gave a presentation on the essentials of self- and co-regulatory regimes in Europe. Drawing on the key definitional elements set out in the AVMSD, he presented the scope of both approaches, explaining that self-regulation is characterised by voluntary initiative and complementarity with traditional legislative

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<sup>10</sup> Peter Matzneller's presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/7\\_Matzneller\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_overview\\_co\\_self\\_regulatory\\_commitments\\_EMR\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/7_Matzneller_OBS_EPRA_ws_empowering_users_overview_co_self_regulatory_commitments_EMR_2014.pdf)

approaches, whereas co-regulation includes a legal link to state intervention. He recalled that the AVMSD encourages Member States to use self- and co-regulation systems. Both self- and co-regulatory schemes present, though, common challenges: effectiveness, accessibility, awareness, affordability, comparability with foreign tools and acceptance both by the industry and by the audience. In conclusion, he presented a series of different perspectives in relation to various examples of successful implementation of self- and co-regulatory commitments in Europe. The question of how to deal with cross-border systems also needs to be addressed, together with the existence of Pan-European rating systems and the need for technological tools.

### 3. Practical Examples of Co-Regulation

In the Netherlands, programmes that can be seriously harmful to children are under the direct supervision of the [Dutch Media Authority \(CvdM\)](#), whereas potentially harmful media content is subject to a co-regulatory regime. **Nienke Meester**,<sup>11</sup> legal advisor at the CvdM introduced to the Dutch system of co-regulation called [Kijkwijzer](#).<sup>12</sup> This system is based on a tripartite structure including the Netherlands Institute for the Classification of Audiovisual Media (NICAM), which is the acknowledged classification self-regulatory body created in 1999, the Dutch Media Authority and the media industry. Public service media and private media that intend to broadcast linear audiovisual content are legally obliged to join NICAM. NICAM is responsible for the classification system and provides for a consumer complaints mechanism. The quality of the classification is supervised by the CvdM. Transparency, validity, reliability, consistency and flexibility have proven to be key factors of success of the Kijkwijzer. NICAM's power to impose sanctions to its members and the fact that it is under meta-supervision by an independent regulatory authority are also important features of the system which contribute to its effectiveness.

This presentation was followed and complemented by an overview of the mandate and activities of NICAM given by its Director, **Wim Bekkers**.<sup>13</sup> Supported by a broad range of players in the audiovisual sector (broadcasters, game distributors, on-demand services providers and the film industry), NICAM established a cross-media classification system. Providers themselves assume the responsibility of ensuring a uniform classification and information system with age indicators and content descriptors for television, cinema and DVD. For this purpose, around 300 coders work within these organisations and are trained by NICAM. The age ratings and content descriptors are very well known in the Netherlands. Content descriptors were introduced at the request of parents. The Institute also undertakes a constant evaluation of the classification criteria. Based on the experience of NICAM, the presenter insisted on the fact that giving clear information to parents and children is a means of protection and contributes to a better use of audiovisual content, especially in a context where there is a growing amount of audiovisual content offered to all viewers.

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<sup>11</sup> Nienke Meester's presentation is available at the following link: <http://www.obs.coe.int/documents/205602/8166194/8 +Meester OBS EPRA ws empowering users co regulati on NL 2014.pdf>

<sup>12</sup> Kijkwijzer means "viewing guide" in English.

<sup>13</sup> Wim Bekkers' presentation is available at the following link: <https://prezi.com/9xgtwluuik0n/the-peanut-butter-principle/>



**Jürgen Bänsch**,<sup>14</sup> responsible for EU Affairs at PEGI S.A., presented to participants the [Pan-European Game Information \(PEGI\)](#) system. He highlighted the main features of the code of conduct signed by most of the companies of the game publishing sector. He stressed that the code of conduct not only creates a self-rating system providing reliable and objective information to consumers, but also covers fields such as advertising, consumer redress, sanctions and online gaming issues. The PEGI self-rating system is based on self-declarations by game editors following objective criteria and is certified by an independent administrator (NICAM). One of the interesting features of the system, initially born as self-regulation, is that it is now endorsed in most of the European countries (except Germany which has its own game rating system).<sup>15</sup> These Member States are represented at the PEGI Council, which is part of the PEGI management board.

