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**CORRIGENDUM**

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97/0337 (COD)

Amended proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

adopting a Multiannual Community Action Plan on promoting safer use of the Internet

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)

## EXPLANATORY MEMORANDUM

The Commission hereby presents a modified proposal for a European Parliament and Council Directive adopting a Multiannual Community Action Plan on promoting safer use of the Internet. The modified proposal incorporates those amendments proposed by the European Parliament at First Reading which were accepted by the Commission.

### 1) INTRODUCTION

#### a) Background

The Commission adopted its proposal on 26<sup>th</sup> November 1997, and it was formally transmitted to the European Parliament and the Council on 26<sup>th</sup> January 1998.

The Economic and Social Committee gave a favourable Opinion on the 29<sup>th</sup> April 1998. The Committee of the Regions gave a favourable Opinion on the 14<sup>th</sup> May 1998. The European Parliament adopted a favourable Resolution at its First Reading on the 2<sup>nd</sup> May 1998, and proposed 23 amendments to the Commission proposal.

#### b) Purpose of the Action Plan

The aim of the Commission proposal is to ensure implementation of the various European Union initiatives on how to deal with undesirable content on the Internet. The proposal is a financial plan designed to support non-regulatory initiatives for content control. It is important to emphasise that the vast majority of content poses absolutely no problem. However the Internet can be used for illegal activities and distribution of illegal content. Parents and teachers are concerned at the availability of content, which could be harmful for children. If the consumers and industry of Europe are to take full advantage of the opportunities offered by the Information society, these issues must be addressed.

The Action Plan has four action lines:

- (1) **Creating a safer environment** - including creation of a European network of hot lines and support for self-regulation
- (2) **Developing filtering and rating systems**, taking account of Europe's cultural and linguistic diversity
- (3) **Encouraging awareness actions**
- (4) **Support measures**

Each of the Action Lines aims at reaching certain main objectives:

- to empower the user to protect himself and his family from undesirable – harmful – material,
- to strengthen reporting mechanisms for illegal material to be dealt with by existing legislation,
- to ensure that the specific multicultural and multilingual needs of Europe are addressed adequately,
- to build trust in the new environment so the consumer can benefit from the new services, and so the industry can use the opportunities of electronic media.

## 2) EP AMENDMENTS ACCEPTED BY THE COMMISSION

Of the 23 amendments adopted by the European Parliament at First Reading, the Commission accepted 20 in full, in part or in principle.

Amendments accepted in full, in part or in principle: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14 (in part), 15, 16, 18, 19, 20, 21, 22, 23.

The Commission accepted those amendments which:

- emphasise the consumer protection perspective [amendments 1, 2, 3, 4, 10]
- include issues of importance under the scope of the plan and supplement the definitions of the scope [amendments 1, 4, 5, 6, 10, 11, 13, 15, 18, 19, 20, 21, 22, 23]

In its modified proposal, the Commission has included the amendments in the text as proposed by the European Parliament, and made some additions to ensure consistency throughout the text.

One of the amendments – 14 – is in part acceptable in the French language (as first submitted to the Commission). It should nevertheless, be emphasised that the Commission in the modified proposal uses the exact wording of Article 2 of the Council decision of 13 July 1987 (87/373/CEE), describing rules governing type I committees. This text is, in the English version of the text, close to the original version.

## 3) EP AMENDMENTS NOT ACCEPTED BY THE COMMISSION

The reasons which lead the Commission not to accept three of the amendments proposed by the European Parliament are related to *legal issues* and *projects that may prove to be unnecessary*.

### a) Legal issues - liability

The Action Plan is a **financial instrument** that stimulates initiatives that must be addressed by Member States, the industry and users. It is **not a legal instrument** for solving the various legal issues connected with the Internet. Therefore, care has been taken to **focus on the non-regulatory measures** in this Action Plan. The amendments (7 and 12) suggested by Parliament, address issues that are clearly legal by nature and make references to *liability*. These issues should not be dealt with in the Action Plan as fragmentary statements, but should be addressed elsewhere.

### b) Labelling systems

Of the EP amendments adding to the scope of the Action Plan, only one was unacceptable and then for practical reasons only. It proposes the inclusion of **labelling systems** in Industry Codes of conduct. The need to adopt labelling systems is already stated in the *Recommendation on protection of minors and human dignity*, and we can expect Codes of conduct to be developed along the lines suggested on this report. If a separate European labelling system is needed, the Action Plan will certainly promote such a system. However, if flexible, international systems can be adapted, and this proves to be a better solution, there will be no need for a separate European system, which could be a waste of money. There is no reason to believe that the concerns, reflected in the suggested amendment, are not already covered by the proposal.

