



INTERMEDIATE EVALUATION

OF THE

SAFER INTERNET ACTION PLAN

CONDUCTED FOR

THE EUROPEAN COMMISSION

VOLUME ONE

FINAL REPORT

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Volume Two contains

- A discussion of the legal and regulatory environment, and how this might impact the future development of the Internet Action Plan;
- A review of the technological developments that might have an impact on the issues being covered by the Internet Action Plan;
- All appendices to the report;

EXECUTIVE SUMMARY

This document is the final report of the intermediate evaluation of the Safer Internet Action Plan (IAP). The analysis, conclusions and recommendations are based on information gathered from IAP source documents, telephone and face-to-face interviews conducted with Commission experts, project participants and stakeholders, and documentary research in the legal, regulatory and technology fields. These conclusions are discussed in greater detail in section 10.

- Taking into consideration the views of participants and stakeholders, it is apparent that all three action lines are **still highly relevant to the aims of the IAP** and thought to be very worthwhile.
- Rating and filtering is an emerging technological area, and it is important that future projects take into account the fact that **they should work in the context of new channels of access** (e.g. the ability to have full internet access from 3G PDAs).
- **There is a clear priority to focus on protecting children**, in the form of child pornography. However, participants and stakeholders alike take the view that **other areas of content are also very important** and should also retain a high profile in the work of the IAP.
- Implementation of the objectives of the IAP is manifest in the application and selection procedures, and the ongoing support provided to successful projects. In as much as a range of projects have successfully applied for funding, this demonstrates that **implementation is working**.
- However, feedback from participants does indicate that the **implementation could be made easier and more ‘user friendly’**, with the result that the process would become faster and less ‘bureaucratic’.
- It is also true that the **delays noted by participants in the contract process do have a significant impact on them in financial and staffing terms**.
- The implementation of the action plan has also been hindered by **project participants receiving conflicting information** from the IAP in response to queries arising from the application and financial forms.
- **Yet all participants praise the IAP for its responsiveness and support**.
- Based on our discussions with participants and stakeholders, **the Action is currently very effective** in generating working projects in all three action lines.
- However, it is apparent from questions relating to awareness about the IAP that **there could be more done to raise the profile of the Action Plan as a whole**, and thereby raise interest and enquiries from additional potential projects.
- It was noted during the research process that **there is potential for significant duplication of effort by projects within the Awareness action line**

- **A number of participants noted that finding partners who were acceptable to the IAP was quite difficult.** And the delays incurred through the loss of a partner during the application process can have a significant effect on the success of a project.
- It is clearly desirable for projects to have a sustained impact and operation after funding has ceased. In this respect, project participants representing a majority of projects stated that **their work was unlikely to have commenced without IAP funding.** In this respect, there is a direct causal link between funding being provided, and project work commencing.
- **There is considerable impetus towards the harmonisation both of substantive and procedural law in relation to all forms of cybercrime,** including those relating to harmful content. The main locus has been the Council of Europe Cybercrime Convention, but there have also been activities at G8.
- **The main problems regarding harmonisation have centred around law enforcement wishes in relation to data interception and retention capabilities** and how these interact with the European Convention on Human Rights and Data Protection legislation. In fact, **the more gradual approach by the Commission and the Council's framework decision of May 2000 may actually bring more rapid results.**
- Throughout the Community there is a desire that ISPs and telecommunications companies continue to roll out very low cost or “free” services and “always on” broadband services. To an extent, **the pressures on ISPs and others to keep tariffs low may make it difficult for them to take on the financial burden of such desirable policies and content filtering and moderation of chat rooms.**
- Chat rooms and Instant Messaging Services have both grown extensively in popularity since the IAP started; Chat rooms in particular give concern because of the potential for participants to take on wholly false identities; **in both cases self-regulation and law enforcement measures, although possible may be quite limited, which means that there may need to be a greater emphasis on education and awareness actions.**
- The Report also looks at certain emerging technologies such as peer-to-peer, WAP, I-Mode, Interactive TV and 3G. **None of these are thought to have an immediate effect on the second half of the current IAP, though the Action will need to continue to monitor events.**

Based on these conclusions the evaluators have made the following recommendations. These recommendations are discussed in greater detail in section 11.

Action Lines

1. **The broad division into three main action lines in the current IAP (Hotlines & Self-Regulation, Awareness, and Rating & Filtering) should be retained in any future Action.**

2. **The action lines should be extended to cope with the impact of new technology.**
3. **The IAP should ensure a balanced scope in terms of content categories handled.**

Implementation

4. **The application procedures should use simpler forms.**
5. **Delays between project approval and contract signing should be reduced.**
6. **Assistance from the IAP with partner identification should be considered.**
7. **Efforts should be made to increase the consistency of advice provided by the IAP to projects in relation to the financial application forms.**
8. **Projects should ensure adequate resource is given to media and press coverage, and visibility.**
9. **The IAP should review efforts to support project sustainability.**
10. **The IAP should consider ways to manage the potential overlap between awareness projects.**
11. **Projects funded under the Action Plan should be structured in such a way as to allow the formal measures of success to be evaluated.**

Trends in Law and Technology

12. **The IAP should consider putting in place formal arrangements to track legal and regulatory developments.**
13. **The IAP should consider putting in place formal arrangements to monitor and evaluate technological and market developments.**

Wider Issues

- 14. The IAP needs to have a higher profile and gain wider awareness itself.**

- 15. The IAP should consider more links to activities and organisations outside the EU.**

SECTION A BACKGROUND INFORMATION

1. INTRODUCTION

1.1 Structure of this Report

This report is arranged in two volumes.

Volume One is structured into the following main sections:

- **Section A** provides broad background information, including the evaluation's terms of reference.
- **Section B** covers the findings from the primary research amongst project participants and stakeholders.
- **Section C** brings together the conclusions and recommendations.

Volume Two comprises:

- **Section D**, which provides an overview of the legal and regulatory context of the Safer Internet Action Plan and reviews related technical and market developments.
- **Appendices.**

1.2 Background

This document is the final report of the intermediate evaluation of the Safer Internet Action Plan (IAP). Following an open invitation to tender issued by DG Information Society of the European Commission, Business Development Research Consultants (BDRC) were appointed to carry out the intermediate evaluation in December 2000. The evaluation program was carried out between January and April 2001.

The conclusions and recommendations contained are a synthesis of information gathered from IAP source documents, telephone and face-to-face interviews conducted with Commission experts, project participants and stakeholders, and documentary research in the legal, regulatory and technology fields.

1.3 The Safer Internet Action Plan

The Action Plan came into effect in January 1999 and is part of a coherent set of policies at EU level to deal with illegal and harmful content on the Internet, and aims to ensure the implementation of various European Union initiatives and activities concerned with managing undesirable content on the Internet.

The Action aims to do this by the support of non-regulatory initiatives that will promote safer use of the Internet. Its objectives are to:

- Encourage both the industry and Internet users to develop and implement adequate systems of self-regulation.
- Strengthen such developments by supporting demonstrations and stimulating the application of technical solutions.
- Alert and inform parents and teachers to the issues of illegal and harmful content on the Internet.
- Foster cooperation and the exchange of experiences and best practice.
- Promote cooperation across Europe and between the actors concerned.
- Ensure compatibility between the approaches taken in Europe and elsewhere.

The objectives are aimed to be met through a range of individual measures grouped into four Action Lines:

1. Creating a safer environment
 - Creating a European network of hotlines
 - Encouraging self-regulation and codes of conduct
2. Developing filtering and rating systems
 - Demonstrating the benefits of filtering and rating
 - Facilitating international agreements on rating systems
3. Encouraging awareness actions
 - Preparing the ground for awareness actions
 - Encouraging implementation of full-scale awareness actions
4. Support actions
 - Assessing legal implications
 - Coordination with similar international initiatives

1.4 Reason for Evaluation

Two requirements drove the need to formally evaluate the Action Plan.

Firstly, the legal base of the Action states that the Commission must submit a report evaluating the Action at mid-term.

Secondly, there is a more general requirement of evaluation deriving from the Commission's *Sound and Efficient Management 2000* initiative which requires systematic evaluation of all EU programs. These evaluation findings are needed so that the Commission can:

- Assess progress and results related to the Action concerning the broader audience of stakeholders.
- Improve the management and budget allocation of the Action.
- Assist in adapting the Action to new and emerging needs and conditions.
- Contribute to future decisions on designing and implementing interventions in this field.

1.5 Terms of Reference and Scope of the Intermediate Evaluation

The intermediate evaluation of the Action Plan covered the following six areas:

- 1 Relevance of the Action's objectives, priorities and means of implementation
- 2 The effectiveness and impact of the Action
- 3 The efficiency and cost-effectiveness of the Action
- 4 The utility and sustainability of the Action
- 5 Any causal links from resources used through to activities and impacts (i.e. the intervention logic)
- 6 Lessons to be learnt in terms of legal base, resources and delivery mechanisms for possible future interventions of a similar type.

An extremely important point to note in relation to the scope is that the evaluation was strictly limited to looking at the IAP itself, and did not in any way include evaluation of individual projects funded under the Action, the majority of which have only just started work and the others having less than one year's activity (see section 3.4 below)

A key issue was to ensure that the action lines identified in 1999 were still relevant, in the light of such a fast-moving technology. Specifically, the evaluation needed to look at recent and emerging technology and industry trends that may need to be incorporated into recommendations about the future of the Action.

Furthermore, as users' experience and expectations are also evolving, the Action should be able to accommodate current and projected user needs.

Any evaluation of effectiveness must include information derived from primary sources – namely research interviews with key players and stakeholders about the actual results achieved under the action lines.

Although the Action may be effective at producing results, the evaluation needed to determine if there were more efficient means of achieving the same, or better, results.

Results achieved also need to be long lasting or permanent, and the research therefore needed to be able to ascertain whether the achievements to date would remain after the end of the Action. In parallel with this, the evaluation needed to identify any changes to the action lines that might in fact produce results that are even more sustainable.

In completing the evaluation, it was necessary to fully appreciate and understand the original logic behind the construction of the Action. The intervention logic therefore needed to be fully understood as this formed part of the basis for the evaluation.

Finally, in reviewing the outcome of the evaluation, two specific areas needed to be considered:

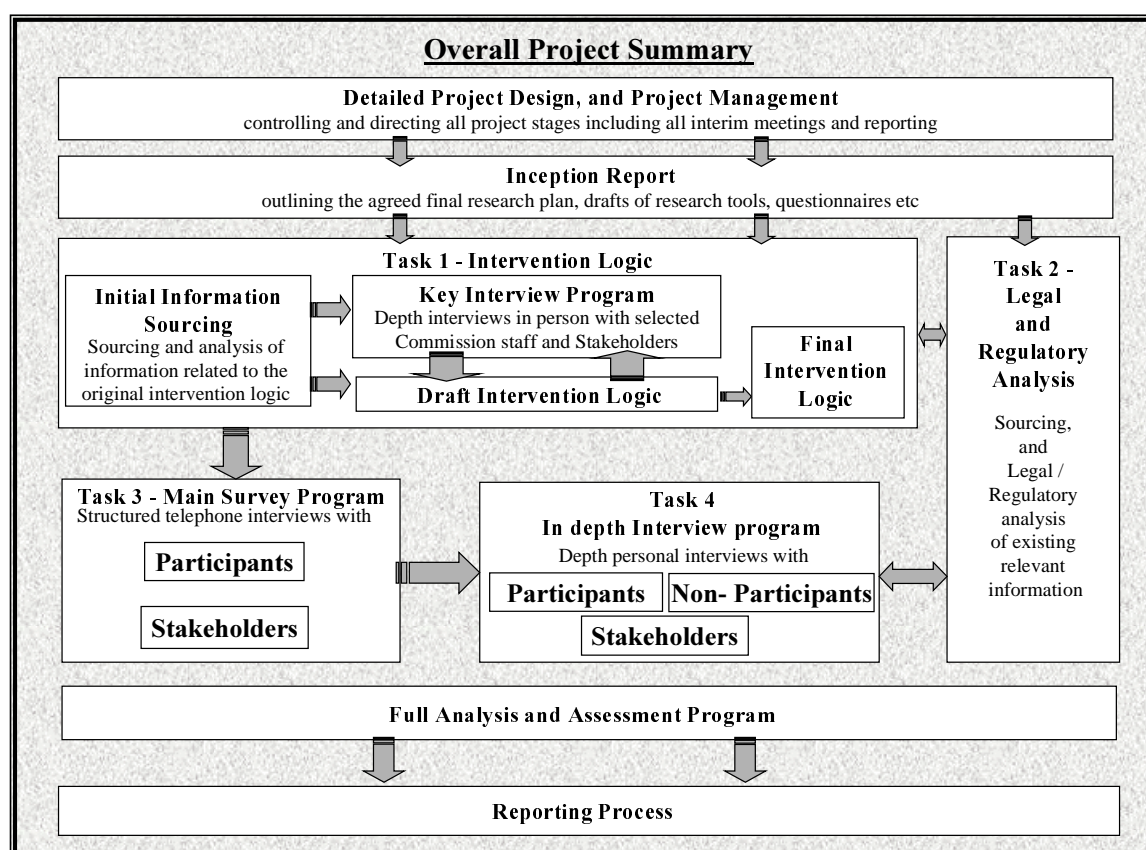
- What recommendations can be constructed that will aid the Commission in its consideration of any future intervention?
- What formal measures of success can be recommended for the final evaluation of the action (such as quantitative measure, development of quantitative or qualitative indicators, etc)?

2. METHODOLOGY

2.1 Research Structure

The evaluation tasks were designed as a programme of primary research involving discussions with the Commission, with key contacts within individual projects, and with non-project individuals (stakeholders). In addition, a programme of technological, legal and regulatory analysis was implemented to enable the evaluation findings to have an appropriate context.

The conclusions and recommendations reached are a synthesis of information gathered from all stages.



2.2 Research Plan

The following stages were implemented in order to complete the intermediate evaluation.

2.2.1 INTERVENTION LOGIC

The first step involved developing an understanding of the logic behind the original intervention. This stage included:

- **Document sourcing.** Documents were provided by the commission relating to the background of the IAP and the project calls, project submissions and other administrative procedures.
- **Commission Depth Interviews.** In order to understand the original intent of the Action, a number of face-to-face interviews were conducted with Commission staff.

Analysis of these interviews and the documentation allowed us to consider the Intervention Logic.

2.2.2 LEGAL AND REGULATORY ANALYSIS

In order to provide context to the Evaluation Report, it was thought helpful to provide some commentary on technological and legal developments since the IAP began so that any fresh initiatives could proceed from the context of 2001 and the trends discerned. This section of the Report (Section D in Volume Two) flags the most significant changes for the attention of the IAP's management and provides a provisional impact analysis. The data and information come from:

- publicly available official documents;
- scans of relevant Internet sites;
- selective informal interviews with key commission staff and others;
- attendance at INHOPE and IAP meetings;
- the writer's own experiences at G8, at various Commission events including a Grotius meeting in Rome and a Justice and Home Affairs Workshop in Seville, in the UK parliament and in the UK courts.

2.2.3 MAIN SURVEY PROGRAMME

This stage of the research was designed around a structured programme of telephone research, to include participants in the action plan, Commission staff and stakeholders such as child protection / family organisations.

31 depth telephone interviews were conducted with project leaders and other key project staff. This covered all 20 current IAP projects. The telephone interviews used a formal telephone questionnaire that took around 25 minutes to administer (reproduced as appendices 2 and 3 in Volume Two of this report).

In addition, 13 telephone depth interviews were conducted with a range of stakeholder respondents suggested by the Steering Committee.

Stakeholder respondents were suggested by the Steering Committee (covering journalists, government and judiciary), and were screened for awareness of the Action Plan prior to interview. Where the awareness of the IAP was non-existent, the respondent was asked to recommend other people within the same organisation.

These interviews were carried out using personal telephone interviewing. At the start of interviewing, an initial contact was made with the respondent individual and a follow up email sent explaining the survey. The Commission also sent an initial email to respondents.

Following this, respondents were called back to complete the interview or to arrange a suitable time. All closed questions were keyed into a data analysis program and tabular results generated for analysis.

2.2.4 DEPTH PERSONAL INTERVIEW PROGRAMME

In addition to the telephone interviews with project participants, 10 face-to face-depth interviews were conducted with key project participants (already covered in the telephone interview stage). These respondents were selected in the basis of the project concerned and the strength of views in the telephone interview. Also, care was taken to ensure a spread of interviews by country and by action line.

Further face-to-face interviews were conducted with non-participants – from potential projects that did not achieve funding or who never applied for funding.

Lastly, 8 depth face-to-face interviews were conducted with stakeholders. These individuals had not undergone a telephone interview first.

The face-to-face interviews used a less formal discussion guide to control the research interview, and lasted around an hour.

2.2.5 ANALYSIS AND REPORTING

On completion of the research process all interviews were analysed and key issues and themes drawn up. The conclusions and recommendations reached are a synthesis of information gathered from all stages.

Where appropriate, the conclusions have been segmented by the action lines, and by project participants and stakeholders. This allows us to identify where the strongest views are coming from, and therefore make an assessment of the reasons why this might be so.

3. THE SAFER INTERNET ACTION PLAN

This section discusses the development of the intervention logic for the Safer Internet Action Plan, drawing on an analysis of the available documents and three in-depth interviews with Commission staff.

3.1 Widespread Concerns about Internet Content

The work of the European Commission in the area of illegal and harmful content on the Internet was initiated as a result of widespread public and political concern regarding the Internet. It was felt in the mid-1990s that the amount of legal and harmful content carried over the Internet, though limited, could potentially and adversely affect the establishment of an environment acceptable to consumers and favourable to commerce. Two complementary documents adopted on 16 October 1996 – a Communication on illegal and harmful content¹ and a Green Paper on Protection of minors and human dignity in information and audiovisual services² attempted to address this problem.

DG XIII (now DG Information Society) was the Commission service responsible for the Communication on illegal and harmful content and DG X (now DG Education and Culture) for the Green Paper on protection of minors. Other DGs were involved in this process, in particular the Justice and Home Affairs Task Force (now a DG) and DG XXIV (now DG Health and Consumer Protection). Stakeholders were represented by the Internet Working Party, a tripartite body involving government, industry, and consumer representatives.