Recently, PEGI has been involved in new initiatives such as "[PEGI for apps](#)", developed together with Microsoft, which is a specific rating procedure tailored to the needs of app stores, the [MIRACLE](#) project and the [International Age Rating Coalition \(IARC\)](#), a global initiative aiming at creating one single submission process for assigning ratings with regional outputs.

The presentations were followed by observations and comments from the floor. It emerged from the discussion that the criteria of distinction for harmful and seriously harmful content can sometimes be unclear. To illustrate this issue, the debate on video game violence was mentioned. PEGI has adopted the wordings "suitable" and "non-suitable" content to avoid this.

#### 4. Practical Examples of Self-Regulation

**Otto Vollmers**,<sup>16</sup> Managing Director of the German self-regulatory organisation FSM ([Freiwillige Selbstkontrolle Multimedia-Diensteanbieter](#)), presented the perspective of a. He examined how self-regulation is incorporated into the German legal framework and showed that difficulties encountered by German judicial authorities in the implementation of the law often lie in the fact that there is no level playing field between regulated content under German rules and content provided by international providers.

One example served to illustrate voluntary engagement of online players. As part of a joint engagement of business, voluntary self-regulation and state supervision the [Selbstkontrolle Suchmaschinen](#) (an organisation created in 2005 under the auspices of the FSM by the best-known German search engine providers), in cooperation with the [Federal Department for Media Harmful to Young People \(BPjM\)](#), has developed a technical procedure which, by incorporating the so-called BPjM-Module, ensures that Internet addresses (URLs) which have been placed by the BPjM on the index of media harmful to young people will no longer be shown in the lists of results produced by the search engines. As a result, whether content could be harmful for young people and should or should not be displayed in lists of search results is not decided by the individual search engines. Instead, the decision to

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<sup>14</sup> Jürgen Bänsch's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/10\\_Bansch\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_PEGI\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/10_Bansch_OBS_EPRA_ws_empowering_users_PEGI_2014.pdf)

<sup>15</sup> Germany has its own rating system established by the self-regulatory body USK. More information about the USK ratings available at the following link: [www.usk.de/en/](http://www.usk.de/en/).

<sup>16</sup> Otto Vollmers' presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/11\\_Vollmers\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_self\\_regulation\\_FSM\\_DE\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/11_Vollmers_OBS_EPRA_ws_empowering_users_self_regulation_FSM_DE_2014.pdf)

delete search results which are in contravention of German law is taken by a legitimate authority, in the form of the BPjM, by a transparent procedure.

Another interesting tool has been developed for online providers helping them to meet legal requirements under the German law. This tool is a technical age label which allows website owners to tag their websites according to the common German standard [age-de.xml](#), so that parental control software can recognise it.

**Federico Sircana**,<sup>17</sup> Project Manager at RTI Interactive (Mediaset), described the self-rating tool for user generated content “[You rate it](#)”, developed by NICAM and [British Board of Film Classification \(BBFC\)](#) and currently tested on the Italian user-generated content (UGC) platform [16 mm.it](#) launched in 2011. This system combines the rating provided by the uploaders with the perception of the viewers and thus allows for an experimental classification system of the degree of harmfulness of the posted content.

**Paulina Staszczak**, legal specialist at the Monitoring Department of the [National Broadcasting Council of Poland \(KRRiT\)](#), began by explaining that in the current legal system KRRiT isn’t able to cede its rights to other bodies – so co-regulation isn’t possible as for example in the UK. However, there is an area which gives the possibility of self-regulation. She gave an update on the features of two very recent Polish initiatives relating to protection tools: a code of practice which introduces effective technical tools to be used by providers against harmful content and an agreement concerning advertisements of unhealthy food in children’s programmes. The first example – a code of conduct – concerns non-linear media services. The document was created in accordance with the recommendations included in Directive 2010/13/EU of the European Parliament and of the Council, which requires the adoption of appropriate measures to ensure the effective protection of minors from having access to content that is detrimental to their physical, mental and moral development, while maintaining the basic right to freedom of expression. The document was signed by six on-demand service providers, who committed themselves to taking effective technical measures to prevent minors from accessing harmful content. The code thus covers a distinct majority of Polish VoD services, as the market share of the above providers is estimated to be over 80 percent.<sup>18</sup> As regards the agreement, it concerns linear media services. According to a declaration made by broadcasters on 1 January 2015, the programmes for children aged up to 12 will not be accompanied by advertisements of food and beverages that do not meet the standards of the “Nutritional Criteria to the Self-Regulation on Food Advertising Aimed at Children under 12 Years”. This document was prepared on the request of the Polish Federation of Food Industry and approved by the Ministry of Health and is attached to the Broadcasters’ Agreement.<sup>19</sup>