#### **4) CONCLUSION**

The Commission has accepted 20 out of 23 amendments proposed by the European Parliament at First Reading either in whole or in part.

In accordance with Article 189a paragraph 2 of the EC Treaty, the Commission amends its initial proposal, incorporating these amendments.

**Modified proposal for a European Parliament and Council Directive  
adopting a Multiannual Community  
Action Plan on promoting safer use of the Internet**

**Original text**

**Amended text**

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**Title and citations**

**(based on EP amendments 1 and 2)**

**PROPOSAL FOR A COUNCIL DECISION**

**PROPOSAL FOR A EUROPEAN  
PARLIAMENT AND COUNCIL DECISION**

of .....  
adopting a Multiannual Community Action Plan  
on promoting safe use of the Internet

of .....  
adopting a Multiannual Community Action Plan  
on promoting safer use of the Internet

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN PARLIAMENT AND THE  
COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the  
European Community, and in particular Article  
130(3) thereof,

Having regard to the Treaty establishing the  
European Community, and in particular Article  
129a(2) thereof,

Having regard to the proposal from the  
Commission,

Having regard to the proposal from the  
Commission,

Having regard to the Opinion of the European  
Parliament,

Having regard to the Opinion of the Economic and  
Social Committee,

Having regard to the Opinion of the Economic and  
Social Committee,

Having regard to the Opinion of the Committee of  
the Regions,

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the Regions,

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**Recital 2**

**(based on EP amendment 3)**

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can seriously hamper the development of the emerging Internet industry and thus, adversely affect the set-up of the necessary favourable environment for initiatives and undertakings to flourish;

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can damage the mental health, safety and economic interests of consumers and thus, adversely affect the set-up of the necessary favourable environment for promoting and respecting ethical standards;

**Recital 2a (new)**

**(based on EP amendment 4)**

(2a) Whereas illegal and harmful content on the Internet can relate to a very wide range of issues: national security, the protection of minors, protection of human dignity, financial security, data protection and the protection of privacy, reputation, public health and intellectual property;

**Recital 3**

**(based on EP amendment 5)**

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet in particular for offences against children;

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safer environment for its use be created by combating illegal use of the technical possibilities of the Internet in particular, for offences against children and trafficking in human beings;

**Recital 4**

**(based on EP amendment 1)**

(4) Whereas promotion of industry self-regulation and content-monitoring schemes, development of filtering tools and rating mechanisms provided by the industry and increased awareness of industry services as well as fostered international co-operation between all parties concerned will play a crucial role in consolidating that safe environment and will contribute to remove obstacles to the development and competitiveness of the concerned industry;

(4) Whereas promotion of industry self-regulation and content-monitoring schemes, development of filtering tools and rating mechanisms provided by the industry and increased awareness of industry services as well as fostered international co-operation between all parties concerned will play a crucial role in consolidating that safer environment and will contribute to remove obstacles to the development and competitiveness of the concerned industry;

**Recital 16**

**(based on EP amendment 6)**

(16) Whereas co-operation from the industry and a full functioning system of self-regulation are essential to limiting the flow of illegal content on the Internet;

(16) Whereas co-operation from the industry in setting up voluntary and full functioning systems of self-regulation and the existence of effective mutual notification systems between the competent authorities concerning the contents of the Internet are essential to limiting the flow of illegal content on the Internet;

**Recital 27a (new)**

**(based on EP amendment 8)**

(27a) Whereas, as referred to in the European Parliament's resolution of 24 October 1996 on the draft general budget of the European Communities for the financial year 1997 – Section III – Commission <sup>(1)</sup>, there is an agreement between Parliament and the Commission on information and the presence of European Parliament representatives at the proceedings of Commission committees;

(1) OJ C 347, 18.11.1996, p. 125

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Article 1

(based on EP amendments 9 and 2)

HAS ADOPTED THIS DECISION:

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Article 1

Article 1

1. The Multiannual Community Action Plan on promoting safe use of the Internet ("The Action Plan"), as described in Annex I to this decision, is adopted.

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2. The Action Plan shall cover a period of four years from 1 January 1998 to 31 December 2001.

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Article 2

(based on EP amendment 10)

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The Action Plan has the objective of encouraging an environment favourable to the development of the Internet industry by promoting safe use of the Internet.

The Action Plan has the objective of encouraging, at European level, an environment favourable to the development of the Internet industry by promoting safer use of the Internet complementing other measures financed by the Community budget in response to the impact of new technologies on the general public.