The Communication listed a wide range of distinct areas of concern covered by different legal regimes and instruments at the national and international level, e.g.:

national security (instructions on bomb-making, illegal drug production, terrorist activities);
protection of minors (abusive forms of marketing, violence, pornography);
protection of human dignity (incitement to racial hatred or racial discrimination);
economic security (fraud, instructions on pirating credit cards);
information security (malicious hacking);
protection of privacy (unauthorised communication of personal data, electronic harassment);
protection of reputation (libel, unlawful comparative advertising);
intellectual property (unauthorised distribution of copyrighted works, e.g. software or music)

The Green Paper identified those aspects of the development of new audiovisual and information services that were relevant for the protection of minors and of human dignity, and analysed the categories of content that might give rise to problems. It underlined the need not to confuse problems that are different in nature, such as child pornography (which is illegal and subject to penal sanctions), and children accessing pornographic content for adults (which while being harmful for their development may not be illegal for adults).

Both documents underlined the need for a different approach to **illegal content**, on the one hand, and **harmful content**, on the other.

¹ COM(96) 487 <http://europa.eu.int/ISPO/legal/en/internet/communic.html>

² COM (96) 483 http://europa.eu.int/comm/avpolicy/regul/new_srv/gp_re_en.htm (executive summary)

As regards the distribution of **illegal content** on the Internet, it was felt to be up to Member States to enforce the law: as what is illegal offline remains illegal online, such content should be dealt with at source by national law-enforcement agencies. Given the highly decentralised and transnational nature of the Internet, concrete measures to reinforce co-operation between Member States should be launched in the context of Justice and Home Affairs, and internationally. It was felt that the industry could, however, give important help in reducing the circulation of illegal content (especially content such as child pornography, racism and anti-Semitism) through properly-functioning systems of self-regulation (such as codes of conduct and establishment of hotlines) in compliance with and supported by the legal system and with the support of consumers.

It was noted that what is considered to be harmful in the Member States varies greatly and reflects differences in cultural and moral standards. Each country might reach its own conclusion in defining the borderline between what is permissible and not permissible. It was therefore judged indispensable that international initiatives should take into account different ethical standards in different countries in order to explore appropriate rules to protect people against offensive material whilst ensuring freedom of expression.

In tackling **harmful content**, the priority actions were felt to be enabling users to deal with harmful content through the development of technological solutions (filtering and content rating systems), increasing parental awareness, and developing self-regulation, in particular for the protection of minors.

The **follow-up to the Green Paper** was the Council Recommendation on the protection of minors and human dignity³, a policy document. This was in turn followed by Council Conclusions of 17 December 1999 on the protection of minors in the light of the development of digital audiovisual service⁴. On 28 February 2001, the Commission adopted an evaluation report⁵ on the Recommendation. The report analysed the measures adopted in the Member States and at Community level over the past two years. It noted that the Recommendation had been implemented in a satisfactory manner overall, but regrets that consumers have not been sufficiently involved in the introduction of codes of conduct.

3.2 Preparatory actions

During the period between the Commission proposal for an Action Plan and its adoption, (see point 3.3), the budgetary authority provided 1 million euro under the 1998 budget for preparatory actions. An open call for tenders was published and four service contracts concluded.

3.2.1 HOTLINES

This work by Childnet International aimed to bring together existing national hotline initiatives and explore closer co-operation and exchange of experiences. It followed on previous work under the DAPHNE programme. It resulted in a successful proposal by eight

³ Council Recommendation of 24 September 1998 on the development of the competitiveness of the European audio-visual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity OJ L 270 07.10.1998, p.48. http://europa.eu.int/comm/avpolicy/regul/new_srv/recom-intro_en.htm

⁴ OJ C8 p. 8 12.01.2000 <http://www.qlinks.net/comdocs/CouncilConclusionsof17December1999.pdf>

⁵ COM(2001) 106 http://europa.eu.int/comm/avpolicy/regul/new_srv/ermin_en.pdf

hotlines to set up the European network of hotlines and the formation of the INHOPE association at the end of 1999.

3.2.2 SELF-RATING

The INCORE consortium, assisted by a steering committee representing the interests of industry, regulators and children's rights, organised two experts meetings, the second in conjunction with the Bertelsmann Foundation Internet Content Summit in München in September 1999. Testing was carried out with a selection of user groups in six Member States. Recommendations were made on the architecture of a self-labelling scheme suited to the needs of European users in terms of robustness, scope and language. The report⁶ and results of this project fed into further work on self-rating by the Internet Content Rating Association.

3.2.3 THIRD PARTY RATING

A consortium headed by IDATE studied available third-party rating software. Leading software packages were tested in laboratory conditions and by user groups in various countries. The main conclusion of the report⁷ was that there were various shortcomings in existing software, particularly for non-English speaking users.

3.2.4 AWARENESS

Childnet International and Fleishman Hillard analysed what sort of messages needed to be given to parents and children about safer use of the Internet and how best these should be presented. The results⁸ include a user guide in 11 languages.

3.3 The Action Plan

The follow-up to the Communication was the Action Plan on promoting safer use of the Internet (or Safer Internet Action Plan – IAP), a funding programme.

The objectives are set out in the Commission proposal.

“Driven by its meteoric growth, the Internet is currently revolutionising a number of economic sectors. Simultaneously, the Internet has also become a powerful element in social, educational and cultural fields - empowering citizens and educators, lowering the barriers to the creation and the distribution of content, offering universal access to ever richer sources of digital information.

Reflecting these opportunities, the vast majority of Internet content is for purposes of information for totally legitimate business or private usage. However, the Internet also carries a limited amount of potentially harmful or illegal content or can be used as a vehicle for criminal activities. While the benefits of the Internet far outweigh its potential drawbacks, these aspects cannot be ignored. They are pressing issues of public, political, commercial and legal interest. If left unanswered, they could become the object of strong resistance to Internet use, thus hampering a development which has the promise of extensive and varied benefits to

⁶ <http://europa.eu.int/ISPO/iap/INCOREexec.html>

⁷ <http://europa.eu.int/ISPO/iap/IDATEexec.html>

⁸ <http://www.netaware.org/gb/website.html>

all sectors of society. Reflecting those concerns, recent political discussions in the European Union have stressed the need for action and concrete solutions.

The Action Plan proposed in this communication is an important element to combat illegal and harmful content on the Internet. To be effective it will be closely co-ordinated with other initiatives in the area of illegal and harmful content. It builds a bridge to the growing co-operation between police and judicial authorities under the third pillar. More generally, it complements and reinforces the actions in the relevant domains, undertaken or in preparation in the Member States.

The intense activity of the European institutions in this area since 1996⁹, the political direction given by the European Parliament¹⁰ and the Council¹¹, the Ministerial Declaration resulting from the Bonn Conference and the developments in Member States show that Europe has in many respects been a pioneer in addressing the issues and proposing solutions based on industry self-regulation, filtering and rating, and increasing user confidence through awareness. The Commission aims to meet the challenges posed in two ways: through a proposal for a Council Recommendation on Protection of Minors and Human Dignity and through the present Action Plan, which is the result of the intensive consultations with all concerned carried out as part of this process.

The fight against illegal content needs industry co-operation in restricting circulation and a fully functioning system of self-regulation aiming at a high level of protection, which must go hand-in-hand with effective law-enforcement by the Member States and third countries. Harmful content needs to be treated differently from illegal content, and here industry also has a leading role to play in ensuring that users have available to them, and are aware of, the necessary tools.

The Commission has identified areas where concrete measures are needed and where Community resources should be made available in order to encourage an environment favourable to the development of the Internet industry:

- self-regulation and content-monitoring schemes;
- filtering services and rating systems;
- awareness actions directed at users, in particular children, parents and teachers;

To be effective these measures must be carried out in the framework of a multi-annual Action Plan for the following reasons:

- It gives a clear signal to industry and users in the EU that the way to achieve safe use of Internet is active co-operation between them with support from governments.

⁹ see overview in annexe 2

¹⁰ European Parliament Resolution of 24 April 1997 on the Commission communication on illegal and harmful content on the Internet, European Parliament Resolution of 24 October 1997 on the Commission Green Paper on the protection of minors and human dignity in audiovisual and information services (COM(96) 483)

¹¹ Resolution of the Council of the European Union and the Representatives of the Member States meeting within the Council OJ No. C70, 6.3.1997, p. 1 <http://www.echo.lu/legal/en/internet/resol.html>

- It mobilises a European-wide process of co-operation and co-ordination to address these issues through concrete actions and projects.
- It offers a firm basis on which to plan both immediate actions and actions which will continue over a longer period.
- It includes a certain flexibility to deal with new challenges which can be expected in view of the speed of technological progress and market developments in the Internet.
- It ensures the continued involvement of the Member States in and the consultation of the European Parliament on the measures proposed.

The work already achieved within the EU, based on the Communication on illegal and harmful content and on the Green Paper on Protection of Minors and Human Dignity, has led to a broad agreement between European Parliament, Council and Member States on the approach to be taken. Illegal content must be distinguished from harmful content. The two categories require different measures to deal with them.

- **Illegal content** must be dealt with at source by law-enforcement agencies, and their activities are covered by the rules of national law and agreements of judicial co-operation. The industry can however give important help in reducing circulation of illegal content (especially dealing with content such as child pornography, racism and antisemitism) through properly-functioning systems of **self-regulation (such as codes of conduct and establishment of hot-lines)** in compliance with and supported by the legal system and with the support of consumers.
- In tackling **harmful** content, the priority actions should be **enabling users** to deal with harmful content through the development of technological solutions (**filtering and content rating systems**), to increase **parental awareness**, and to **developing self-regulation** which can provide an adequate framework, in particular for the protection of minors.”

The Commission proposal was submitted to the European Parliament and Council at the end of 1997 and finally approved in early 1999¹². There was overwhelming agreement on the actual content of the plan, but considerable discussion on the exact drafting and on the amount of the budget. In the end, the allocated funds were only €5m below the Commission’s original request for €30m. The IAP was awarded €25m to be spread evenly over 4 years (i.e. €6m to be spent in each year, with an administrative budget of €0.25m per annum).

The Action Plan was specifically aimed at actions where financial support from the Community was felt to be necessary in order to achieve results at a European level and to support measures undertaken by the Member States. It built on the political consensus that had emerged in the previous eighteen months and on the findings of the Internet Working Party that had been involved in the preparation of the original Communication and Green paper. The objectives were to:

¹² Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a multi-annual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks OJ 6. 2. 1999 L 33/1 http://europa.eu.int/ISPO/iap/decision/IAP_Decision_en.pdf

- incite the actors (industry, users) to develop and implement adequate systems of self regulation;
- pump-prime developments by supporting demonstrations and stimulating the 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 the actors concerned;
- ensure compatibility between the approach taken in Europe and elsewhere.

The Commission identified areas where concrete measures were needed and where Community resources should be made available in order to encourage an environment favourable to the development of the Internet industry: The Action Lines of the Plan reflect these:

- promotion of self-regulation¹³ and a European network of hotlines¹⁴ to achieve a high level of protection (especially dealing with content such as child pornography, racism or anti-Semitism) – Action Line 1;
- demonstration and application of effective filtering services and compatible rating systems, which empower users and take account of cultural and linguistic diversity – Action Line 2;
- promotion of awareness actions directed at users, in particular children, parents and teachers, to allow them to use Internet resources safely and with confidence - Action Line 3.

A fourth Action Line covered support actions.

3.4 Implementation

3.4.1 PROGRAMME COMMITTEE

The Programme Committee is composed of representatives of Member States. It has a number of important functions: in particular, the Commission must obtain a favourable opinion from the Committee (voting according to the weighted used in the Council) for the work programme, the criteria and content of calls for proposals and decisions selecting projects where the Commission contribution is higher than 300 000 euro.

The Committee met 7 times between the beginning of 1999 and May 2001 and has given eight opinions either at the meeting or by written procedure. These opinions have all been

¹³ Support in terms of advice (rather than financial support) to self regulatory bodies.

¹⁴ A hotline is a centre which allows users to report content which they come across in the course of their use of the Internet and which they consider to be illegal. Action will be taken according to the report. Reporting to a hotline must be made easy to the user if the service is to be effective. Hotlines allow industry and child welfare groups to contribute to the fight against illegal content and facilitate user empowerment, by providing a channel for users to make complaints without being obliged to go directly to the police.

favourable. 12 out of 22 projects put forward to the Programme Committee required an opinion because the Commission contribution was higher than 300 000 euro.

3.4.2 WORK PROGRAMME

In 1999, the Commission adopted a four-year work programme. All of the main action lines were to be implemented

3.4.3 CALLS FOR PROPOSALS

The main mechanism for implementing the Action Lines is similar to other Community funding measures using shared-costs projects. A call for proposals is published and a period of 3 months or more is given for those interested to form a consortium and to respond to the call. The process of evaluating each proposal is entrusted to outside experts after which the draft Commission decision on selection of projects is submitted to interservice consultation and then to the Programme Committee.

A permanent call for proposals for hotlines was published in 1999, under which proposals can be made at any time. Fixed deadline proposals were published in 1999, 2000 and 2001. In 1999 the call covered both rating / filtering and awareness. In 2000 the call covered awareness and in 2000 filtering software and services. There will be a further and final call closing in early 2002.

Proposals were evaluated shortly after the close of call (together with hotline proposals received at that time). In 1999, 7 proposals were received in response to the Hotlines Call, of which 3 were selected. 11 proposals were received in response to the Filtering, Rating and Awareness Call, of which 6 were selected. 1 project selected withdrew during negotiations, and was replaced by 2 projects from the reserve list.

In 2000 16 awareness proposals were received, of which 7 were shortlisted. 4 hotlines proposals were received, 3 of which were selected, of which one withdrew during negotiations.

Following the evaluation, successful projects were contacted informally to start project negotiations. In parallel, the procedure for formal selection by the Commission was followed: inter-service consultation, consultation of the Programme Committee and decision of the Commission by written procedure.

Comments by project participants about the time taken to negotiate contracts (see point 7.3.2) are borne out by the analysis of the starting dates of successful projects. There was however a marked improvement in the average time for projects selected in 2000 (8.33 months) compared to those selected in 1999 (13.1 months).

As a result, as of 1 April 2001, 19 projects are running with a total of 87 organisations participating. 5 projects are hotlines (for a total of 12 hotlines covering 10 countries), 5 are in the field of filtering and rating and 9 awareness projects. Total funding of all cost-shared projects under the 1999 and 2000 budgets amounts to 10 030 119 euro. The average amount of funding per project is 501 506 euro, the largest being 1 931 303 and the smallest 49 650. The average amount of Community funding received by the 87 participants in contracts was 115 289 euro.

Contract duration is typically 18 or 24 months, with some awareness projects of shorter duration (15 or 16 months). Project outlines, with names of partners and amounts of Community financing are published on the Action Plan website¹⁵.

All projects are subject to individual project reviews by outside reviewers at 12 month intervals.

3.4.4 FINANCING OF PROJECTS

The basic funding model is 50% of eligible costs of a project. This is designed to ensure that successful participants have commitment to their project and have other backers. There are a range of participants, including commercial organisations (able to provide funding, but only representing 25% of the total project costs), and also associations and charitable organisations (less able to provide funding but representing 37% of project costs).

Publicly-funded bodies such as universities which do not have accounting systems which permit them to allocate costs specifically to a project are entitled to claim 100% of the additional cost of a project (not including the cost of their permanent staff and with a fixed 20% rate for overheads). They represent 38% of project costs.

An exceptional case is INHOPE, which in its co-ordination role is funded 100% of full costs. A further funding model for associations was introduced in the 2001 call, with 80% funding of full costs, subject to certain limits.

The projects are all designed to be short term (duration of projects between 12 and 24 months), but there is a concern that organisations (particularly not for profit) can become dependent on funding. The objective of the IAP is to fund projects not organisations, although it is considered difficult to differentiate between the two for Hotlines and Awareness, both of which are public interest rather than commercial activity.

The normal Commission rule is that projects must have at least two partners from two different Member States. This applies for Awareness and Filtering & Rating. For these two Action Lines, purely national projects are not funded. In contrast, for Hotlines it is possible for a project to have one participant and to cover only one EU country. The European value added lies in membership of the European network of hotlines. The long-term objective of the hotlines work is to cover all EU countries.

Any partner based outside the EU (plus EFTA countries) is not funded as part of the IAP, although they can still take part in a project (either with self-funding or with support from their national government).

3.4.5 PUBLICITY FOR CALLS FOR PROPOSALS

The actual promotion of the IAP has not been easy because of the very diverse nature of the organisations that could take part and the absence of an existing “constituency” or clearly identifiable multiplier organisations. “Viral marketing” or word of mouth appears to have been the way that many people initially heard of the IAP, as evidenced by feedback from project participants (see 4.2.1 below). Other sources include: an active website which draws

¹⁵ <http://europa.eu.int/ISPO/iap/projects/projects.html>

considerable traffic¹⁶, Commission publications, and information sent to existing contacts, particularly mailing lists built up through other Commission funding activities.

An Information Day was organised by the Commission in relation to each of the calls, attended by 125 people in 1999 (Luxembourg) and in 2001 (Brussels). The 2000 Information Day (Brussels) attracted over 300 participants. Information days are designed to allow potential participants to meet other potential participants to form partnerships and where they are told about the process of applying. There is also an opportunity to talk to Commission staff. Respondents in the survey were asked for their opinion of information days (see Section 4.2.3 below). The call for proposals for Hotlines is ongoing, though there are no information days arranged specifically for this – it is felt that those interested can learn about procedures from the general information days. Publicity is also given to the Action Plan and calls during Information Days organised for other relevant Commission programmes (such as the eContent and IST programmes), and Member States also distribute information through their own channels and events.

3.4.6 SERVICE CONTRACTS

Two service contracts were concluded following open calls for tenders

3.4.6.1 IAPEXCH

This is a contract to provide support to awareness-raising activities. A website has been set up at <http://www.saferinternet.org> that provides content about safer Internet and links to related information. A monthly newsletter is being published. A discussion forum has been created. Various types of promotional material have been drawn up, including a leaflet, to help increase visibility of the programme.

3.4.6.2 IAPCODE

This is a contract to provide assistance to self-regulatory bodies in the form of advice. This is how the Commission is implementing the action line relating to support for self-regulation. A contractor has been selected (Oxford University, programme for Comparative Media Law and Policy) and will start work in June 2001. The first task will be to help work towards a European system of rating for entertainment leisure software.