**Tanja Kerševan Smokvina**,<sup>20</sup> principal Advisor at the [Slovenian Agency for communication networks and services \(AKOS\)](#) pointed out the difficulties encountered in

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<sup>17</sup> Federico Sircana's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/12\\_Sircana\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_you\\_rate\\_it\\_IT\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/12_Sircana_OBS_EPRA_ws_empowering_users_you_rate_it_IT_2014.pdf)

<sup>18</sup> More information about Code of Good Practice - Protection of Minors Online is available at the following link : [www.krrit.gov.pl/en/for-journalists/press-releases/news,1630,protection-of-minors-online--code-of-good-practice.html](http://www.krrit.gov.pl/en/for-journalists/press-releases/news,1630,protection-of-minors-online--code-of-good-practice.html)

<sup>19</sup> More information about the agreement available at the following link: [www.krrit.gov.pl/en/for-journalists/press-releases/news,1727,limiting-the-unhealthy-food-advertisements-to-children.html](http://www.krrit.gov.pl/en/for-journalists/press-releases/news,1727,limiting-the-unhealthy-food-advertisements-to-children.html)

<sup>20</sup> Tanja Kerševan Smokvina's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/13\\_Kersevan\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_AKOS\\_SI\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/13_Kersevan_OBS_EPRA_ws_empowering_users_AKOS_SI_2014.pdf)



Slovenia when implementing self-regulatory systems “imposed by law” in the field of the protection of minors, as well as the solutions that are currently being developed. In practice, the Agency has observed considerable differences between broadcasters and providers in the interpretation of key concepts on which the classification is based, a situation which has resulted in unsatisfactory labelling.

During the debate, the participants acknowledged the relevance of self- and co-regulatory systems, which ensure more flexibility than classical regulation when addressing the challenges of the protection of minors across borders and across platforms. Self- and co-regulation also present the advantage of taking into account the different legal backgrounds and cultural sensibilities that present themselves across Europe, where different conceptions co-exist as to the notion of “harmful content”. The floor also raised the question of the awareness and understanding of consumers with regard to what kind of protection applies to different types of content and which regulatory body is competent in a given case. Public preference for rating versus protecting tool solutions was also stressed.

## **V. Focus on Protection Tools**

### 1. Introduction to Panel 3

Until very recently the only gateway for audiovisual content at home was the TV set. In this single-screen world it was easy for parents to oversee what their children could watch. Nowadays things are a bit more complicated. We live in a connected, multi-screen environment, which is unregulated to great extent. Therefore the parents’ role in protecting and empowering children is both fundamental and more demanding.

The protection of children based on parents’ awareness and involvement can however lead to a situation of so-called “protection divide”. That is, children with well-educated, technology-savvy parents might be better protected than those with less prepared parents. Moreover, even the best of parents are not omnipotent: how can parents control their children’s digital activities when they are not at home (at school, with friends, etc)? Or when they are alone in their bedrooms? Obviously, children cannot be left to their own devices, especially when their devices are Wi-Fi enabled. Technology can help in this regard, filtering what content children can or can’t access on their multiple screens. But then, technology that tells people what is allowed and what is not allowed might have an impact on the end user’s privacy rights.

Panel 3, chaired by **Francisco Cabrera**, legal analyst at the OBS, provided an overview of technological tools that may protect users against unwanted, harmful content. In the first part of this panel, two main presentations explained the intricate relationship between users’ empowerment and technical solutions, including not only their advantages, but also their disadvantages, as well as their possible impact. In the second part of this panel, several practical cases were presented.

