



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.12.1998
COM(1998) 784 final

97/0337 (COD)

OPINION OF THE COMMISSION
pursuant to Article 189 b (2) (d) of the EC Treaty,
on the European Parliament's amendment
to the Council's common position regarding the

proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DECISION

ADOPTING A MULTIANNUAL COMMUNITY ACTION PLAN ON PROMOTING SAFER USE OF THE
INTERNET BY COMBATING ILLEGAL AND HARMFUL CONTENT ON GLOBAL NETWORKS

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 189 a (2) of the EC Treaty

SUMMARY

On 18 November 1998 the European Parliament adopted amendments to the common position established by the Council with a view to the adoption of a European Parliament and Council Decision on a *Multiannual Community Action Plan on promoting safer use of the Internet by combating illegal and harmful content on global networks* (C4-053/97 - 97/0337(COD)).

The Decision will support measures to deal with illegal and harmful content on the Internet. The measures are developed to allow consumers to obtain the greatest possible advantage from the new services of the Information Society as well as creating an environment favourable to the European Internet industry.

The Action Plan takes a non-regulatory approach, involves the industry and proposes concrete measures to deal with the problems. It implements a political consensus at EU level and in Member States.

Its four action lines are complementary, representing a significant step forward which will produce solutions which are both practical and effective. The Action Plan is a financial instrument that stimulates initiatives that must be addressed by Member States, the industry and users. The Action Plan is not the only means for achieving these objectives.

The issues of concern to the European Parliament are emphasising that questions of liability must be studied and extra efforts must be made to prevent trade in women and children on the Internet. There is no disagreement of the substance of the issues, but the Council and the Commission had earlier objected to including them in the plan. These issues were addressed by the Commission in Plenary, and three amendments on these subjects were withdrawn.

At second reading *eighteen* amendments to the Common Position were proposed, *six* were deemed inadmissible by Parliament. Of the remaining *twelve* the Commission was in favour of *nine*, rejecting *three*. At the vote *four* amendments were adopted, the rest withdrawn, voted down or substituted by other amendments.

The four amendments adopted were all supported by the Commission.

EXPLANATORY MEMORANDUM

The Commission hereby presents a modified proposal for a European Parliament and Council Decision adopting a *Multiannual Community Action Plan on promoting safer use of the Internet by combating illegal and harmful content on global networks*. The modified proposal incorporates those amendments adopted by the European Parliament at second reading, all of which were accepted by the Commission.

1) INTRODUCTION

a) Background

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

The Economic and Social Committee gave a favourable opinion on 29th April 1998. The Committee of the Regions gave a favourable opinion on 14th May 1998. The European Parliament adopted a favourable Resolution at its first reading on 2nd May 1998, and proposed 23 amendments to the Commission proposal. On 11th September 1998 the Commission adopted an amended proposal, that was received by the European Parliament on 9th October 1998.

The Council adopted a Common Position for a European Parliament and Council Decision on 24th September 1998. The Commission adopted its position on the Common Position of the Council on 2nd October 1998 and communicated it to the European Parliament.

On 18th November 1998 the European Parliament adopted amendments to the Common Position established by the Council with a view to the adoption of a European Parliament and Council Decision on a *Multiannual Community Action Plan on promoting safer use of the Internet by combating illegal and harmful content on global networks* (C4-053/97 - 97/0337(COD)).

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 Internet 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 4 amendments adopted by the European Parliament at second reading, the Commission accepted all in full.

Three amendments were withdrawn before the vote and after a declaration by the Commission in Plenary addressing issues that are subject to action by the Commission in other contexts:

Liability of intermediaries for Internet content will be dealt with in the proposal for a Directive on certain legal questions related to electronic commerce which the Commission has undertaken to bring forward¹.

Counteracting violence and the abuse of women and children is covered by the DAPHNE programme. The Commission will ensure that due account is taken of the European Parliament's concerns in implementing action line 1 and 3 with respect to violence and the abuse of women and children on the Internet.

As a follow-up to the COMCRIME study and in conjunction with the forthcoming Commission Communication on Computer Crime, the Commission will arrange for studies on issues of substantive and procedural criminal law referred to in amendment no. 6 proposed by the Civil Liberties Committee, subject to the availability of budgetary appropriations and obtaining the necessary approval under the financial regulations.

3) CONCLUSION

In accordance with Article 189b(2) (d) of the EC Treaty, the Commission amends its proposal, incorporating the amendments adopted by the European Parliament at second reading.

¹ See recital 12 of the proposal for a Directive on Copyright and Related Rights in the Information Society: COM(97) 628 (OJ C108, 7.4.1998, p. 6).

AMENDED PROPOSAL

Proposal for a Community Action Plan on promoting safer use of the Internet by combating illegal and harmful content on global networks

Current text

Amendment

Article 1, second and third paragraphs

- | | |
|--|--|
| 2. The Action Plan shall cover a period of four years from 1 January 1998 to 31 December 2001. | 2. The Action Plan shall cover a period of four years from 1 January 1999 to 31 December 2002. |
| 3. The financial framework for the implementation of the Action Plan for the period from 1 January 1998 to 31 December 2001 is hereby set at ECU 25 million. | 3. The financial framework for the implementation of the Action Plan for the period from 1 January 1999 to 31 December 2002 is hereby set at ECU 25 million. |

Annexe I (1.2) third subparagraph

Under this action line, guidelines at European level will be developed for codes of conduct, to build consensus for their application and support their implementation. This action will be carried out through a call for tender to select organisations that can assist self-regulatory bodies in developing and implementing codes of conduct. Measures will be taken carefully to monitor progress. This will be done in close coordination with the promotion of common guidelines for the implementation, at national level, of a self-regulation framework as advocated by the Council Recommendation on protection of minors and human dignity.

Under this action line, it is foreseen to develop guidelines at European level for codes of conduct, to build consensus for their application, and support their implementation. This action will be carried out through a call for tender to select organisations that can assist self-regulatory bodies to develop and implement codes of conduct. In connection with the establishment of Codes of Conduct, a system of visible "quality-Site Labels" for Internet Service Providers, will be encouraged to assist users in identifying providers that adhere to Codes of Conduct. Measures will be taken to carefully monitor progress. This will be done in close coordination with the promotion of common guidelines for the implementation, at national level, of a self-regulation framework as advocated by the Council Recommendation on Protection of Minors and Human Dignity.

Annexe I (3) fifth subparagraph

Electronic distribution of material should be supplemented by more widespread traditional packages for use in the education sector and in 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.

The awareness initiatives will take advantage of the awareness actions carried out under other programmes, in particular the MIDAS-NET established under INFO2000. If there are more than one equal options for distributing information to target groups, the most cost effective one shall be chosen. Whenever possible and useful, electronic distribution should be given priority.

Annexe I (3.2) third subparagraph

Actions aimed at teachers could include seminars and workshops and preparation of specific printed and multimedia material for distribution to a large cross-section of members of the profession. Special netdays (a series of special events aimed at increasing user awareness) can 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 and 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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