¹⁶ 7000 downloads of call documents in 1999, 9575 downloads in 2000

SECTION B PRIMARY RESEARCH

4. THE PARTICIPANT VIEWPOINT

4.1 Introduction

This section assesses the views of project participants, non-participants, and stakeholders on the way that the Action Plan has been implemented, and also on the structure and components of the Action Plan (the action lines).

4.2 Participant Awareness of the IAP

4.2.1 SOURCES OF AWARENESS

By far the majority of project participants initially learnt about the existence of the Action Plan from a colleague rather than first hand. *“From my partners. We are working together on another private project”*. Most individuals were in fact already working on a related project (or the current project but before receiving funding), and have access to an extensive network of contacts.

This network has partly been built through contacts made in earlier EU funded projects (in various areas), so that across the whole network there is a good awareness of potential funding opportunities.

- It is worth noting however that a number of respondents did mention that they felt that it was difficult to find information on calls for proposals directly from the Commission.

Other key sources include conferences where again there is an opportunity to meet new contacts and learn about new initiatives.

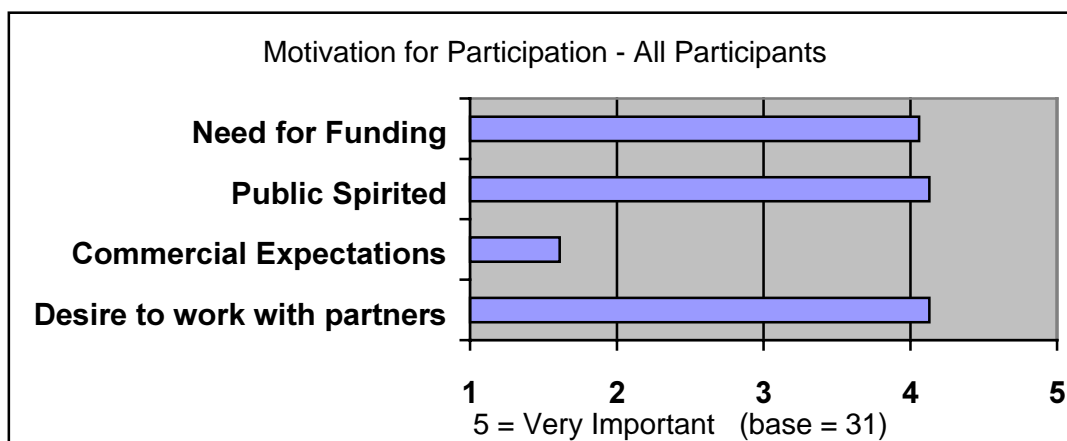
A small number of respondents were alerted to the IAP by a contact within the national government.

It is interesting to note that most project participants stated that they had previous experience of EU funded projects – they have some knowledge of the process and procedure involved in submitting applications and running funded or part funded projects themselves, or via another colleague within the organisation.

4.2.2 THE MOTIVATION FOR BECOMING INVOLVED WITH THE ACTION PLAN

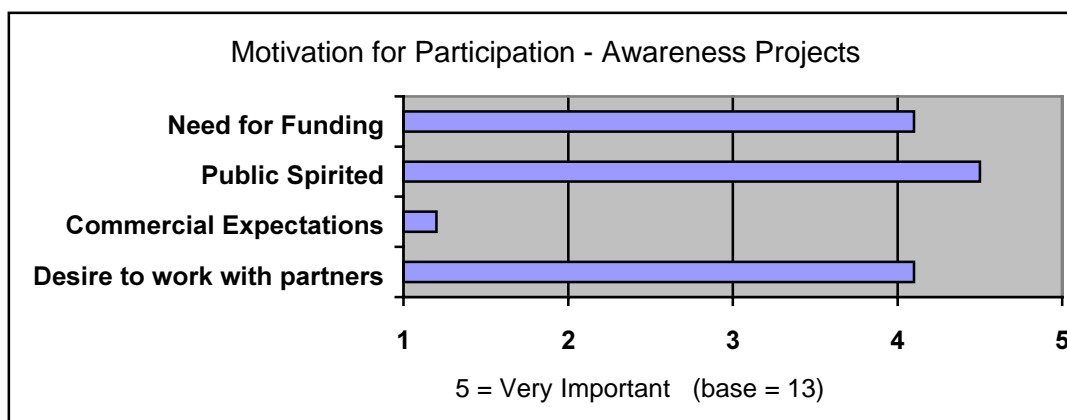
Across all the 31 project participants interviewed, there is a strong feeling that commercial expectations is not a significant issue when deciding to become involved with the Action Plan.

The chart below provides a view of the importance of four key ‘drivers’ of involvement.



4.2.2.1 AWARENESS PROJECTS

Across just the Awareness projects interviewed, the fundamental reasons for deciding to become involved with the Action Plan are driven by ‘public spirited involvement’. Yet to be able to work in this area, there is also a very strong need for funding.



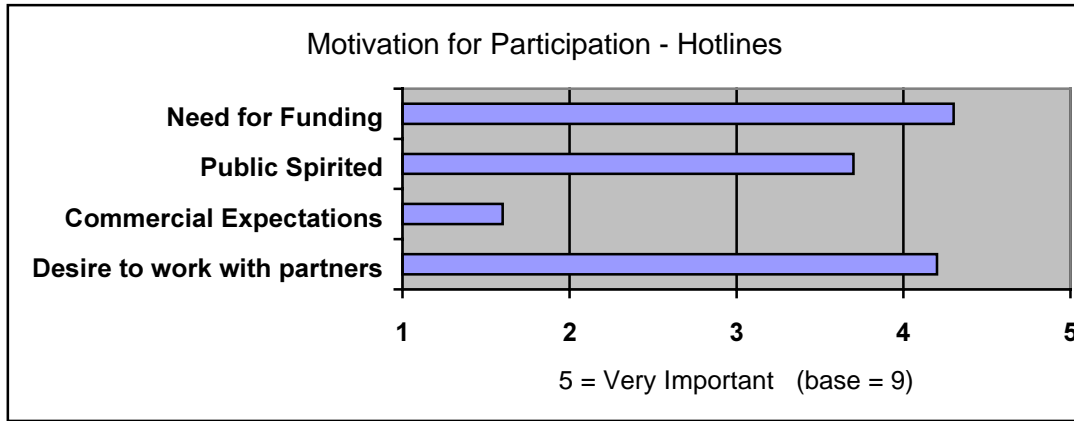
- There is a general feeling among awareness projects that as an area of work it is particularly expensive. As well as the cost of staff time, awareness materials and websites cost a significant amount of money. The majority of projects felt that without Commission funding they would not have been in a position to proceed with their project, with few other sources of national funding. The remaining projects felt that they would have started work without funding, but on a much-reduced scale.

There is a continuing desire to work with a range of national and international partners, and it was felt that participating in a Commission funded project would fulfil this. Within awareness projects, it is clear that in most cases the participants were already working in the area of Internet awareness and had a fairly extensive network of contacts and potential partners. Consequently, there was a logic to wanting to be involved with the Action Plan as this in effect simply extends and continues their current scope of work.

Understanding the issues and concerns in other countries appears to be very beneficial to projects – it allows them also to see the ‘wider picture’ and to put their own problems and difficulties into context.

Commercial expectations do not appear to be a driving factor in becoming involved with the Awareness projects funded under the Action Plan.

4.2.2.2 HOTLINES PROJECTS



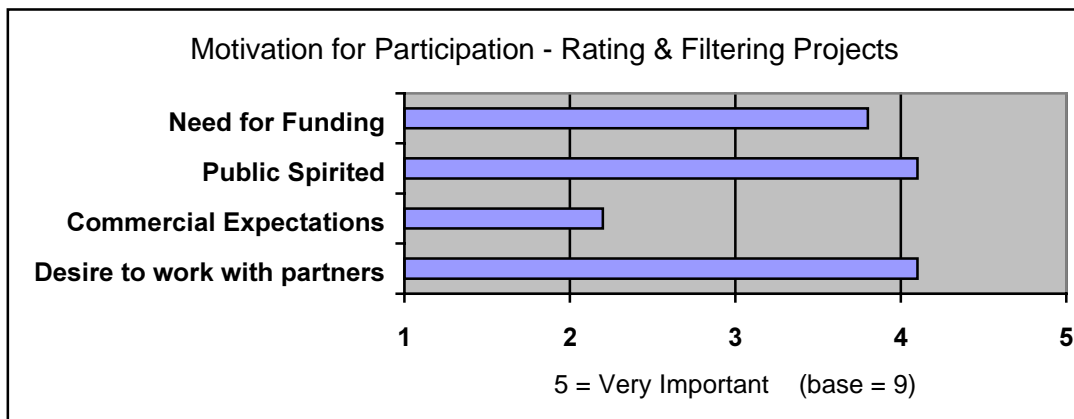
As with Awareness projects, a number of hotline projects were already in operation before applying for funding. In most cases they were operating at a relatively low level of activity, often as non-profit organisations. Funding by the Commission allowed them to increase the scope of their activities and become more efficient and more effective.

There is also some indication that receiving Commission funding has an impact on how seriously the project is seen. Extending and developing the project allows a more professional footing, as well as supporting a more substantial scale of operation.

Contact with INHOPE also appears to have had a very stimulating influence on the formation of hotline operations, and this association itself promotes the value of contact with international partners.

Of the hotline projects researched, most would have found a way to proceed had they not received funding, although they say that their scale of work would have been much smaller. But there is a very clear need for funding in order to operate at the necessary scale (especially for INHOPE, which is 100% funded).

4.2.2.3 RATING & FILTERING PROJECTS



Unlike the other action lines above, Rating and Filtering projects have more of a commercial aim. In most cases researched, the participants were already active in the area of rating and filtering, often with extensive experience. They also emphasise their technical expertise.

The need for funding is not so acute as in the previous action lines, because participants are often part of major organisations. Nevertheless, the projects appear to remain dependent on funding in order to proceed. (This may be because the whole area of filtering and rating is perceived as one where technical and commercial progress will be difficult).

It is also the case that large companies that host websites feel that they need to rate the sites they host in order to be legally protected.

As with the other action lines, there is a stated 'public spirited' motivation side by side with a degree of commercial expectation.

And there is a desire for international co-operation through partners, both to help solve technical problems, but also to help with an overall understanding of the scope of the problem across Europe (and indeed worldwide).

4.2.3 AWARENESS ACTIVITIES, AND THEIR SUCCESS

4.2.3.1 REPORTS OF MEETINGS ATTENDED

The evaluators attended three meetings as part of the evaluation research

Information Day: Filtering & Rating, Held in Brussels, 15th February 2001

The objectives of the day were stated in the agenda as: the meeting will give an interactive opportunity to clarify the scope of the call for proposals and to encourage the formation of consortia through:

- question and answer sessions
- informal discussions with Commission staff
- partner search through presentations of project outlines
- informal discussions with potential partners

This was covered between 10am and 12.30. In the afternoon a benchmarking workshop was made up of presentations of studies into effectiveness of filtering systems, followed by an interactive debate.

From observing the information day it did appear that a lively and active forum for debate was provided, numbers of organisations took advantage of the opportunity to present their company in the morning. They were limited to a time slot of 5 minutes but this did appear to afford enough time for all to at least introduce themselves.

The opportunity to have informal discussions with potential partners also seemed to be sufficient: around 2.5 hours in breaks during the day. One organisation commented that they had expected people to stay around at the end of the day, but people obviously felt they had done enough, as they all left on time. It was extremely beneficial to send the list of

participants in the day to everyone: some companies had made contact prior to attending on the day.

Information Day: Awareness, Held in Luxembourg, January 25th, 2001.

The agenda for the day was provided, showing a full timetable. The day was very well attended with many projects sending more than one participant to the meeting. The meeting was kicked off by IAP staff to introduce the agenda for the day, and also to provide some information on new calls for proposals coming up shortly. The first presentation was by Ecotec, which is establishing a website to provide support and information to the Awareness projects within the IAP.

The rest of the day was given over to 13 individual projects to give a short 20-minute presentation of their work, and to field questions to the meeting.

Mid-morning, lunch and mid-afternoon breaks provided some time for attendees to meet and discuss issues. The meeting overall was characterised by positive discussion and exchange of information.

Of particular note was the degree to which projects were able to question aspects of their role, and the IAP's role in for example managing overlap of activities. Participants found the meeting to be very useful and raised the issue of how to follow up the meeting with subsequent events, possibly through a meeting of project co-ordinators.

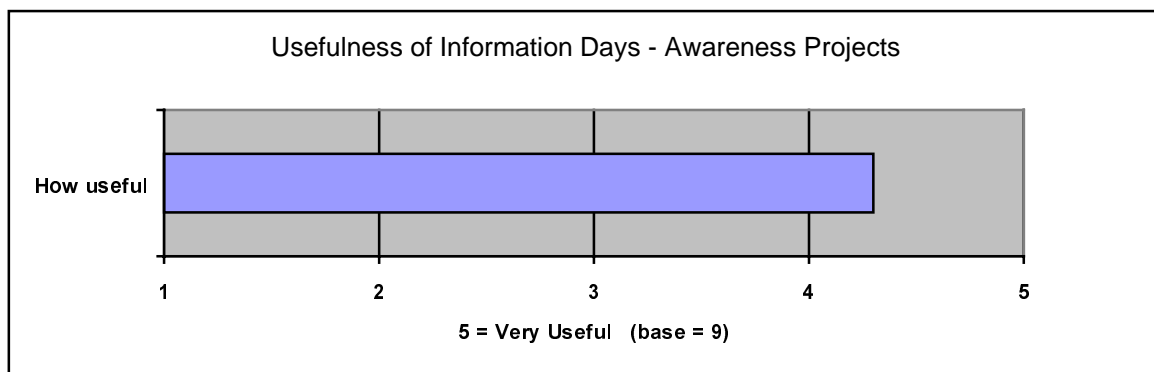
Hotlines Meeting: Inhope Association Members Meeting, Meeting held in Stockholm on 1st / 2nd March 2001.

This meeting was one of the regular INHOPE members meetings. These are hosted in different countries each time by the appropriate hotline. This meeting was well attended with current and prospective hotlines, as well as representatives from other hotlines outside Europe (in this case the USA and Australia).

The tone of the whole day was serious yet informative with a desire to exchange information and learn from other members experience.

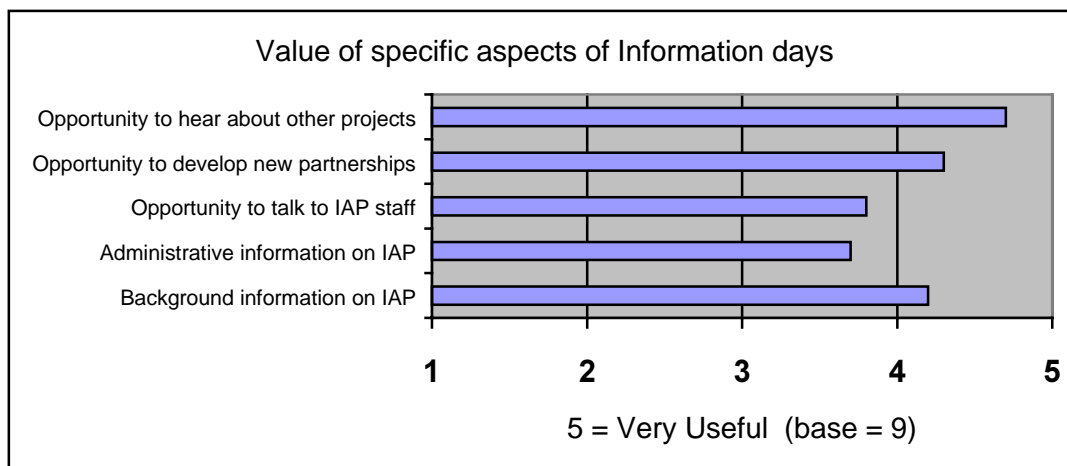
4.2.3.2 INFORMATION EXCHANGE DAY – AWARENESS PROJECTS

Over 2/3 of awareness project respondents had in fact attended the Awareness information day, and found it greatly beneficial. It was rated as being extremely or very useful to their application decision.



By far the greatest overall benefit was the opportunity to listen to existing projects talk about the problems they had and how they had been overcome.

In terms of specific content provided by the information day, the most important element was the opportunity provided to meet other project staff, make new contacts and arrange follow up meetings.



This emphasises the need and desire to support networking between projects. However, it is also interesting to note that the days are also seen as an opportunity to gain further information on the Action Plan itself, and to meet IAP staff face to face.

When asked about potential improvements to the information day, several points consistently emerge:

1. The day is too short, and should be spread over 1 ½ or 2 days. This is because the program is very packed, leaving little time for interaction and discussion (seen as a very valuable element of the whole day).
2. The information day could provide more on the application procedures, and the 'mechanics' of successfully getting involved with the Action Plan (which is seen as difficult).
3. Other points to emerge include the need for circulation of documentation beforehand, and the circulation of attendees contact details especially email addresses.

“More basic information from the commission about the nuts and bolts of the application process and financial hoops you have to go through. And more time to network”

4.2.3.3 INFORMATION DAY – RATING & FILTERING

Only 1/3 of the Rating and Filtering project respondents interviewed had attended any information day. Partly, this was due to staff changes in the project teams (which seems to be higher than in Awareness and Hotlines) such that some interviewees were not in post from the start of the projects. In other cases, project participants had not felt that attending such a day would in fact be beneficial to them.

Those few respondents who had attended an information day found them to be highly beneficial with extensive opportunities to meet other project staff.

4.2.3.4 INFORMATION DAY – HOTLINES

No separate Hotlines information days are organised by the Commission. Potential hotlines can and do attend information days held for calls with a closed deadline. One of the tasks of the INHOPE association is to provide advice for potential new hotlines, which it does both by distant communication (telephone and email) and in person by making visits.

As noted earlier, INHOPE also organises regular meetings for members at which information can be exchanged.

4.3 Project Application and Selection Procedures

4.3.1 SUBMITTING A PROPOSAL

By far the majority of projects interviewed felt that they had been given sufficient information at the start to help them submit their proposals. Nearly all felt that they also received adequate support during the process of filling in the forms and submitting their proposals.

There was however the strong feeling that the paperwork was too complex and too formal, and that the financial forms were hard to complete (leading to errors and queries).