### 2. Overview of the Technological Solutions

**Stephan Dreyer**,<sup>21</sup> Senior Researcher at the [Hans-Bredow Institute for Media Research](http://www.obs.coe.int/documents/205602/8166194/14_Dreyer_OBS_EPRA_ws_empowering_users_tools_HBI_2014.pdf) gave insight into the relationship between user empowerment and technical solutions. He

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<sup>21</sup> Stephan Dreyer's presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/14\\_Dreyer\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_tools\\_HBI\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/14_Dreyer_OBS_EPRA_ws_empowering_users_tools_HBI_2014.pdf)

presented the various existing tools of the technological ecosystem in two different dimensions: “empowerment by technology”, whereby parents use tools to implement their own educational concept, and a more active process of “empowerment through technology”, whereby technology allows parents to influence the ratification and classification processes. These technological tools have advantages, but might also have spill-over effects if not used correctly. The presenter stressed that the implementation of technological solutions must be accompanied by awareness campaigns or initiatives towards parents. He also gave a short introduction to the [MIRACLE](#) project, mentioned several times by participants, which aims at making age-labelling cross-border, readable and interoperable.<sup>22</sup>

### 3. Overview of the Possible Impact of the Tools

**Pieter Nooren**<sup>23</sup> from TNO presented the impact of the protection tools for companies involved in the media value chain. Using a map of the complex value chain introduced during his first presentation, he showed how the impact varies from one protection tool to another. For instance, he highlighted that, whereas classification and rating are the responsibility of the content provider, the tools used for UGC services (age restrictions and restrictions based on end-user feedback) are driven by inputs from the end-user community. He concluded that more collaboration between the stakeholders could improve the quality of the classification and provide more consistency for end-users.

### 4. Presentation of Practical Examples

**Séverine Fautrelle**, EU Affairs Adviser at [Canal+ Group](#), offered the perspective of a pay-tv broadcaster. She reported on the protection tools developed on Canal+ services. By way of illustration, she presented the Canal+ catch-up service, which includes appropriate age pictograms displayed on the content, a specific zone for family programmes and restricted access to adult programmes.<sup>24</sup>

The case of Germany served to illustrate how parental control software works. The KJM has approved two parental control software: the [Kinderschutz software of the DeutscheTelekom](#) and the [youth protection programme of JusProg e.V.](#) The software includes several components, such as blacklists, whitelists, technical age labels and intelligent filters. **Benjamin Thull**<sup>25</sup> presented the main challenges for the use of these technical tools. He stressed notably the need for technical solutions on social networks, for international standards and for awareness-raising among parents.

In addition to this, **Stefan Schellenberg**, CEO of [JusProg e.V.](#) presented the work of his NGO, which has developed free protection software for parents and children, namely filtering software which operates according to age classification levels (children under 6, 12

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<sup>22</sup> It is worth mentioning here that NICAM, PEGI, the Hans Bredow Institute for Media Research, FSM and JusProg are partners of the project consortium.

<sup>23</sup> Pieter Nooren's presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/15\\_TNO%28Nooren%29\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_Impact\\_of\\_tools\\_final\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/15_TNO%28Nooren%29_OBS_EPRA_ws_empowering_users_Impact_of_tools_final_2014.pdf)

<sup>24</sup> Séverine Fautrelle's presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/16\\_Fautrelle\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_tools\\_canalplus\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/16_Fautrelle_OBS_EPRA_ws_empowering_users_tools_canalplus_2014.pdf)

<sup>25</sup> Benjamin Thull's presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/17\\_Thull\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_tools\\_DE\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/17_Thull_OBS_EPRA_ws_empowering_users_tools_DE_2014.pdf)

or 16 years). JusProg also created their own filter lists based on the consumption habits of children. One other important filtering tool is the age label "age-de.xml", which has been adopted by many companies in Germany. However, Schellenberg also stressed a need for an international approach in the use and promotion of this tool.