## Article 3

(based on EP amendments 11, 12 and 13)

## Article 3

In order to attain the objective referred to in Article 2, the following actions shall be undertaken under the guidance of the Commission, in accordance with the action lines set out in Annex I and the means for implementing the Action Plan set out in Annex III:

- promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, racism and antisemitism)
- encouraging industry to provide filtering tools and rating mechanisms, which allow parents or teachers to select content appropriate for children in their care while allowing adults to decide what legal content they wish to access, and take account of linguistic and cultural diversity;
- increasing awareness of services provided by industry among users, in particular of parents, teachers and children, so that they can better understand and take advantage of the opportunities of the Internet;
- support actions such as assessment of legal implications;
- activities fostering international co-operation in the areas enumerated above
- other actions furthering the objective set out in Article 2.

## Article 3

In order to attain the objective referred to in Article 2, the following actions shall be undertaken under the guidance of the Commission, in accordance with the action lines set out in Annex I and the means for implementing the Action Plan set out in Annex III:

- promotion of industry self-regulation and the implementation of schemes to monitor and combat illegal and harmful content on the Internet which may jeopardise national security, the protection of minors, protection of human dignity, financial security, data protection and protection of privacy, reputation, public health and intellectual property (especially content dealing with or encouraging child pornography, inciting or inducing trafficking in people and sexual abuse, homophobia, racism and anti-Semitism);
- encouraging industry to provide filtering tools and rating mechanisms, which allow parents or teachers to select content appropriate for children in their care while allowing adults to decide what legal content they wish to access, and take account of linguistic and cultural diversity;
- increasing awareness of services provided by industry among users, in particular of parents, teachers and children, so that they can better understand and take advantage of the opportunities of the Internet;
- support actions such as assessment of legal implications;
- activities fostering international co-operation in the areas enumerated above;
- supporting initiatives, including web-sites for information and assistance, by organisations that are active in the protection of human and citizens' rights, and in counteracting violence and the abuse of women and children;
- other actions furthering the objective set out in Article 2.

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Article 5

(based on EP amendment 14)

Article 5

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.
2. The Commission representative shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.
3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

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2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

**Article 6****(based on EP amendment 15)****Article 6**

1. In order to ensure that Community aid is used efficiently, the Commission shall ensure that actions under this Decision are subject to effective prior appraisal, monitoring and subsequent evaluation.

2. During implementation of projects and after their completion the Commission shall evaluate the manner in which they have been carried out and the impact of their implementation in order to assess whether the original objectives have been achieved.

3. The selected beneficiaries shall submit an annual report to the Commission.

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Article 2. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the action plan.

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2. During implementation of projects and after their completion the Commission shall evaluate the manner in which they have been carried out and the impact of their implementation in order to assess whether the original objectives have been achieved.

3. The selected beneficiaries shall submit an annual report to the Commission.

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Annex I. Reference shall also be made to general findings applicable to all categories of illegal content. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the Action Plan.

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**Annex 1, title and introduction****(based on EP amendment 1)****ANNEX I : ACTION LINES - ACTION PLAN  
ON PROMOTING SAFE USE OF THE  
INTERNET**

The action lines, in conjunction with the proposal for a Council Recommendation on Protection of Minors and Human Dignity, are a means of implementing a European approach to safe use of Internet, based on industry self-regulation, filtering and rating and awareness. Strong support has been expressed for this approach at the level of the European Parliament and of the Council and Member States, as well as in the wider European context of the Bonn declaration agreed to by Ministers from 29 European countries.

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**Annex 1, introduction, 2<sup>nd</sup> paragraph, fourth indent****(based on EP amendment 16)**

The action lines have the following objectives:

- incite the actors (industry, users) to develop and implement adequate systems of self regulation;
- pump prime developments by supporting demonstrations and stimulating application of technical solutions ;
- alert and inform parents and teachers, in particular through their relevant associations;
- foster co-operation and exchange of experiences and best practices;
- promote co-ordination across Europe and between actors concerned;
- ensure compatibility between the approach taken in Europe and elsewhere.

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**Annex 1 (1)**

**(based on EP amendment 1)**

**1. CREATING A SAFE ENVIRONMENT**

Co-operation from ....

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Co-operation from ....

**Annex 1 (2)**

**(based on EP amendment 1)**

**2. DEVELOPING FILTERING AND RATING SYSTEMS**

To promote safe use of the Internet, it is ...

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To promote safer use of the Internet, it is ...

**Annex 1 (2), second paragraph**

**(based on EP amendment 18)**

The measures under this action line will focus on demonstrating the potential and the limitations of filtering and rating systems in a real world environment, with the objective of encouraging establishment of European systems and familiarising users with their use. Filtering and rating schemes must be internationally compatible and interoperable and developed with full co-operation of representatives of industry, consumers and users.