- A number of projects felt that the forms used were not entirely appropriate to their situation. Specifically, that the forms were more suited to commercial situations rather than to non-profit organisations such as the Hotlines.
- Some projects felt that the aims and objectives that they had to fulfil were unclear from the documentation provided, leading to additional clarifications having to be provided by the Commission.
- A number of participants felt that the complexity of the application forms and process made them question the value of applying for funding.

- Some projects felt that a one-page summary of the proposal requirements would be useful.

Comments included:

“Instructions on the Internet (could be) a little clearer – an idea of what they are looking for”

“They gave lots of details, how to formulate proposals. The only problem was filling out the forms”

Consequently it was felt that more informal lines of communication might be beneficial in sorting out problems with the proposal forms. This might extend to additional meetings while drawing up the proposal to avoid lengthy mistakes and time consuming revisions later in the process.

It is also worth noting that in some cases the time allowed to submit a proposal was felt to be too short.

A number of project participants felt that there were occasions where they had received conflicting advice from different staff at the Commission, especially in regard to allowable financial claims. *“We kept getting contradictory advice from them so we had to keep changing the bid ... the administration was a nightmare”* Such situations invariably led to delays in completion of forms, and a degree of uncertainty on the part of the projects about the status of their application.

Some projects suggested specific improvements to the submission process:

- Projects might submit an outline proposal and then only those shortlisted would have to submit a full proposal.
- Additional software to assist with the development of a proposal, and to help understand the application process.
- Additional assistance with finding suitable partners
- Altering the timing of the submission process so that it does not coincide with academic holiday periods, or academic exam times, both of which can severely hamper the ability to find partners, and to have time to complete the application forms.

Project staff noted that some documentation from the Commission was not provided in their own language, especially technical documentation. In some cases this caused errors in the forms being submitted.

- Emails were consistently noted as not being in respondents' own language.

4.3.2 ASSESSMENT AND DECISION

All projects found that on initially submitting their proposals and sorting out any initial errors on the forms, it did not take long for a decision to be taken by the Commission.

However, in numerous cases there seems to have then been a long delay between the approval of the project, and the contract being signed so that work could start. In some cases this was taking four to six months or longer.

- Contract ‘negotiations’ involved projects in a substantial amount of work, usually in terms of financial budgeting and working out of costs. Partly, this appears to have been hindered by the formality of the contract documentation, and the lack of more accessible notes.
- Further, the delays and changes to the contracts gives projects the impression that the goals and objectives of the action lines are unclear and subject to change.

During this period, project staff found it hard to determine what was happening in terms of progress with their contract, and were unaware of the timescales involved in getting their projects finally up and running.

For many projects, the funding is used to take on staff. Consequently, delays in signing the contract have a significant effect in terms of uncertainty for staff concerned, and in some cases staff not being available when the work was finally due to start. *“Delays in funding take up to one year and it’s hard for a non profit organisation.”*

With regard to Hotlines in particular, it was noted by INHOPE and also by several other Hotline respondents that INHOPE’s conditions of eligibility were different from those of the Commission. A situation might therefore arise where a hotline meets the INHOPE criteria for joining the organisation, but then find that the hotline does not meet Commission criteria for receiving funding. This was therefore felt to be an area where the smooth running of the proposal and decision process could be enhanced by clarifying and eliminating any differences in criteria.

In some cases it is worth noting that projects had to make significant amendments to proposals on the basis of advice from the Commission that subsequently proved in error. Projects feel that the bulk of these cases arise because the Commission is felt not to have enough experience in dealing with ‘not-for-profit’ organisations. A number of respondents felt that the IAP staff were having to work with other internal EU departments, such as finance, and were themselves receiving advice and answers that subsequently changed.

Consequently, some of the problems encountered were more attributed to the experience of the Commission in dealing with smaller organisations, rather than the IAP itself.

4.4 Support to Successful Projects

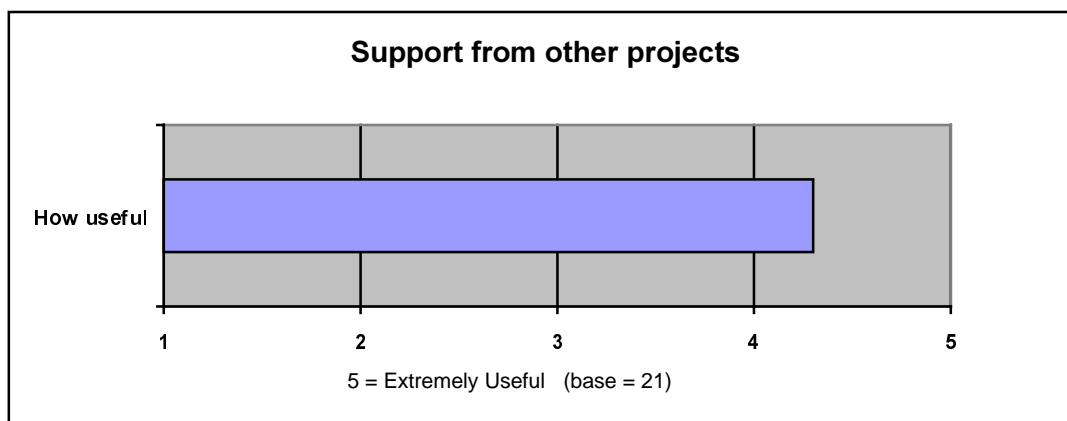
Once projects have been successful in their application, they generally feel that they receive sufficient general ongoing support from the Commission. (There was some surprise from projects that they were left alone to start their work – a welcome aspect of winning funding). In particular it was felt that response from individuals to specific questions at the Commission was very good in terms of speed and efficiency.

- All requests for specific support or information were dealt with positively and successfully.

However, there are still a number of improvements that would be seen as beneficial in terms of ongoing support:

- Specific help with financial issues arising from ongoing projects
- Specific help with administering projects with international partners
- More meetings with the Commission where necessary

Over 2/3 of projects received support from other projects, for example in completing applications forms, through to general problem solving.



Almost without exception, this was found to be very useful indeed. That such contacts prove so useful is vindication of the project participants view that networking is such a valuable aspect of information days. *“The effort to bring projects together is very useful”*

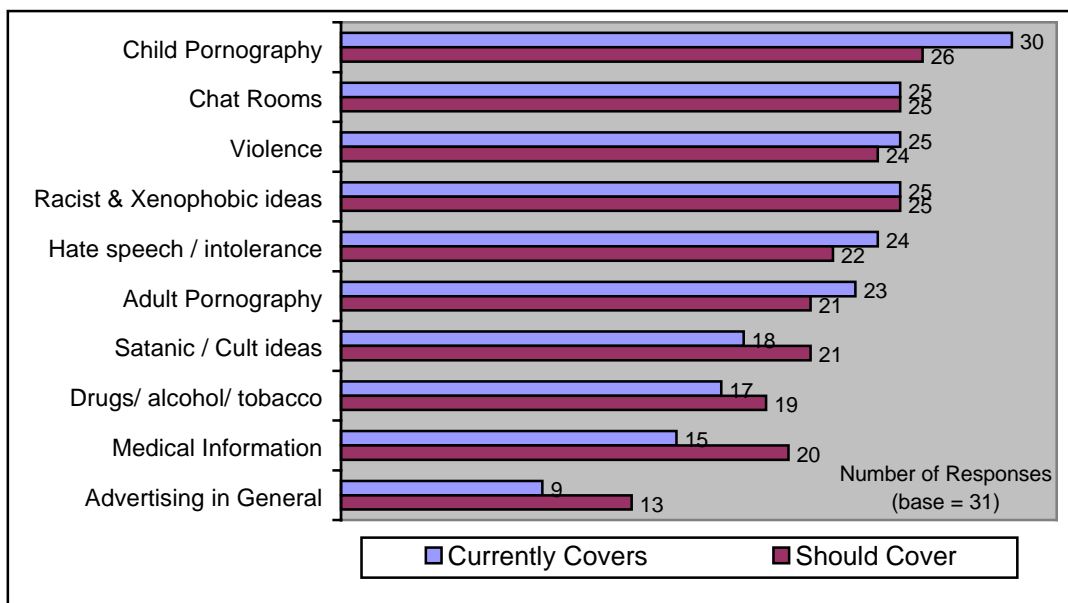
It is interesting to note that Rating and Filtering projects tend to seek less support from other projects.

4.5 The Scope and Relevance of the Action

4.5.1 PERCEIVED CURRENT SCOPE OF THE ACTION PLAN

Participants were asked about the current scope of the Action Plan. Broadly, participants agree that the focus of the Action Plan should be on the protection of children.

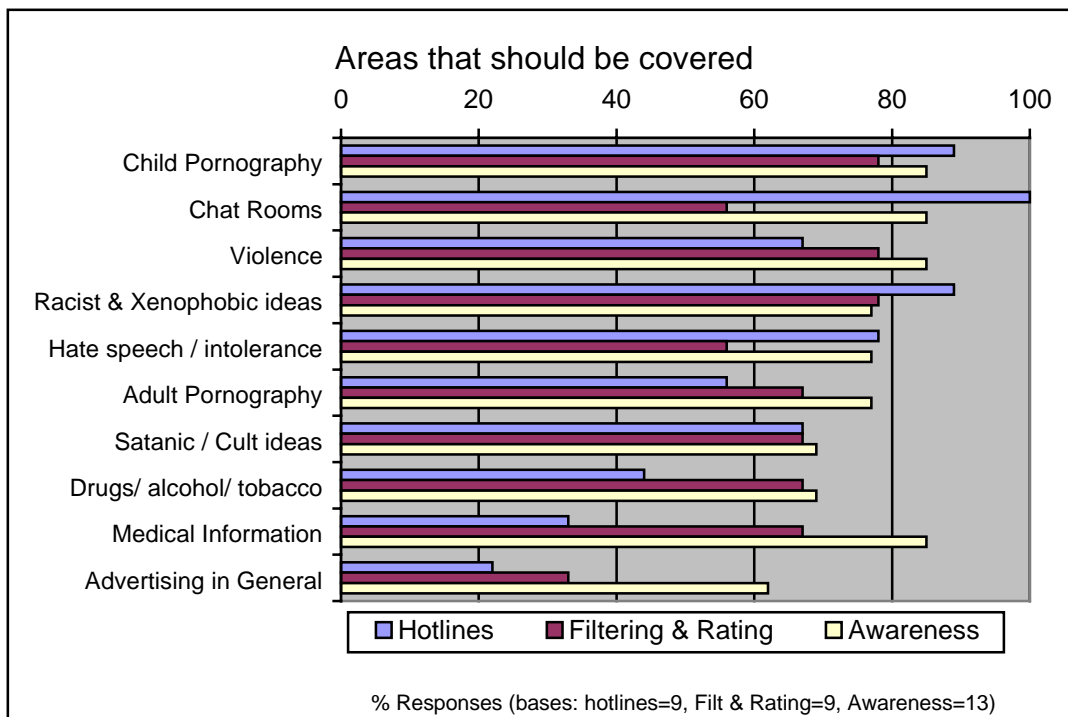
There is a strong perception that the Action Plan does cover, and should cover, Child Pornography, Chat Rooms, Violence, Racist and Xenophobic ideas, Hate Speech, and Adult Pornography.



- The views of the participants also indicates a perceived slight over-emphasis of the Action Plan on child pornography, as the figures indicate that the Action Plan should offer an equal emphasis on the top five areas.

The Action Plan is not so strongly seen as covering Satanic and Cult ideas, Drugs, Medical Information, and Advertising. Yet participants do feel that these areas should be included, with the possible exception of Advertising.

It is possible to segment the above scope of the Action by the three action lines. The chart below shows the areas that it is felt that the Plan should cover.



Commission involvement in this area is generally considered to be very important. *“It’s important that there is European co-operation but it is necessary to co-ordinate the projects so that they are fruitful and results can be seen on a long term basis so approaches by the EC will make a difference.”*

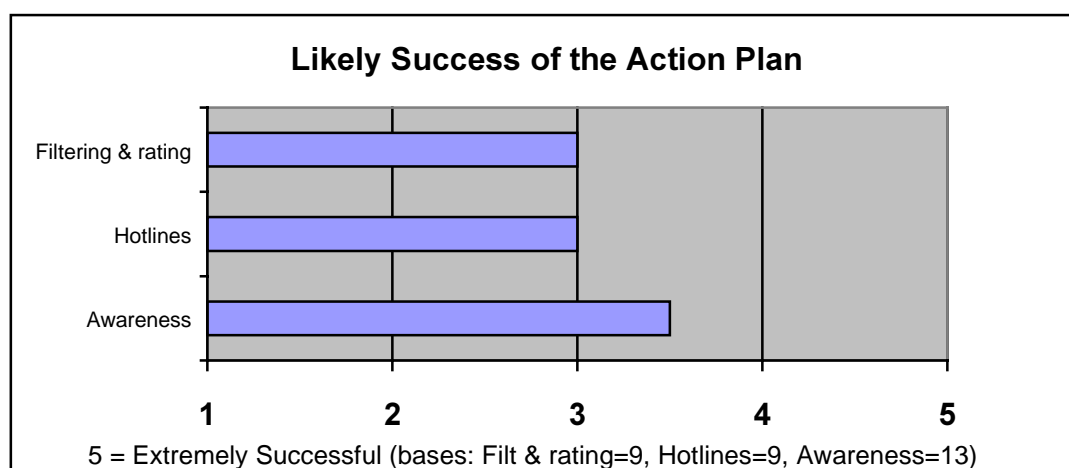
4.5.2 ADDITIONAL SCOPE

In reviewing the current scope, participants identified a number of areas which it was felt that the Action Plan had a remit to include (but none were especially strongly supported across all respondents):

- Computer Crime, financial scams in relation to the consumer
- Hooligan, Terrorism, incitement to law-break
- Gambling
- Security and Hacking
- Email
- Newsgroups

4.6 Likely Success of the IAP

Project staff take the view that there are issues pertaining to the subject matter of the Safer Internet Action Plan that make it very hard to ensure that the Plan as a whole will be ‘extremely successful’. But at the same time project stake the view that whatever is achieved will be worthwhile (and therefore successful in its own way). In discussing how successful the IAP would be, it was also clear from participants that they are very much aware of how difficult it is to measure success.



Issues felt to affect the likely success of the IAP overall centre on the perception that the problems faced are very difficult, and international. The IAP has in effect set itself some significant aims that may be hard to meet.

A key point that was raised repeatedly was that the source of illegal and harmful content is often outside the EU – which makes the elimination of such content outside the scope of the Action Plan as currently drawn.

- Also, it was felt that generally it is hard to measure success in these areas, though action lines such as Hotlines can (and do) measure success in terms of the number of valid reports received.
- Filtering and Rating projects also note that filtering is technically difficult and by no means guaranteed to be commercially successful. Both filtering and rating involve a wide range of other issues if they are to be successful (such as actual use by parents).

An important point to make is that there is concern over the sustainability of the work completed by the hotlines and awareness projects. This is partly due to the nature of the conditions attached to the funding. Poor sustainability has a direct detrimental impact on perceived longer-term success.

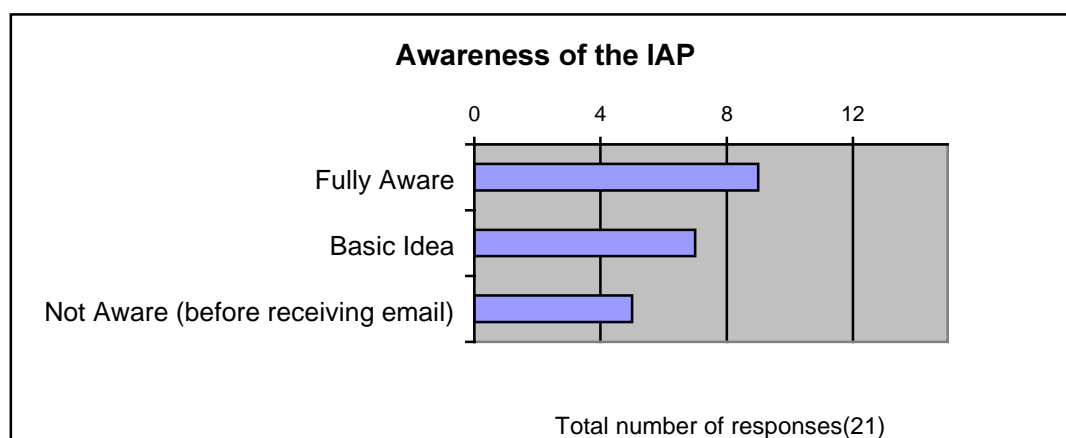
Lastly, the longer-term success of the IAP will be impacted by broader awareness of what is being done. In many cases the press have little knowledge of the activities funded by the IAP.

5. THE STAKEHOLDER VIEWPOINT: THE BROADER CONTEXT

Stakeholders are individuals who have a professional interest in the issues covered by the IAP but who are not associated with projects funded by the Plan. Such individuals include journalists, politicians, trade organisations, national government. Segmentation between respondent types on the small number involved in the survey has shown little variation.

5.1 Awareness of IAP

The chart below is based on those we spoke to either over the telephone or face to face. The proportion unaware of the IAP is felt to be much higher. A count of those from the original contact list who were not aware suggests a further 10 – 12 individuals, although in a number of these cases we were passed onto another individual who was considered to be more aware about the IAP than the listed contact. In addition, some individuals were left a large number of messages but we were unable to get through to them.



Those who are aware of the IAP became aware by general interest e.g. through reading the newspapers and magazines, through platforms / search engines for IAP or conferences on safer internet (e.g. Internet Content Summit, UNICEF Feb 2001 etc), or specifically through getting involved with the plan or through participants. Half of those completing a telephone interview only became aware if the IAP in the last 6 months.

5.2 Aims of the IAP

Stakeholders tend to be unclear on the aims of the IAP, with respondents thinking it was focused on protecting children and users in general from racist and xenophobic material, it was intended to harmonise laws across European countries or that the IAP aims to make the internet safer, particularly with regard to children and minors. A minority mentioned child pornography specifically, these tended to be involved with the IAP.