**Maria Donde**,<sup>26</sup> International Policy Manager at British regulator [Ofcom](#), explained in detail the network-level filtering products that have been offered by the UK Internet service providers (ISPs) since 2014 as an option to their new and existing customers. The system was developed to offer simplicity for parents and users by covering all devices in one household. Most of the ISPs have chosen to use a URL blocking system, based on blacklists and whitelists. The presenter also provided some interesting data on the take-up of these products. Ofcom published two reports on the Internet filtering measures in [January](#) and [June](#) 2014, which contain information on the filtering systems introduced by ISPs in the UK.

It emerged from the discussion that:

- The implementation of protection tools not only raises technical, but also social questions, such as for instance the level of awareness of parents on when and how to use these tools.
- There is a need to address the challenges of content delivered over the Internet, especially content outside of the scope of regulation at national and EU level. Further to this, it was also highlighted that the different types of market players and non-European actors should operate on a level playing field.

It was also mentioned that the adoption of new rules in the context of the revision of the AVMS Directive may not offer an adequate solution for adapting the EU regulatory framework to the convergence of media. Guidance would be helpful on how to implement the current legal framework instead.

## **VI. Creating Awareness and Wrapping Up**

### 1. Introduction to Panel 4

The importance of media literacy as a way of creating awareness and, thus, the relevance of users' empowerment in terms of allowing people to develop critical evaluation skills towards the media is steadily growing. Most international institutions have expressed themselves in favour of this trend and more and more countries are setting up programmes or developing codes of conduct in order to promote good practices in this regard.

The last panel of the workshop, chaired by **Maja Cappello**, Head of the Department for Legal Information of the OBS, was devoted to the identification of possible ways of creating empowerment through media literacy. Considering that this notion has several implications at various levels, be it with regard to an educational programme for kids or a lifelong learning process, and in different sectors, depending on both the regulatory and industry context where it develops, it was a deliberate choice on the part of the organisers to treat this topic last, so as to better show its transversality.

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<sup>26</sup> Maria Donde's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/19\\_Donde\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_tools\\_ofcom\\_uk\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/19_Donde_OBS_EPRA_ws_empowering_users_tools_ofcom_uk_2014.pdf)

Following the structure also used in the previous panels, an introductory keynote set the scene, followed by a selection of national examples.

## 2. Media Literacy Obligations and Commitments

**Martina Chapman**,<sup>27</sup> Director of Mercury Insights Ltd, provided participants with some key elements with regard to the definition of media literacy. It emerged that there is no common definition of media literacy, but there is a general agreement on what it means, namely "to access to understand, evaluate, communicate and create media, including safe and responsible use". Media literacy in a broad context can be seen as a set of technical, social, civic, creative and critical thinking skills. The stakeholders active in media literacy policies and promotion at the international, European and national level are not limited to the media and the educational system, but include a broad range of actors.

Several initiatives are funded or partly funded by the European Commission, such as the [Insafe Network \(Safer Internet Day\)](#); [Creative Europe](#) has also a big potential to create awareness. [UNESCO](#) and [European Media and Information Literacy Forum](#) are examples of international organisations active in creating awareness in this regard and more and more regulators are becoming active in the space of Media Literacy. The public service media (PSM) are using media literacy topics to create awareness, while also looking at the potential benefits for the PSM. A similar win-win reasoning is also stimulating the commercial sector and many cross-sector initiatives are also reported.

## 3. Presentation of Practical Examples

**Loreta Vioiu** of the Council of Europe gave an introduction to the [Human rights guide for Internet users](#) adopted in April 2014 by the Committee of Ministers of the Council of Europe. The guide notably includes two chapters dealing with education and literacy and children and young people.

**Anne-Catherine Berg**,<sup>28</sup> legal adviser at the [European Broadcasting Union \(EBU\)](#) emphasised that media literacy is an important part of the PSM remit. Examples of media literacy projects undertaken by EBU members served to illustrate the role that PSM can have regarding different components of media literacy. The following were mentioned:

- A BBC campaign in the UK ("[Give an hour](#)") aiming at helping older people to get the support they need to develop digital media skills;
- A RTBF programme ("[On n'est pas des pigeons](#)") intended to help viewers to be intelligent consumers and defend their interests and;
- An SRF online community ("[Zambo](#)") created to engage young audience in Switzerland.