The measures under this action line will focus on demonstrating the potential and the limitations of filtering and rating systems in a 'real world' environment, with the objective of encouraging establishment of internationally compatible systems and familiarising users with their use. Filtering and rating schemes must be internationally compatible and interoperable and developed with full co-operation of representatives of industry, consumers and users.

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**Annex 1 (2.1), first paragraph**

**(based on EP amendment 19)**

**2.1 Demonstrate benefits of filtering and rating**

Rating systems will be stimulated which are relevant to European requirements and which ensure that filtering and rating is implemented in a way which provides workable options in practice for users, parents and teachers. ...

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**Annex 1 (2.1), second paragraph**

**(based on EP amendment 20)**

Following a call for proposals, projects will be selected to validate rating systems in relation to European content, to encourage integration of rating into the content creation process and to demonstrate benefits of these technical solutions. Emphasis will be placed on usefulness and practicality in "real-world" situations involving a large cross-section of typical users.

Following a call for proposals, projects will be selected to validate rating systems in relation to European content, to encourage integration of rating into the content creation process and to demonstrate the benefits of these technical solutions. Emphasis will be placed on usefulness and practicality in 'real-world' situations involving a large cross-section of typical users. This also includes tests as to the security of filtering software against attempts to bypass or deactivate it.

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**Annex 1 (3), first paragraph****(based on EP amendment 1)****3. ENCOURAGING AWARENESS ACTIONS**

The public is increasingly engaging in Internet activity, reaping the benefits of the new services. At the same time there is a degree of uncertainty as to how to deal with every aspect of network communication; parents, teachers and children need to be made aware of potential of Internet and its drawbacks and do not always have sufficient knowledge about means to protect children from undesirable content. Awareness actions contribute to trust and confidence of parents and teachers in safe use of the Internet by children.

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**Annex 1 (3), fifth paragraph****(based on EP amendment 21)**

Electronic distribution of material should be supplemented by more widespread traditional packages for use in schools and libraries. The awareness initiatives will take advantage of the awareness actions carried out under other programmes, in particular the MIDAS-NET established under INFO 2000.

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## Annex 1 (3.2), third paragraph

(based on EP amendment 22)

Actions aimed at teachers will include seminars and workshops and preparation and distribution of specific printed and multimedia material to a large cross-section of members of the profession. Special netdays - a series of special events aimed at increasing user awareness - will be organised in collaboration with the *Learning in the Information Society Action Plan*, which has wide support from industry. Typical actions aimed at the general public would include: creation of Web Sites, distribution of information material in schools, through access providers and through shops and other outlets selling computers, distribution of CD-ROMs on computer magazines. More specific information would be given when targeting families already owning a computer. Traditional media (press, television) would also be used to stimulate awareness through publicity campaigns and information packs for journalists. Using the platform of the European Network of Schools, which is being set up with the support of the education ministries of Member States, special web-pages will be created and maintained.

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**Annex 1 (4.1), second paragraph added****(based on EP amendment 23)****4. SUPPORT ACTIONS****4.1 Assess legal implications**

The Internet operates on a global basis. The law operates on a territorial basis - national or in the case of Community law, covering the European Union. It will contribute to the effectiveness of the other action lines to consider legal questions not dealt with by other Community initiatives, in particular including questions of applicable law and procedure.

A call for tenders will be organised for an assessment of legal questions raised by the content or the use of Internet

**4. SUPPORT ACTIONS****4.1 Assess legal implications**

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This assessment should also focus on:

- which legal instruments are required to be able to classify each provider of content in the Internet (author and provider) and each sender of an e-mail as a natural or a legal person;
- which substantive provisions of criminal law in the Member States and in the framework of international agreements ought to be approximated in qualitative terms (e.g. child protection age, definition of content which is subject to prosecution, liability to prosecution in respect of links to offerings whose content is subject to prosecution);
- how quickly formal requests for judicial assistance need to be processed, given the nature of the Internet, for effective international law enforcement;
- the extent to which changes are needed to police law in Member States in order to allow preventive action in relation to Internet content which is subject to prosecution.

Police officers' experience should also be included in this assessment.

A call for tenders will be organised for an assessment of legal questions raised by the content or the use of Internet

## Annex II

(based on EP amendment 1)

**ANNEX II : INDICATIVE BREAKDOWN OF EXPENDITURE****ANNEX II : INDICATIVE BREAKDOWN OF EXPENDITURE**

1. Creating a safe environment	14-18 %	1. Creating a safer environment	14-18 %
2. Developing filtering and rating systems	37-43 %	2. Developing filtering and rating systems	37-43 %
3. Encouraging awareness actions	35-41 %	3. Encouraging awareness actions	35-41 %
4. Support actions	5-7 %	4. Support actions	5-7 %
Total:	100	Total:	100

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