5.3 Handling of Illegal & Harmful Content

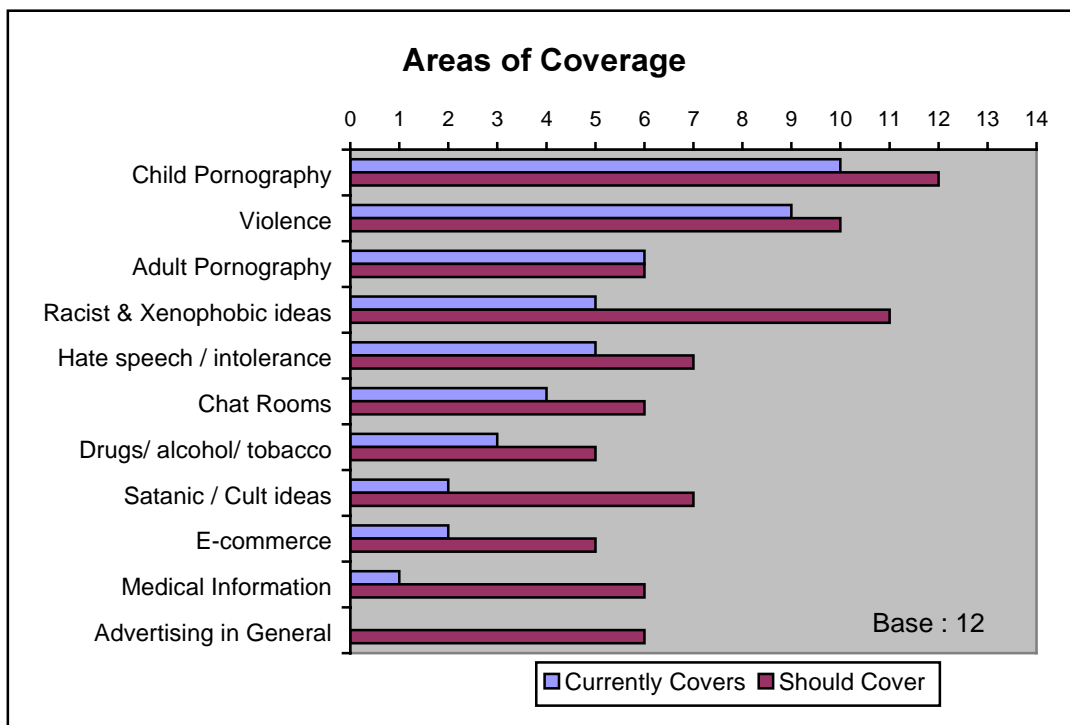
Nearly all did feel that there are differences in the handling of illegal and harmful content on the Internet. Illegal content involves legislation and is relatively clear cut. Harmful is

subjective and will vary depending on the end users. There was some suggestion that hotlines deal with illegal content while awareness is more focused on harmful content.

Various groups are seen to be responsible for this, including the police (particularly for illegal content), government, the European Commission and search engines / ISPs (the industry in general).

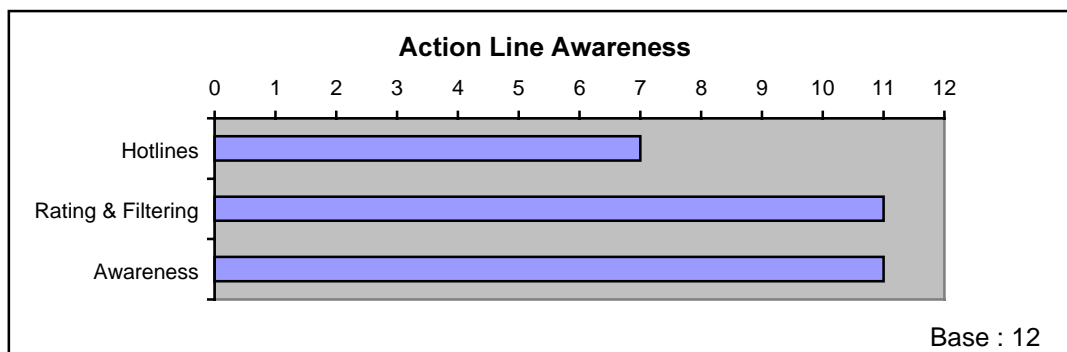
5.4 The Safer Internet Action Plan: Areas of Coverage

Note : the remaining charts are based on those completing semi-structured telephone interviews (12). The remainder were interviewed on a more discursive face to face basis and did not follow the strict format of the questionnaire.



General feeling that child pornography, violence and racist and xenophobic ideas should be covered by the IAP. However, it is important that the IAP does “*not constrain personal freedom*”.

Awareness of the Three Action Lines:



Respondents are generally more aware of rating and filtering and awareness aspects of the IAP than they are of the hotlines.

Respondents were then asked for their opinion of each of these in turn.

5.4.1 HOTLINES

As a concept, Hotlines are viewed very positively, they are seen to be a good way in which people can report sites they are concerned about. It is considered essential to have harmonisation across Europe with a view to having global harmonisation. They are seen to cover illegal material in general, with specific reference to child pornography. Responsibility for the efficient running of Hotlines is placed between the companies who run them, national government and the European Commission. One benefit of the Commission's involvement is seen to be a structured co-operation which has developed the hotlines quicker than would have been the case if left to each country.

Suggestions for improvement centre on better publicity so that people become more aware of them "*the big problem is publicity*". In addition, suggestions for higher levels of staff, continuous reviews of the quality of information sent to police, and a suggestion that they could be better funded, or funded for longer. "*The current funding programme is set for two years. We need to know where we go after two years. It would be tragic if these companies went to the wall. It's a worthwhile investment*".

Some areas e.g. Spain are still developing laws to allow them to deal with illegal content (e.g. relating to the ISP's involvement): the Hotline role is therefore limited.

5.4.2 FILTERING & RATING

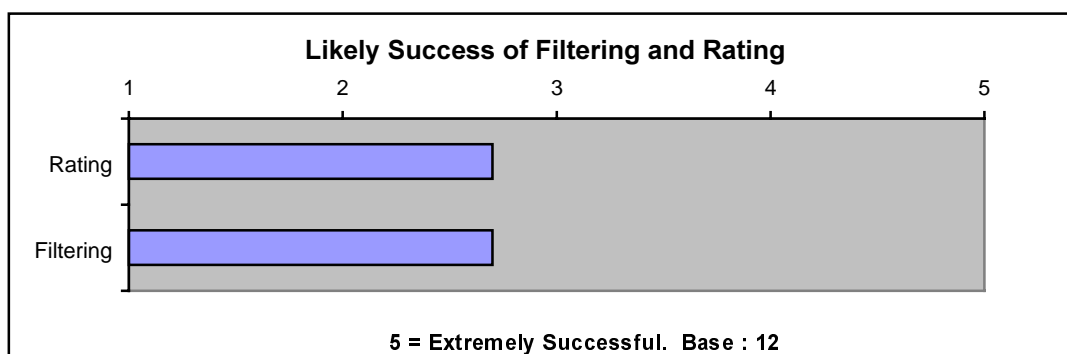
All respondents considered there is a need for a filtering and rating programme. However, there are concerns raised about the level of technology currently available. For a small number of stakeholders, there is a perceived lack of public demand, which they consider to be a concern.

Certain amount of recognition regarding rating because of the work involved by the site providers: concerns that

- rating will not be carried out, particularly where hosted outside of Europe
- the motivations to rate are not considered particularly high
- some (subversive) groups who want to get around the question of rating will be able to do so.
- some concern that it is not user friendly.

Concerns about filtering queried whether people would want to use filtering, concern it will make the internet less “fun”: will people be constantly turned away from innocent sites because of one word, language issues and a belief that young people will be easily able to overturn the system. This would need to be freely available to be effective. There were also concerns that parents would lack the technical skills to install and that it can reduce the positive debate on these issues. The only positive comments were that it was a way of overcoming cultural differences, as it allows people to choose the level of filtering and take responsibility for themselves and their children.

The overall expectation of both rating and filtering is that it will be “not very” to “fairly successful”.



To improve the anticipated success rate, stakeholders feel rating needs to be done on a worldwide scale rather than European focused, while filtering would need to be seen to be very user friendly and widely available. Currently filtering seen to be too rigid in the degree to which it is word sensitive. Some praise given to the work being carried out by ICRA on rating but a feeling this may need some political pressure to develop.

Some suggestions were made of ways to promote filtering and rating, including encouraging e.g. ISP's to pre-install systems (some are certainly doing this on rating to protect themselves from hosting illegal content), increase awareness including to schools and to grandparents (in some countries the primary child care system) and make it “cool” to children to work against these sites.

5.4.3 AWARENESS

This part of the IAP was particularly positively received by stakeholders, as encapsulated in the following quote:

“this is the most fruitful and positive part ...it will be impossible to control and filter in technological ways due to the whole process of convergence and globalisation. To use law will not help and technical barriers can always be by-passed”

However, some scepticism was voiced: will people really take much notice before they are actually shocked by something on the Internet.

General agreement that there is a need for more awareness in the media of the positive aspects of the Internet. However, there were some differences in opinion with some

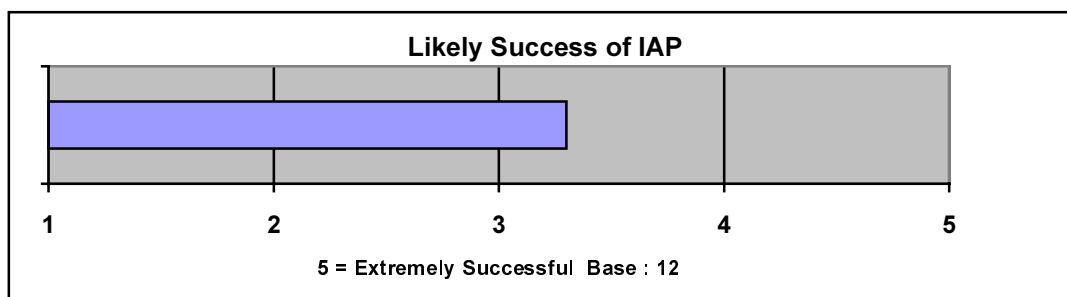
stakeholders feeling that it is important to emphasise both the positive and the negative (thereby encouraging debate) and others feeling that awareness should concentrate on the positive as any allusion to “the dark side” could intrigue children to the point of looking for some of the sites the IAP is trying to protect them from. The more negative side should only be promoted to parents and teachers etc.

Some of the ways in which awareness could be improved looked at highlighting solutions to the dangers which are being raised, providing forums for discussion, educational material and encouraging teachers to work with children in schools to use the internet safely by e.g. setting projects to complete. Some feeling that too much emphasis is given to work in schools and not enough to parents who often need to be reached through media other than the internet e.g. TV advertising.

5.5 Wider issues of the IAP

Very few stakeholders felt that any other areas should be included in the IAP, although there was some comment on the problem of different laws in Europe and the need to focus on improving these. All felt that the IAP should include all three action lines currently in the plan (Hotlines, Filtering & Rating and Awareness)

None were negative regarding the anticipated success of the IAP:



The reasons given for a positive opinion focus on a greater awareness / use of the Internet, belief in the IAP and the increased awareness simply as a result of the IAP. Concerns mentioned are that the message is seen to be too vague, not international enough and a lack of certainty that the filtering and rating will actually be effective. The targets were also considered ambitious and will take time to meet.

Some concern that too much similarity between project, one stakeholder who had attended a conference commented “*They all seemed like very similar projects ...making websites to increase awareness of the problems of the Internet*”. Too much duplication of effort even within countries.

5.6 Stakeholder Involvement in the IAP

All agreed the European Commission should be involved in this area, with a general feeling that it is very important to have some way of crossing national borders, and the need for a strong voice in Europe. This is considered one of the areas the European Commission should be involved in.

Other bodies who should also be involved included national governments, Internet companies / TV companies. Also consumer interest and freedom of speech groups.

A minority of stakeholders had been involved in the set up of the IAP. This does underline the general lack of knowledge we found amongst stakeholders. This is in spite of all of them having both a professional and personal interest in this area, with all claiming this is an area of concern to them. Nearly all claim that they should have been involved (although this may be with the benefit of hindsight).

The changes they would have made if they had been involved include:

- more media coverage (in some countries e.g. Spain there is believed to have been no coverage)
- increased awareness, specifically awareness of the dangers focused at Internet cafes.
- more co-ordination between projects *“It is necessary to have effort on the regions, but also to devise a way to make one big project with different sections”*
- continuing theme through the different stakeholders that there will need to be European wide (and ultimately worldwide) laws passed on e.g. illegal content on the Internet. *“Currently there is not much legislation and there are large national differences”*
- expert advisors who could be posted to organisations most in need of help

There was some mention of changes they would like to see now. There was interest expressed in receiving information on progress made so far, a suggestion that advice be given/ seminars held with e.g. family associations, and a continued theme of more awareness (specifically more involvement with parents and teachers).

6. FINDINGS FROM THE PRIMARY RESEARCH

6.1 Project Participants

6.1.1 AWARENESS OF IAP

Initial awareness of the IAP derives very largely from colleagues rather than directly from the Commission itself. This is an outcome of the existing strong network of people working in the area of 'safe Internet'. Subsequent information is sought from the Commission directly, although without prior experience of the EU funded projects this can be seen as difficult.

Most project participant stated that they had prior experience of EU funded projects.

6.1.2 MOTIVATION

All projects are strongly motivated by the desire to work in the area of making the Internet safe. They feel that it is a responsible thing to do ('public spirited'). At the same time, the IAP is specifically seen as a source of very necessary funding that will allow them to continue this responsible work. In both Awareness projects and Filtering & Rating projects, participants noted that without funding the projects would probably not have started. Hotline projects would have continued but at a lower level of activity.

All participants appreciate the opportunity to work with international partners in some capacity, though finding suitable partners and then managing a multi-partner project was a cause for concern. They also showed considerable commitment to the philosophy of a safer internet.

6.1.3 AWARENESS ACTIVITIES

Those participants who attended an information day found them to be highly beneficial. The key aspect is the opportunity to hear from other projects, and to meet other participants. This 'networking' appears to be a very important 'support' mechanism within the industry.

The awareness days are also seen as an opportunity to gain more background on the IAP itself (administrative information, general program information, and to meet IAP staff).

Although currently seen as very useful participants noted that this could be further improved by allowing more time for discussion, and by including additional content aimed at project administration.

6.1.4 APPLICATION AND SELECTION

While being given sufficient information to decide to apply, most project participants felt that the forms were overly complex, and in some cases not suited to 'not-for-profit' organisations. The objectives that the projects had to meet were not always clearly stated, leading to requests for clarification.

Further, in requesting clarifications from the IAP (especially with regard to the financial forms), some participants felt that they had received conflicting advice and information. It was the view of some projects participants that the delays incurred, and the problems over

clarifications provided, were not directly due to the IAP itself but the Commission ‘back office’ departments that support the IAP.

In terms of assessment and decision, most projects found that there were significant delays between approval and contract signing. More importantly, a number of respondents felt that the Commission was not fully aware of the difficulties that such delays impose on small and ‘not-for-profit’ organisations.

6.1.5 SUPPORT

Support to successful projects has been very good in terms of speed and efficiency. Individual staff at the IAP were often mentioned by name as being very responsive.

However, in a small number of cases answer to certain questions (usually financial) has been seen as difficult or inflexible, and this has on occasion influenced the participants view of the quality of support provided.

Nearly all projects have gained significant support from other projects, a fact that is supported by the enthusiasm for ‘networking’ between projects at Information Events.

6.1.6 SCOPE OF THE IAP

Participants see the IAP as currently covering Child Pornography, Chat Rooms, Violence, Racist and Xenophobic ideas, Hate Speech, and Adult Pornography.

- Participants feel that the Plan should also cover Satanic / Cult ideas, Drugs and Alcohol, and Medical Information.
- Stakeholders feel that the Plan should focus largely on Child Pornography and Racist & Xenophobic ideas.

6.1.7 PERCEIVED LIKELY SUCCESS

Participants consider that the IAP is highly worthwhile, and likely to be reasonably successful. But they also note a range of issues that are likely to reduce the success of the IAP. Key amongst these are that the problems are complex in nature, having technological, sociological, and legal aspects. Additionally, content can often originate from outside the EU.

6.2 Stakeholders

6.2.1 AWARENESS OF THE IAP

Although stakeholder contacts that were known to have an interest in the subject matter, were provided by the Commission and the Steering Committee, it was found that awareness of the IAP was quite low. In many cases, we found that a different person within an organisation was actually the person with the most interest in the subject, and even then awareness of the IAP was low.

Of those who were aware, their knowledge was quite good. Amongst these respondents, they were most aware of the Filtering and Rating, and the Awareness action line.

All three action lines were seen very positively and thought to be highly worthwhile, though the degree of public awareness of the actions being undertaken was questioned.

6.2.2 HOTLINES ACTION LINE

Stakeholders see Hotlines as an effective method of reporting content. They also emphasise the need to ensure co-ordination and harmonisation across Europe, which benefits from the involvement of the Commission.

Some stakeholders noted that the success of the hotlines is dependent on publicity and awareness about them, which was thought to be relatively low.

6.2.3 FILTERING & RATING ACTION LINE

All stakeholders interviewed see this area as necessary. But there is concern about the current level of technology available.

Concerning rating specifically, stakeholders were sceptical about the uptake of rating especially outside Europe.

Concerning filtering, stakeholders were concerned over uptake and usage, specifically with regard to the ease of installation and use by parents.

6.2.4 AWARENESS ACTION LINE

Seen as “*..the most positive and fruitful part..*” of the IAP, stakeholders felt that increased awareness of Internet issues was critical. Awareness should also emphasise the positive aspects of the Internet, not just the dangers, and should be aimed at parents, teachers and children alike.

6.2.5 COVERAGE

It is also clear that Stakeholders have a much lower awareness of the areas currently covered by the Action Plan.

- They consider that the plan currently covers child pornography and violence.

In terms of areas that should be covered, stakeholders focus on three areas: child pornography, violence, and racist / xenophobic ideas.

7. LEGAL AND TECHNOLOGICAL TRENDS

This part of the report draws upon a comprehensive analysis of the Action Plan's context that examines related legal, regulatory, technological and markets developments. The full analysis is contained in Volume Two, Section D, of this Report.

In terms of **law enforcement**, there have been significant steps towards the harmonisation of substantive and procedural law; the move has been prompted by law enforcement interests but progress may yet be slowed by the concerns of business over the cost-burden and elsewhere by conflicts with other aspects of policy such as human rights, privacy, the operation of electronic commerce and data protection.