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<sup>27</sup> Martina Chapman's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/20\\_Chapman\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_media\\_literacy\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/20_Chapman_OBS_EPRA_ws_empowering_users_media_literacy_2014.pdf)

<sup>28</sup> Anne-Catherine Berg's presentation is available at the following link:

[http://www.obs.coe.int/documents/205602/8166194/21\\_Berg\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_media\\_literacy\\_EBU\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/21_Berg_OBS_EPRA_ws_empowering_users_media_literacy_EBU_2014.pdf)

To further illustrate how PSB can contribute to raising awareness and creating critical thinking, **Philippe Van Meerbeeck**,<sup>29</sup> Strategic Policy Advisor at the [Flemish PSB \(VRT\)](#), presented an interesting project initiated in Flanders by VRT in co-operation with a wide range of stakeholders from the industry called the "great helpdesk 2013". During a week, Radio 2 presented a show on online safety with thematic interactive debates between stakeholders and listeners. Both stakeholders and VRT benefited from this experience. Stakeholders gained visibility by contributing to a societal issue and VRT marked its social role as a public broadcaster.

**Peter Behrens**,<sup>30</sup> Head of Department at the [Media Authority of Rhineland-Palatinate \(LMK\)](#) gave a presentation on the German Safer Internet Centre which implements the [EU safer Internet programme](#). In Germany, these activities include the national awareness centre [klicksafe](#), run by LMK and the Media Authority for North Rhine-Westphalia, two hotlines (Internet-beschwerdestelle.de and jugendschutz.net), as well as one helpline run by an NGO. The klicksafe awareness centre is part of the European network [Insafe](#), which allows exchanges and the development of synergies at the European level. At the national level, the centre and the LMK are responsible for organising awareness-raising events (including the [Safer Internet Day](#)), developing media campaigns (such as the [klicksafe-Spots](#)) and promotional tools. The LMK also chairs a network of relevant national stakeholders.

Finally, **Otto Vollmers**<sup>31</sup> shared with participants some concluding thoughts on media literacy initiatives. He observed that very often IT developments move faster than the implementation of media literacy tools. There is therefore a need to look into how the system can be made faster. As regard awareness, FSM has developed a cost-free hotline with mobile operators and initiatives, such as [361° Respekt](#) or [Frag FINN](#), where the relevance of working with schools and kids appears as particularly significant.

#### 4. Closing Remarks

Each of the four panels could easily have filled a full-day conference, but the highly interactive character of the workshop allowed most aspects to be put on the table.

Existing obligations and commitments, which were tracked both in the framework of regulatory and self-/co-regulatory instruments and practical examples, clearly show how complex the situation is and, at the same time, indicate how strong the efforts and the developments are in this context. When discussing the topic of protecting viewers from harmful content from the point of view of users' empowerment, the state appears as only one of the active stakeholders, which contributes to the realisation of the goal of ensuring an adequate level of protection together with the other actors, among which also the users themselves must be included.

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<sup>29</sup> Philippe Van Meerbeeck's presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/24\\_Van+Meerbeeck\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_media\\_literacy\\_VRT\\_BE\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/24_Van+Meerbeeck_OBS_EPRA_ws_empowering_users_media_literacy_VRT_BE_2014.pdf)

<sup>30</sup> Peter Behrens' presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/22\\_Behrens\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_media\\_literacy\\_klicksafe\\_DE\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/22_Behrens_OBS_EPRA_ws_empowering_users_media_literacy_klicksafe_DE_2014.pdf)

<sup>31</sup> Otto Vollmers' presentation is available at the following link:  
[http://www.obs.coe.int/documents/205602/8166194/23\\_Vollmers\\_OBS\\_EPRA\\_ws\\_empowering\\_users\\_media\\_literacy\\_FSM\\_DE\\_2014.pdf](http://www.obs.coe.int/documents/205602/8166194/23_Vollmers_OBS_EPRA_ws_empowering_users_media_literacy_FSM_DE_2014.pdf)

This shared activity among the various actors in the media landscape, which is particularly visible in the on-demand environment, makes the general outlook quite complex. This is the reason why the Observatory will produce a thematic report (*IRIS plus*) on the topic of “empowering users” in spring 2015, building on the material collected and the debate engaged in during the workshop.