In terms of **technological and market trends**, significant new technologies have appeared that could not and were not extensively considered when the Action Plan was being formulated.. The Commission should accept that, in two years' time, further significant new technologies may appear – or perhaps there will be new dimensions to the ways in which existing technology is deployed. There is, therefore, a need to regularly monitor and evaluate developments, ideally on a 3-monthly basis.

We suggest a formal approach so that data, views and conclusions are collected and form part of the records of the IAP, rather than, as now, relying on *ad hoc* informal means which, however well informed, do not automatically push the IAP's managers into considering the implications for the various streams as they roll out.

7.1 Legal and Regulatory Developments

- There is value in tracking the ongoing debate as law enforcement and self-regulatory measures to control the spread of harmful content go hand-in-hand.
- There is also value in monitoring progress towards the harmonisation of substantive and procedural cybercrime law, including the Council of Europe Cybercrime Convention and Commission Framework Decisions. The monitoring should extend to important US and other non-EC legislation and to important court judgements
- There is also value in building strong links with the Commission department responsible for the recent document *Creating a Safer Information Society by Improving the Security of Information Infrastructures and Combating Computer-related Crime*¹⁷; and for monitoring the development of the Euro Cybercrime Forum for law enforcement and industry

¹⁷ COM(2000) 890 final

7.1 Technological and Market Developments

- Because of the speed of technological change, and the potential impacts that might occur in the short to medium term, **there would be significant value in tracking such developments on a regular basis**, ensuring that the following points were covered:
- key demographic changes, Member State by Member State, so as to assess the educational abilities of consumers who may have to deploy filtering software.
 - the spread of very low cost or “free” Internet accounts.
 - the growth of broadband services, which might impact on consumer usage patterns and the quality and file size of material available on the Internet.
 - the growth of chat-rooms in their various forms and commercial, technical and manual technologies which might emerge to limit Chat Rooms as a means for “grooming” and the distribution of harmful content.
 - Instant Messaging Services, to see how far the main providers can be induced to provide such controls as: “know your customer” policies and the collection of evidential data.
 - peer-to-peer technologies to see how they become taken up and how far they may be used for the distribution of harmful material to children and as a means of sharing illegal material between Internet users in general.
 - 3G mobile services, to see how quickly they may be taken up by consumers, how far they give access to the “open” unmodified Internet, and how far filtering software can be incorporated in the main mobile platforms.
 - interactive television, including the various digital TV platforms, to see how quickly they may be taken up by consumers, how far they give access to the “open” unmodified Internet, and how far filtering software can be incorporated in the main platforms.
 - self-rating systems, to see how far these are being taken up by content providers.
 - content filtering software, to progress the Benchmarking scheme, and to assess which specialist filtering technologies are most promising.

SECTION C CONCLUSIONS AND RECOMMENDATIONS

8. CONCLUSIONS

The analysis, conclusions and recommendations reached are based on a synthesis of information gathered from all stages of the evaluation process.

8.1 Relevance of the Actions Objectives, Priorities and Means of Implementation

8.1.1 RELEVANCE AND PRIORITIES

Taking into consideration the views of participants and stakeholders, it is apparent that all three action lines are **still highly relevant to the aims of the IAP** and thought to be very worthwhile. In many ways **the objectives of the Action Lines are inter-related** in that they all depend on increased awareness of Internet related issues for their eventual success. It may therefore be argued that **the objectives of the Awareness projects are likely to be more fundamental to the IAP.**

Rating and filtering is an emerging technological area, and it is important that future projects take into account the fact that **they should work in the context of new channels of access** (e.g. the ability to have full internet access from 3G PDAs). The priority attached to filtering and rating can only be adequately determined on completion of the projects as this determines their effectiveness in the current technological environment and the degree to which they can be effective in the emerging technological environment.

It may be argued that it is **equally important to both raise awareness of internet issues** (both positive and negative), **and at the same time to implement the means of effective control** of accessing illegal (and harmful) content.

There is a clear priority to focus on protecting children, in the form of child pornography. However, participants and stakeholders alike take the view that **other areas of content are also very important** and should also retain a high profile in the work of the IAP.

8.1.2 IMPLEMENTATION

Implementation of the objectives of the IAP is manifest in the application and selection procedures, and the ongoing support provided to successful projects. In as much as a range of projects have successfully applied for funding, this demonstrates that **implementation is working.**

However, feedback from participants does indicate that the **implementation could be made easier and more ‘user friendly’**, with the result that the process would become faster and less ‘bureaucratic’. In this respect, participants feel that the **IAP and the Commission might become more familiar with dealing with small and ‘not-for-profit’ organisations.**

It is also true that the **delays noted by participants in the contract process do have a significant impact on them in financial and staffing terms.**

The implementation of the action plan has also been hindered by **project participants receiving conflicting information** from the IAP in response to queries arising from the application and financial forms.

Yet all participants praise the IAP for its responsiveness and support.

8.2 The Effectiveness and Efficiency of the Action

Based on our discussions with participants and stakeholders, **the Action is currently very effective** in generating working projects in all three action lines.

However, it is apparent from questions relating to awareness about the IAP that **there could be more done to raise the profile of the Action Plan as a whole**, and thereby raise interest and enquiries from additional potential projects.

In the same vein it might be appropriate for **projects under all three action lines to take a more proactive stance in relation to their own press relations** and to promote not just their own work but that of the Action Plan overall.

It was noted during the research process that **there is potential for significant duplication of effort by projects within the Awareness action line** (and to a degree within the Rating & Filtering action line). Participants noted this potential problem during the Awareness Information Day, and although some IAP activity (<http://www.saferinternet.org>) is aimed at allowing projects to see the scope of activity of other awareness projects, a more proactive stance could be adopted.

- It could for example be made a requirement for awareness projects to place a document describing their scope onto the awareness website (<http://saferinternet.org>) or similar resource. Similarly, it could be a requirement that awareness projects include an evaluation of liability of overlap with other projects at their inception and perhaps at yearly intervals.

A further issue that relates to efficiency concerns the ease of finding suitable international partners (a requirement on Awareness, and Rating & Filtering projects). **A number of participants noted that finding partners who were acceptable to the IAP was quite difficult.** And the delays incurred through the loss of a partner during the application process can have a significant effect on the success of a project.

Whilst participants clearly like working with international partners, **there was some concern over the requirement for Awareness projects to have international partners**, as it was felt that awareness had to operate on a national basis (whilst recognising generic ‘good practice’ from other projects and participants).

Overall, for the hotlines projects, it looks reasonable at this early stage to say that the Action’s activities show promise in starting to achieve its objectives, though a proper assessment must await the final evaluation. For other Action lines it is probably too early for this evaluation to produce firm indications but we are encouraged by the commitment shown by the projects.

8.3 The Sustainability of the Action

It is clearly desirable for projects to have a sustained impact and operation after funding has ceased. Project participants noted that in many cases their **activity was unlikely to have started without the IAP funding** (or in the case of Hotlines, more likely to have continued at a low level). To this extent, the Action Plan has had a direct and beneficial impact.

However, participants have voiced significant concerns over the degree to which they can sustain their activities after funding has ceased, because of the conditions attached to the funding itself. This appears to be most noticeable in the case of Hotlines where the **funding seems to work against them securing sponsorship money to keep them going after the IAP funding has finished** (and in the case of INHOPE, the zero balance issue). In effect there will be a period of time between the end of funding and the securing of alternative funds, during which time activities are likely to be curtailed, and potentially staff lost.

The majority of projects stated that they felt that their work was unlikely to have commenced without IAP funding. In this respect, there is a direct causal link between funding being provided, and project work commencing.

Hotlines, some of which were already functioning before applying for funding, may have commenced work but at a much lower level of activity if they had been unsuccessful in their application.

8.4 Legal and Technological Trends

There is considerable impetus towards the harmonisation both of substantive and procedural law in relation to all forms of cybercrime, including those relating to harmful content. The main locus has been the Council of Europe Cybercrime Convention, but there have also been activities at G8. **The main problems have centred around law enforcement wishes in relation to data interception and retention capabilities** and how these interact with the European Convention on Human Rights and Data Protection legislation. Ratification of the Cybercrime Convention could take, according to some, up to 10 years. **The more gradual approach by the Commission and the Council's framework decision of May 2000 may actually bring more rapid results.**

Within the G8, and more recently within the Commission, there have been moves to strengthen law enforcement links with industry and the setting up of a Europe-wide forum was announced last March; however the shape of its membership is still under review and many would like to see the presence of consumer and privacy advocates. **A critical problem is the lack of reliable statistics.**

In terms of the technology, levels of take-up of Internet facilities in the home varies widely across the Community, from about 7% in Portugal to over 50% in some Scandinavian countries. There is some support for the view that reasonable saturation may be at around the 60-65% of a population, the balance rejecting it for reasons of personal inclination or affordability. In general terms, it seems reasonable to assume the larger the percentage the greater the chance that there will be a significant proportion of users who are less sophisticated in terms of their computer fluency and their general level of education. In turn

this may have some impact on, for example, judgements about the ability of parents to use filtering software and to understand some forms of “awareness” advice.

Throughout the Community there is a desire that ISPs and telecommunications companies continue to roll out very low cost or “free” services and/or “always on” broadband services. To an extent, **the pressures on ISPs and others to keep tariffs low may make it difficult for them to take on the financial burden of such desirable policies and content filtering and moderation of chat rooms.**

Chat-rooms and Instant Messaging Services have both grown extensively in popularity since the IAP started; Chat-rooms in particular give concern because of the potential for participants to take on wholly false identities; **in both cases self-regulation and law enforcement measures, although possible, may be quite limited in impact, which means that there may well need to be a greater emphasis on education and awareness actions.**

Section D in Volume Two of the Report also looks at certain emerging technologies such as peer-to-peer, WAP, I-Mode, Interactive TV and 3G. **None of these are thought to have an immediate effect on the next stage of IAP, though the Commission will need to continue to monitor events.**

8.5 Potential Measures of Success

Based on the views of project participants and stakeholders, and subsequent consideration by the evaluators, it is possible to determine a range of possible measures of success for the three action lines.

If there are measures of success that can be successfully defined, then it follows that future projects should be required to implement them.

8.5.1 AWARENESS PROJECTS

Success of the Awareness action line might be measured in a number of ways. Awareness activities raise the overall awareness of Internet issues and of the particular projects, and this can be measured directly and indirectly.

Indirectly, awareness of the projects concerned might be indicated by the frequency of press and media mentions, though this is at best an imprecise measure (although likely to generate quite interesting results if tracked over time).

Of a more precise nature would be measures related to the specific activities of the projects, such as

- Website hits.
- Organisations / schools visited.
- Information requests by any channel, especially if analysed by type of request.

These would need to be tailored to the specific activity undertaken.

However, the most robust and quantifiable measure would be an independent survey with a sample design based on the target audience. Such a survey could be designed to generate

awareness data for the project, for the IAP, and for relevant Internet issues generally. Such a dataset would in fact allow awareness activities to be effectively targeted, and results formally measured.

8.5.2 HOTLINES PROJECTS

Hotlines by the nature of their activity can be measured in terms of reports received. Further statistics on type of report, and type of content would measure both the success and visibility of the hotline, but also provide valuable information on trends in content.

It should also be noted that it is not always easy to draw conclusions from such statistics as changes (increases or decreases) in reporting may in fact be due to a number of possible factors.

On a wider note the success of the overall action line might be based on the growth of the network of hotlines in operation under the auspices of INHOPE. Further measures might include the degree of interworking between hotlines, and the degree to which links to non-European hotlines have been established.

8.5.3 RATING & FILTERING PROJECTS

Measures of success for filtering and rating are somewhat harder to determine.

For rating systems already established and available, a direct measure of success would be the number of sites that are rated. Similarly, for filtering systems already established, a direct measure of success would be the number of sites erroneously barred, and passed, by the system in a consistent test.

There is in fact a project under the Joint Research Council of the Commission that is assessing methods of benchmarking filtering and rating mechanisms.

For projects that are developing filtering and rating at a much earlier technological stage, it is harder to measure success. One option would be to determine the degree to which commercial organisations see value on the work in the form of providing further funding. (If the work is not seen to have future commercial value, funding will be less likely to be provided).

In all these cases, the ultimate success of the systems developed is not just dependant on the technology, but on other commercial pressures and interests. It is therefore seen as desirable to review how such potential products might be received in the market by the appropriate respondents, even if only in principle. (For example, if a system requires implementation by Internet Service Providers, and those organisations are reluctant to agree, then the system however technically advanced is less likely to succeed. Similarly, if a filtering system is very hard for parents to install and use, then it is less likely to be successful).

9. RECOMMENDATIONS

Based on a synthesis of information gathered from all stages of the evaluation process, and the analysis and conclusions drawn, it is the view of the Evaluators that the following recommendations be made.

Action Lines

- 1. The broad division into the three current action lines (Hotlines, Awareness, and Rating & Filtering) should be retained in future Actions.**

The evaluators have concluded that there is no need to alter the current scope in terms of changed action lines. All three are still highly relevant and cover the issues considered to be important by participants and stakeholders.

The action lines should however be aware of changes to the legal and technical environment and where possible consider the implications of these changes on their work.

- 2. The Action should ensure a balanced scope in terms of content categories handled.**

The actual scope of the Action in terms of types of illegal and harmful content should be reconsidered so that all areas considered to be important are given appropriate emphasis.

Implementation

- 3. The application procedures should use simpler forms.**

The forms used for application should be reviewed in terms of relevance to the organisations applying, and also reviewed for ease of use. The design and content should also take into account the fact that potential participating organisations may not have direct experience of applying for funding.

In particular the financial forms should be simplified in terminology, in the definitions used, and in the breadth of information required.

- 4. Delays between project approval and contract signing should be reduced**

Delays and uncertainty have a significant impact on projects in terms of motivation. In particular, projects should be kept informed of the likely time delay during the time between approval and contract signing so that they can plan accordingly.

Delays can also be detrimental to project staffing, as some organisations may be unable to keep potential project staff waiting for a length of time. In academic

organisations, staff will be lost to other projects whilst in commercial organisations recruitment can only begin after funding is actually secured.

5. Assistance from the IAP with partner identification should be considered

Having international partners is a requirement for Awareness, and Filtering & Rating projects, yet finding suitable partners can be difficult. Although organisations clearly have a strong network of contacts, the IAP should consider ways in which it can bring potential partners together.

This may also be a way of helping to ensure that partners thus identified are acceptable to the IAP.

6. Efforts should be made to increase the consistency of advice provided by the IAP to projects in relation to the financial application forms

Responses to financial queries in the application process can change over a short period of time. This causes confusion and uncertainty with potential participants, and also reflects on the IAP and the Commission as a whole. It also gives a perception that the IAP itself is unsure of certain financial conditions and definitions used within the application process.

7. Projects should ensure adequate resource is given to media and press coverage, and visibility.

Given the legal and technical trends discussed, it is likely that the subject of ‘Safer Internet’ will gain more media attention over the coming years. Consequently, individual projects should be capable of handling media attention and enquiries in a positive and professional manner that promotes both their own work and that of the IAP.

Ultimately, improved visibility of the IAP and its funded projects would be beneficial to the objectives of the Action Plan being achieved.

8. The IAP should review efforts to support project sustainability

Sustainability of projects and their work beyond the funding period appears to rest both on finding replacement funding, and on broader non-financial support measures. In certain cases alternative funding models might be appropriate, including the idea of a gradual reduction in funding.

Non-financial support could be offered via information days for projects nearing the end of their contract, covering commercial, funding, and project management topics.

9. The IAP should consider ways to manage the potential overlap between awareness projects

Awareness activities can operate over several member states, and it is very possible for an overlap of activity to occur. Awareness projects should therefore make specific efforts to identify actual any potential areas of overlap.

Possible mechanisms for this include a review of such overlaps on a regular basis, and also the submission of a document describing their scope to, for example, the <http://saferinternet.org> website or similar resource. Other possibilities include a requirement for new proposals to include a review of current projects to avoid overlap and / or a project having specific responsibility to monitor all project development and thereby help to prevent overlap.

10. Projects funded under the Action Plan should be structured in such a way as to allow the formal measures of success to be evaluated.

Projects should of necessity produce statistics, progress reports, and other information as appropriate so that the Commission is able to determine whether the projects individually are meeting their objectives, and consequently whether the IAP as a whole is meeting its objectives.

Trends in Law and Technology

11. The IAP should consider putting in place formal arrangements to track legal and regulatory developments.

Law enforcement and self-regulatory measures to control the spread of harmful content go hand-in-hand, and a regular Report together with an assessment on the impact on the IAP and its Action Lines should be produced at six-monthly intervals.

Such reports should be made available through a central resource such as the IAP website, but could also be ‘pushed’ out to participating projects.

12. The IAP should consider putting in place formal arrangements to monitor and evaluate technological and market developments.

A regular tracking report together with an assessment on the impact on the IAP and its Action Lines should be produced at three-monthly intervals.

Such reports should be made available through a central resource such as the IAP website, but could also be ‘pushed’ out to participating projects.

Wider Issues

13. The IAP needs to have a higher profile and gain wider awareness itself.

As with Recommendation 7, the IAP itself has low visibility even among stakeholders. A higher visibility would be beneficial to achieving the objectives of the Action Plan, and would also support the individual projects in their own media handling. There may be a role for a project to specifically undertake media liaison and raising awareness on behalf of the IAP.

A key benefit of wider awareness should be more organisations submitting proposals for funding

14. The IAP should consider more links to activities and organisations outside the EU

The problems related to illegal and harmful content are international, and other organisations may be able to make a positive contribution in terms of learning and experience to the individual projects funded under the IAP.

Ultimately, co-operation with non-EU nations and organisations should further raise the profile of the IAP, and also help in achieving the IAP overall objectives regarding the Safer Internet.

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Illegal and harmful content on the Internet

COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

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INTRODUCTION

The symbol of the convergence between telecommunications, computer and content industries, and one of its main drivers, the Internet has established itself as one of the *main building blocks of the Global Information Infrastructure* and as an *essential enabler of the Information Society in Europe*. Characterised by a growth rate unprecedented in the history of communication technologies, the Internet now reaches some 60 million users in 160 countries, doubling each year. Its most popular application, the World-Wide-Web, based on protocols developed in Europe, is fast becoming a standard vehicle for information publication and electronic commerce, with an estimated 10 million sites world-wide in 1995, up 1600% over the previous year. Driven by its meteoric growth, and its rapid evolution from a government/academic network to a broad-based communication and trading platform, the Internet is currently revolutionising a number of *economic sectors*, with the emergence of a *vibrant and fast-growing "Internet Economy"*. Simultaneously, the Internet has also become a *powerful influence in the social, educational and cultural fields* - empowering citizens and educators, lowering the barriers to the creation and distribution of content, offering universal access to ever richer sources of digital information.

Reflecting these opportunities, the vast majority of Internet content is for purposes of information for totally legitimate (and often highly productive) business or private usage. However, like any other communication technologies, particularly in the initial stages of their development, the Internet carries an amount of potentially harmful or illegal contents or can be misused as a vehicle for criminal activities. Although statistically a limited phenomenon, a wide

range of distinct areas are concerned. These are covered by different legal regimes and instruments at the national and international level, e.g.:

- *national security* (instructions on bomb-making, illegal drug production, terrorist activities);
- *protection of minors* (abusive forms of marketing, violence, pornography);
- *protection of human dignity* (incitement to racial hatred or racial discrimination);
- *economic security* (fraud, instructions on pirating credit cards);
- *information security* (malicious hacking);
- *protection of privacy* (unauthorised communication of personal data, electronic harassment);
- *protection of reputation* (libel, unlawful comparative advertising);
- *intellectual property* (unauthorised distribution of copyrighted works, e.g. software or music)

While the benefits of the Internet far outweigh its negative aspects, these aspects cannot be ignored. They are pressing issues of public, political, commercial and legal interest. Reflecting these concerns, recent political discussions in the European Union have stressed the need for urgent action and concrete solutions.

Therefore, most recently, on 27 September 1996 the Telecommunications Council adopted a resolution on preventing the dissemination of illegal content on the Internet, in particular child pornography. The Council took note that the Commission would publish a Communication on this issue, and welcomed that initiative. Stressing the need for rapid response, the Council urged the Commission to carry its ongoing work and to present practical measures in time for the next Telecommunications Council on 28 November 1996.

The Commission is fully aware of the importance of these issues, and of the need to strike the ***right balance between ensuring the free flow of information and guaranteeing protection of the public interest*** so as to meet justified concerns.

Already, at the informal Council meeting held in Bologna on 24 April 1996, European Telecommunications and Culture ministers had identified the issue of illegal and harmful content on the Internet as an urgent priority. It was considered that, while existing national laws apply to the Internet, agreement should be reached in a wider context to address the specific challenges raised by this "network of networks". The Commission was therefore requested to produce a summary of problems posed by the rapid development of Internet, and to assess, in particular, the desirability of European or international regulation.

As regards the distribution of ***illegal content*** on the Internet, it is clearly the ***responsibility of Member States to ensure the application of existing laws***. ***What is illegal offline remains illegal online***, and it is up to Member States to enforce these laws. Nevertheless, given the highly decentralised and transnational nature of the Internet, concrete measures to reinforce co-operation between Member States should be launched in the context of Justice and Home Affairs.

At another level, the presence of illegal and harmful content on the Internet has ***direct repercussions on the workings of the Internal Market***. In particular, the adoption by Member States of regulations of new Internet services intended to protect the public interest may also create risks of distortions of competition (for example, through widely divergent responses to the question of potential liability of Internet service providers), hamper the free circulation of these services, and lead to a re-fragmentation of the Internal Market. If unsolved, such problems may justify Community intervention. Like in any new and fast-growing industry, legal and regulatory certainty is the *conditio sine qua non* to foster investments, guarantee the development of a competitive Internet services sector, and ensure the growth of a wider

Internet-based economy in Europe.

It is widely recognised that the international nature of the Internet and its unique characteristics (extremely decentralised structure, resistance to tampering, high degree of automation, global reach, wide usage) clearly pose novel, and specific, problems. These problems need innovative, and specific, solutions which should be put in place rapidly, and a co-ordinated response at EU and international level.

Complementary to the present initiative, issues of protection of minors *stricto sensu* - themselves a subset of wider issues of illegal and harmful content - will be addressed in the *Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services*. That Green Paper takes a horizontal approach, and will initiate a long term reflection on this issue across all electronic media.

This Communication assesses the opportunities offered by the Internet, identifies different variations of illegal and harmful content, describes the technical environment of the Internet and gives policy options for immediate action on a technology and/or legal base to fight against such content on the Internet.

1. THE OPPORTUNITIES OF THE INTERNET

The potential of the Internet to inform, educate, entertain and conduct business on a global scale is considerable . At a relatively modest cost, vast quantities of information can be sent around the world in new multi-media communications. A number of countries in the world, and in particular in the European Union, have already seized on these radical new opportunities.

In ***social terms*** , the Internet represents significant potential benefits. It offers unprecedented opportunities for empowering citizens, and for connecting them to ever richer sources of digital information. The Internet has been used by great effect in a number of Member States to connect administrations and citizens. Lowering the barriers of entry to the dissemination of information on the local, as well as on the global scale, the Internet allows individuals or associations to publish information about their activities to a wide audience at modest cost. In the ***field of culture*** , the Internet already contributes significantly to the creation and dissemination of European digital multimedia content, fostering linguistic diversity, and the *rayonnement* of European cultures in the world. As exemplified by a number of innovative projects linking ***libraries, schools and universities*** in Europe, the Internet is similarly the key to a ***new "electronic literacy"*** , and, as such, the cornerstone of the new and far-reaching European Union initiative, the Action Plan "***Learning in the Information Society*** " .

Currently revolutionising ***electronic commerce*** , the "network of networks" is likely to play a ***crucial role for the European economy*** . This is directly linked to the liberalisation of Europe's telecommunications market, which should translate into lower operating costs for Internet users and service providers ⁽¹⁾ . As the US market already demonstrates, the Internet is ***directly fostering a new and fast-growing Internet economy*** ⁽²⁾ , creating new categories of businesses and new jobs (Internet infrastructure and software, Internet access providers, consumer and business content distribution, online retail and financial services). Beyond this "core Internet economy" of businesses which create revenues directly from the Internet, the Internet is having an ***indirect impact on a much wider "Internet sphere of influence"*** . The Internet is thus radically transforming a number of existing economic sectors (travel services, insurance, direct retailing, electronic publishing), creating new markets, reducing costs and improving customer service. It is, in particular, generating ***new opportunities for European SMEs*** , a growing number of which are now eagerly capitalising on unprecedented access to global markets offered by the World Wide Web. Similarly, large economic sectors, such as the direct marketing industry in Europe (which represented a total income of ECU 37 billion in 1994 ⁽³⁾), and in particular the traditional catalogue business, are actively integrating the Internet in their marketing and fulfilment strategies, and planning gradually to migrate a substantial part of their activities to the Internet.

In the field of *advertising and marketing*, the Internet presents a number of significant and well documented advantages. Because of its interactive nature, and the immediacy and ease of communication, advertising messages can be targeted at audiences much more precisely than has been possible until now, and feedback obtained from current or potential customers. Similarly, when used for executing transactions or even delivering content on line, the Internet offers considerable cost savings for both businesses and customers.

Enlarging the scope of *electronic commerce* to the general public on global markets, the Internet is, at the same time, bringing radical changes in business-to-business transactions, as companies migrate from proprietary networks and closed protocols (such as traditional EDI) to the Internet and to corporate "Intranets". This *business-to-business sector is currently the fastest growth area* in the global Internet economy. It is a sector of crucial strategic importance for European companies competing on world-wide markets.

As any other sector of activities, the Internet may be used for legitimate purposes or misused by some elements of the society. The framework for the Internet should, therefore, *foster economic development*, while taking account of *justified social and societal concerns*. Consumers and businesses must be reassured that the Internet is a safe and secure place to work, learn and play.

This Communication, therefore, aims

- *firstly to describe briefly the different types of illegal and harmful content,*
- *secondly to examine the technical context in which action can be taken to deal with illegal and harmful content, and*
- *finally to suggest a number of practical measures designed to be rapidly implemented*

In the following sections, *section 2* describes the different Internet applications, *section 3* defines what is meant by "illegal and harmful content", *section 4* deals with ways in which to combat illegal content, *section 5* explains issues related to harmful content and *section 6* presents a number of proposals.

2. HOW DOES THE INTERNET WORK?

The Internet is the most visible example of an international computer network. Although it is neither the first nor the only such network, it is distinguished by the fact that nobody "owns" it and by the fact that over the past few years "ordinary" users, private individuals and businesses, and not just the scientific or academic community, have started to use it widely, causing a dramatic increase in the number of computers linked to the Internet ⁽⁴⁾. Unlike other traditional networks such as broadcasting, the Internet is essentially user-driven, with users themselves, rather than established publishers, generating a substantial part of the "content".

A unique characteristic of the Internet is that it *functions simultaneously as a medium for publishing and for communication*. Unlike in the case of traditional media, the Internet supports a variety of communication modes: one-to-one, one-to-many, many-to-many. An Internet user may "speak" or "listen" interchangeably. At any given time, a receiver can and does become content provider, of his own accord, or through "re-posting" of content by a third party. The Internet therefore is *radically different from traditional broadcasting*. It also *differs radically from a traditional telecommunication service*. This constant shift from "publishing mode" to "private communication mode" - two modes governed traditionally by very different legal regimes - constitutes one of the main challenges of Internet regulation.

The many different ways of distributing Internet content reflect the structural and historical idiosyncrasies of this network. The extent to which technical measures can be used to detect, track down or intercept illegal and harmful content also significantly differs from application to application.

Most individual users will not have permanent direct access to the Internet. They will go

through an access provider. This includes:

- **Internet access providers** , specialised in offering access to the Internet ;
- **Internet service providers** , who offer additional services such as hosting content produced by themselves, or by users or by third parties (those who produce content are referred to here as content providers);
- **On-line service providers** , who provide proprietary content ⁽⁵⁾ for subscribers on their closed systems, and now also offer them Internet access.

The term "Internet service provider" is often used generically, without a clear distinction being made between the *service of providing access to the Internet* and the *service of hosting content* . The terms "access provider" and "host service provider" will be used here to differentiate. The same organisation can of course fall within both categories.

Both "*access provider*" and "*host service provider*" will connect to the Internet via a leased line, a telecommunications connection made available by the "*network operator*", such as British Telecom.

The **World Wide Web** (WWW or Web) is the area where pages with text, graphics and even sound and video clips may be viewed. Pages are linked to each other by a series of "hyper-links" offering a congenial and highly interactive way of navigating through Web content. These pages may be published by anyone who has access to storage space on a "host" computer connected to the Internet running the appropriate software (a "Web server" or "site"). This possibility to become a "content publisher" is often given at low cost as an additional service by Internet access providers, and individuals in this way have the same potential to distribute information as large corporations. The pages published in this way are available to any Internet user who chooses to consult them, and are identifiable by an address which is used in order to consult them directly, or to reach the page through hyperlinks.

Electronic mail allows communication between individuals. It is also easy to send out the same message to multiple addresses using mailing lists. Although in general the author of the correspondence will be identified by his e-mail address, "anonymous remailer" systems have been set up where the sender's identity is not passed to the recipient. Messages sent to an Internet address are stored in the recipient's mailbox on the mail server maintained by the access provider until the recipient reads them.

In some 15,000 **newsgroups** , the content is provided by individuals who send messages (which may be simple text, but can include graphics encoded so that they can be transferred). These messages are not stored in a single place, but copied from one newsgroup server to another. Because of the enormous storage requirements, host service providers will often only keep such messages on their newsgroup servers for a limited period and may well not carry all newsgroups. There are also sites on the World Wide Web where archives of newsgroup contents are stored and can be searched.

Additionally, **Internet Relay Chat** (IRC) allows direct communication in real time between Internet subscribers, and may be used to organise face to face meetings and the exchange of content. IRC can now support low resolution video technologies such as CUSeeMe.

All of these means can be used to distribute illegal and harmful content, and the extent to which they can be controlled will be pointed out in the following sections.

3. ILLEGAL AND HARMFUL CONTENT ON INTERNET

The Internet is a new form of distribution and communication. Like any other communication technologies, particularly in the initial stages of their development, the Internet carries an amount of potentially harmful or illegal contents or is misused as a vehicle for criminal activities. Like any other communication technology, such as the telephone or GSM, the

Internet can be used by criminals to facilitate their activities.

All these activities fall under the existing legal framework. Therefore, the Internet does not exist in a legal vacuum, since all those involved (authors, content providers, host service providers who actually store the documents and make them available, network operators, access providers and end users) are subject to the respective laws of the Member States.

In terms of illegal and harmful content, it is crucial to differentiate between content which is illegal and other harmful content. *These different categories of content pose radically different issues of principle, and call for very different legal and technological responses.* It would be dangerous to amalgamate *separate issues such as children accessing pornographic content for adults, and adults accessing pornography about children*. Priorities should clearly be set and resources mobilised to tackle the most important issues, that is the fight against criminal content - such as clamping down on child pornography, or use of the Internet as a new technology for criminals.

a. Illegal Content

There exists a whole range of rules which limit for different reasons the use and distribution of a certain content. The infringement of these rules lead to the illegality of the content.

Certain issues do not involve protection of public order, but rather the protection of the rights of individuals (protection of privacy and reputation) and of an environment allowing creation of content to flourish (intellectual property). Content such as breach of copyright, libel, invasion of privacy or unlawful comparative advertising will usually be dealt with at the initiative of the person whose rights are infringed by a civil action for damages or an injunction, although there may also be remedies under the criminal law or administrative law (data protection). Host service providers may also be drawn into disputes over such content, because they may be accused of having facilitated its distribution.

Certain content is - in addition - *considered as criminal* by the laws of Member States.

This is the case for example with child pornography, trafficking in human beings, dissemination of racist material or incitement to racial hatred, terrorism or all forms of fraud (e.g. credit-card fraud).

The exact definition of offences varies from country to country. Within the EU, even child pornography, for example, where a high degree of consensus exists, is covered by specific legislation in some Member States and by more general rules relating to obscenity in others. [\(6\)](#)

Where certain acts are punishable under the criminal law of one Member State, but not in another [\(7\)](#), practical difficulties of enforcing the law may arise.

b. Harmful content

Various types of material may offend the values and feelings of other persons: content expressing political opinions, religious beliefs or views on racial matters etc.

What is considered to be harmful depends on cultural differences. Each country may reach its own conclusion in defining the borderline between what is permissible and not permissible. It is therefore indispensable that international initiatives take into account different ethical standards in different countries in order to explore appropriate rules to protect people against offensive material whilst ensuring freedom of expression.

In this context it is understood that the fundamental rights, especially the right of freedom of expression have to be fully respected (limitations in the Member States see Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services, Annexe III)

4. IDENTIFYING AND COMBATING ILLEGAL CONTENT ON INTERNET

It is a matter for Member States to define what is illegal by law and to enforce it by detecting illegal activity and punishing offenders. However the special characteristics of the Internet mean that law-enforcement is more complicated than where more traditional means are used.

While detecting breaches of the law in public applications of Internet (World Wide Web) is straightforward, detection is not easy in private applications (e-mail, for instance). Similarly, while enforcement of the law is relatively easy within national boundaries, it is much more difficult in an international context.

a. Technical limits to law-enforcement

The technical features of the Internet make certain types of control ineffective. Because of the way in which Internet messages can be re-routed, control can really only occur at the entry and exit points to the Network (the server through which the user gains access or on the terminal used to read or download the information and the server on which the document is published).

Even if a published document is removed from one server as a result of intervention by the authorities, it can easily and quickly be copied to other servers in other jurisdictions, so that it continues to be available unless and until such sites are also blocked. Thus *additional international co-operation is required to avoid "safe havens" for documents contrary to general rules of criminal law.*

b. The role of Internet access providers and host service providers

Internet access providers and host service providers play a key role in giving users access to Internet content. It should not however be forgotten that the prime responsibility for content lies with authors and content providers. It is therefore essential to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it.

i) Legal responsibilities of Internet access providers and host service providers

*The general regime for legal responsibility, which could also be applicable to Internet access providers and host service providers for illegal content (of whatever form, be it child pornography, copyright infringements, fraudulent offers, libel etc.) takes, according to the circumstances a number of different forms: under the criminal law, under civil law (an action for damages for breach of copyright or libel, or a dispute arising under their contracts with users or with network operators) or under administrative law (the system of regulation in place in the country where the access providers and host service providers operate). Although **access providers** do not directly control the content available on the Internet, or what part of it their customers choose to consult, in some cases they have been investigated by the authorities because of the existence of illegal and harmful content which users can access through the providers' technical facilities. The law may need to be changed or clarified to assist access providers and host service providers, whose primary business is to provide a service to customers, to steer a path between accusations of censorship and exposure to liability.*

Where *host service providers* themselves provide content on the World Wide Web or on newsgroups, they are of course liable for this in the same way as any author or content provider. Where the content is provided by third parties, host service providers' liability needs to be clear.

In a number of Member States [\(8\)](#), legislation has been adopted or proposed defining the legal responsibilities of host service providers in such a way that they are only liable for an item of content hosted on their server where they can reasonably be expected to be aware that it is *prima facie* illegal or fail to take reasonable measures to remove such content once the content in question has been clearly drawn to their attention.

Some rules go further and appear to require access providers to restrict access to other sites which contain illegal content.

Network operators, on the other hand, are not normally exposed to liability in criminal or civil law for the content carried over their networks, although they may be required by the terms of the relevant legislation or licenses to take steps in relation to their customers (access providers) if the latter use facilities to carry illegal content.

The degree of liability for content such as unlawful comparative advertising and breach of copyright must also be considered in the light of the detailed examination by the Commission of the effects on the internal market of the different national rules relating in particular to commercial communications and copyright [\(9\)](#).

ii) Self-regulation on a national, European and international level

In a number of Member States, Internet access providers and host service providers have already set up systems of self-regulation. In the United Kingdom, **at the initiative of the Industry**, a Code of Conduct has been agreed. An independent body, the Safety Net Foundation has been set up to provide a rating service for newsgroups and a hot-line to which members of the public can report content they consider illegal. Similar steps have been taken in Germany and in the Netherlands [\(10\)](#).

The Commission welcomes this general move towards self-regulation and has encouraged the setting-up of a European network of associations of Internet Access Providers. This co-operation could further be extended to the wider international level. Facing common problems, industry self-regulating bodies could usefully co-ordinate their approach, in particular regarding technical solutions. Similarly, in the highly decentralised Internet environment, **Internet Users have a very important role to play** in contributing to industry self-regulation.

iii) Removal of files from the servers

Once a host service provider becomes aware of the *prima facie* illegality of content hosted on his server, in principle the legislation in the Member States foresee that he must clearly take steps to remove the content in question. This information might be received from the national self-regulatory body set up to identify illegal content or from an equivalent body in another country. Since content can easily be copied to other servers, this approach needs to be followed by other host service providers not just in the country involved, but world-wide. An international network of self-regulatory bodies would greatly assist this process, although it will no doubt take time for such a network to be put into place.

iv) Blocking access at the level of access providers

If the illegal content cannot be removed from the host server, for instance because the server is situated in a country where the authorities are not willing to co-operate, or because the content is not illegal in that country, an alternative might be to block access at the level of access providers.

It is as yet unclear how far it is technically possible to block access to content once it is identified as illegal. This is a problem which also affects the degree of liability of the access providers. The lack of clarity on the technical feasibility has not prevented this approach being implemented in certain countries because access providers are a relatively small and identifiable group.

Some third countries have introduced wide-ranging legislation to block all direct access to Internet via access providers by introducing a requirement for "proxy servers" similar to those used by large organisations for security reasons, **combined with centralised blacklisting** of documents, for reasons which go far beyond the limited category of illegal content as defined in

this communication . ***Such a restrictive regime is inconceivable for Europe as it would severely interfere with the freedom of the individual and its political traditions.*** Due to Europe's complex and open communication infrastructure the practical feasibility of such an approach also remains open to question.

A second approach which involves requiring access providers to block their subscribers' access to illegal content on a case-by-case basis has been followed recently by law enforcement authorities in Germany.

In the CompuServe case the public prosecutors considered that certain items available on newsgroups were illegal, and requested CompuServe ⁽¹¹⁾ to block access to these newsgroups. Since CompuServe's software did not initially make it possible to differentiate between German subscribers and others for access to newsgroups, CompuServe suspended access to a number of newsgroups to all its subscribers world-wide, which created wide-spread protests that German standards of morality were being exported. Subsequently, CompuServe restored access to most of these newsgroups except to its German subscribers. No action was apparently taken against other access providers based in Germany, so their subscribers could continue to consult this content, if the access provider chose to carry the newsgroup in question.

In a recent case, the German public prosecutors threatened to prosecute the German Internet access providers unless they blocked access to a magazine published on a Web site on a server in the Netherlands which allegedly promoted terrorist violence. Under protest, the access providers did so. However, this meant blocking access to all content on the Dutch server, including harmless content, while the document continues to be available to Internet users outside Germany. A number of anti-blocking tactics were also immediately put in place. ⁽¹²⁾ It is not clear whether the content is contrary to Dutch law - at all events the Dutch authorities have not intervened. The Dutch host service provider has complained that the action of the German authorities constitutes an interference with the free movement of services within the EU.

Upstream blocking of sites may therefore present a number of significant shortcomings. It may not prevent, in particular, criminal users from "hopping" from one Internet mode to the other, i.e. from a Web page, to a Usenet newsgroup, to standard e-mail.

This demonstrates that there is a ***need for co-operation between the authorities and Internet access providers in order to ensure that measures are effective and do not exceed what is required.***

c. Anonymous use of Internet

Users of the Internet are normally identified, by stating the author of a World Wide Web home page or by the identifying address of the page ("URL") or in the mention of an e-mail address for electronic mail or a newsgroup message. This is desirable in accordance with the democratic principle that individuals, while free to express their thoughts and beliefs, should nevertheless be accountable for their actions. ⁽¹³⁾ The principle of legal traceability should, therefore, be incorporated into national or European Codes of Conduct for remailing activities.

Law enforcement authorities have expressed concern at various techniques which allow anonymous use of the Internet. This may facilitate sending illegal content by making it difficult or impossible to identify the offender.

This problem does not concern the World-Wide Web, where a host service provider knows, or at least has the means of knowing, the content provider. However anonymity allows users to send electronic mail or a message to a Usenet newsgroup without the recipient knowing their name or their e-mail address, because an intermediary (the anonymous remailer) has removed this information

There are legitimate reasons why a user might wish to remain anonymous ⁽¹⁴⁾ (including fear of retaliation for views expressed or lack of confidence in the use to which his personal details might be put by the recipient). ⁽¹⁵⁾

However, the legitimate need for anonymity should be reconciled with the principles of legal traceability. The recent Safety Net proposals ⁽¹⁶⁾ in the United Kingdom address this double concern. They take the view that use of truly anonymous accounts is a danger, while use of pseudonyms which are traceable is not. They propose measures to close known loopholes and improve traceability and that anonymous remailers record details of identity. These details would be subject to data protection legislation and therefore made available to the police under appropriate legal safeguards.

The question of legal traceability needs work both on technical issues and on global co-operation in order for measures to be effective.

d. Judicial and police co-operation at EU and international level

As mentioned above, the definition of offences varies from country to country. Due to the international nature of Internet, even if the legislation of the concerned country forbids such contents and require criminal prosecution, it may also occur the author, content provider, and the host service provider, may all be beyond the reach of national law enforcers. Criminal law only operates within national frontiers. In order to avoid loopholes for criminal activities, it would be therefore important, that Member States would define certain minimum common standards in their penal legislation.

Furthermore, penal judicial co-operation and police co-operation should be reinforced among EU Member States and international co-operation with our main third country partners should be envisaged, for instance on the basis of conventions or new international legal instruments.

In this context it would be useful to extend the co-operation also to the prevention of criminal practices using the Internet as a new vehicle for their activities.

Technical expert sand criminal law experts could also meet in order to look at the most appropriate ways to reach some common penal standards. An improved co-operation at EU level between industry and law enforcement authorities should equally be encouraged.

The agreement by Justice and Home Affairs ministers in Dublin to reinforce police co-operation, within the framework of EUROPOL, against paedophilia and trafficking in children and women, and to endeavour to set common minimum standards for the law against sexual abuse of minors, should be seen as an encouraging first step in this direction.

Similarly, the declaration of the World Congress Against the Sexual Exploitation of Children recently held in Stockholm should form a basis for common action.

5. DEALING WITH HARMFUL CONTENT ON INTERNET

The main weapon for dealing with harmful content is in ensuring that practical means are available to limit access by the vulnerable to such content.

a. The principle of freedom of expression.

The European Convention on Human Rights, signed by all Member States and part of the general principles of Community law, contains relevant provisions affirming the right to freedom of expression. These rights can be subject to some conditions, are not absolute and are subject to important qualifications, for instance permitting licensing of broadcasting, television or cinema enterprises. The same principle is enshrined in the constitutions or the constitutional tradition of all Member States.

The borderline between what is protected by free speech and what can be restricted may not be easy to draw by the Member States.

In France, the Constitutional Council recently annulled the provisions of the Telecommunications Law which set out the conditions under which access providers (including Internet access providers) were to be free of criminal liability for content to which they gave access. The law gave power to the Conseil Supérieur de la Télématique to make recommendations on what types of content was permissible. The Constitutional Council took the view that this provision needed to be drafted more carefully, since questions of individual liberty were involved. [\(17\)](#)

One general conclusion is that ***any regulatory action intended to protect minors should not take the form of an unconditional prohibition of using the Internet to distribute certain content that is available freely in other media***. Another conclusion is that existing rules on content regulation need to be examined to see whether they can be applied by analogy, and that the most restrictive rules should not be applied simply because of Internet's wide potential reach.

Reflecting similar concerns elsewhere in the World, in the United States, a District Court ruled the key provisions of the Communications Decency Act intended to protect minors to be unconstitutional, relying on the principle of free speech in the First Amendment to the US Constitution. [\(18\)](#) The Act was held to have been drafted too widely, because although it was legitimate to protect minors, host service providers could not identify whether a user was a minor, so that in practice "adult" content could not safely be published at all, thus interfering with constitutionally protected free speech.

b. The legal framework of the Internal Market

As the circulation of information on networks covering more than one country is cross-border by nature, it is ***governed by the legal framework of the Internal Market and competition rules***. In particular, it is ***protected by the principle of the free provision of services***. National authorities can take measures limiting this fundamental freedom for example for the protection of minors, but only if the measure is proportional. In other words, the measure must be appropriate to achieve the pursued objective and may not exceed what is necessary to achieve this aim.

In this perspective, the Commission has recently adopted [\(19\)](#) a proposal for a Directive on the establishment of an information and a co-operation procedure between Member States and the Commission on new regulatory issues concerning Information Services. By providing regulatory transparency and preventing a re-fragmentation of the Internal Market, this proposal aims to ensure a more effective protection of the general interest in this field, and a more focused reply to emerging regulatory needs. In addition, the proposed administrative co-operation system between the Member States and the Commission would enable the European Union to deliver a more coherent message on these issues on the international level.

c. Parental control software: empowering parents to protect minors

Fortunately, technical means exist which will allow differences in moral standards, not only between national legal systems but also between the subjective judgments of users, to be taken into account. This will allow the aims of free flow of information and respect for individual preferences to be pursued simultaneously.

In response to public demands, ***a number of technologies have been developed over the past two years to enable parents to control Internet content coming into their homes***. Contrasting with "upstream censorship" by official agencies (preventing illegal content *from being published* at all), filtering provides for "downstream control" by parents (preventing harmful content *from reaching minors*). The filtering model - which stresses ***parental responsibility***

rather than government intervention - is strongly advocated by the industry and by civil liberties groups as the most effective way of solving the specific challenges of the Internet and of taking into account the differences in standards of taste and decency between countries, communities and families. It is a pragmatic, not a legal, response to the presence of harmful content on the Internet - although the provision of filtering devices could have in some cases a legal impact (exoneration of liability for access providers who offer such devices).

Useful as a "line of defence" at the end-user level, filtering software can also be applied at various stages in the transmission process, for example by host service providers or access providers.

Filtering software follows three main models: "*blacklisting*" (where access to listed sites is blocked), "*whitelisting*" (where access is only possible to listed sites) and "*neutral labelling*" (where sites are labelled or rated, but it is up to the user to decide how to use the label or rating).

"Blacklisting" technique has been widely used in the first generation of standalone filtering packages such as Cyber Patrol. Introduced in August 1995, Cyber Patrol works with both direct Internet access providers and commercial online services. Its *CyberNOT* list contains approximately 7000 sites in twelve categories (violence/profanity, nudity, sexual acts, gross depictions, racism/ethnic impropriety, satanic/cult, drugs, militant/extremist, gambling, questionable/illegal, alcohol/tobacco). Parents can selectively block access to any or all twelve categories by checking boxes in the programme manager.

"Whitelisting" works on the reverse principle. "Whitelisting" software blocks out all Internet content, except expressly authorised sites on a "whitelist". This technique is highly limitative, and runs contrary to the logic of the Internet. It is however very safe, and has been used, in particular in the school environment.

"Neutral labelling" Contrasting with early standalone filtering software, a new industry-wide standard, the Platform for Internet Content Selection ([PICS](#)) has recently emerged to provide a standard infrastructure for "neutral labelling" and filtering Internet content. Separating the two functions of rating of sites and filtering of sites, and allowing a high degree of flexibility and security, PICS is undoubtedly the most comprehensive and innovative solution yet to tackle Internet contents issues.

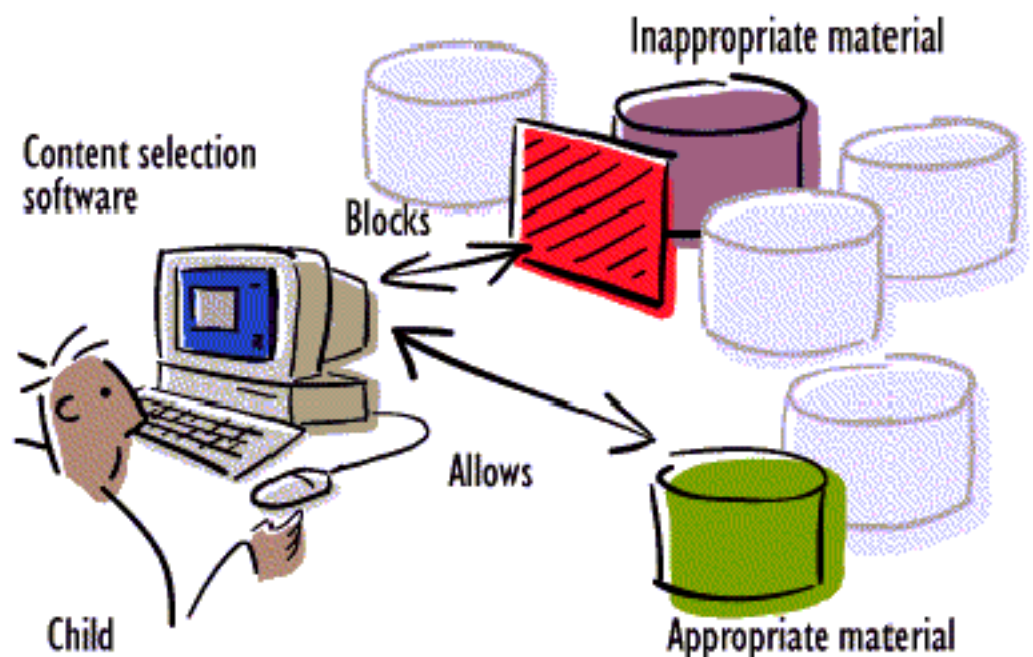


Figure 1 : selection software automatically blocks access to some documents, but not others. (20)

d. PICS: a global industry standard

The Platform for Internet Content Selection (PICS) which was officially launched in May by the World Wide Web Consortium (21), is an industry-wide attempt to establish a global standard. Offering "Internet access control without censorship", PICS is supported by a wide coalition of hardware and software manufacturers, access providers and online commercial services, publishers and content providers. It is now included as a standard feature in the latest generation of Internet browsers such as [Microsoft Explorer 3.0](#) and [Netscape 3.0](#), and is also supported by a number of filtering packages.

In contrast with the first generation of filtering software which relied on key words and "black lists", PICS works on the *principle of "neutral labelling" and filtering of all types of sites with an Internet "address" (URL)* (Web pages, FTP, Usenet newsgroups). PICS effectively "tags" sites with "value-neutral labels". These labels can support different types of information: ratings (for instance, evaluating language, nudity, sexual content, violence), or pointers (identifying contents according to their relevance or interest for various constituencies of users). To be viewed, the site must (1) carry a PICS label, (2) be within the parameters set by parents on the home computer. Ratings can be established by content providers themselves (such as entertainment companies operating family-oriented web sites) or by third parties (such as religious groups or parents' associations). Each family decides which ratings systems it wishes to use and then, using the parameters, what is acceptable and what is not.

These ratings can be distributed and upgraded via a number of channels, online or off line (diskettes, CD ROMS).

Parents and educators can restrict access to sites that (1) carry a PICS label, (2) match the parameters set by the parents on the home computer. For the [Recreational Software Advisory Council](#) (RSAC), which provides the ratings for video games and Web content, parameters can be set by parents using cursors with values from 0 to 4 on four sets of criteria (language, nudity, sexual content, violence). Each family decides, using these parameters, what is acceptable and what is not.

Unlike the V-chip for television (which relies on hardware to provide blanket blocking of programmes), or most existing standalone software packages (which block indiscriminately through key words), *PICS-compatible applications therefore provide an effective technology for the indexing and screening of content - and a flexible and inexpensive solution to the differences of sensibilities between various families and cultures*. Although the Internet *may have created new risks, these techniques also offer new opportunities* not available for other means of content delivery.

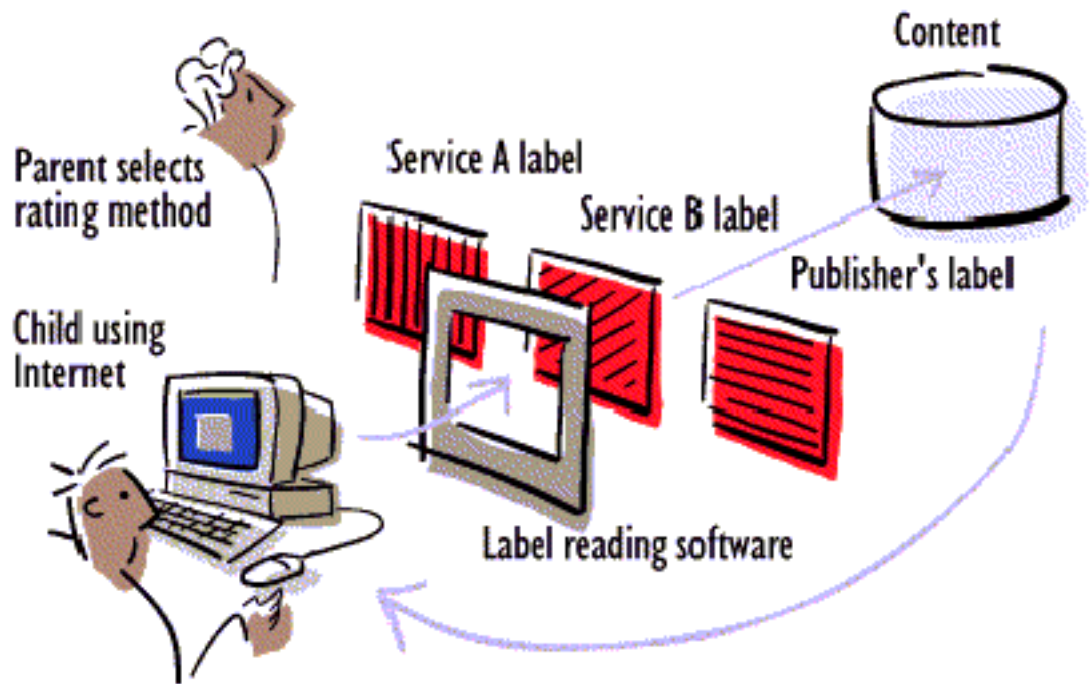


Figure 2 : selection software blocks based on labels provided by publishers and third-party labelling services, and on selection criteria set by the parent.

Work on labelling and rating systems in the computer environment is also showing great promise in other digital applications particularly in the field of digital television. These important developments, are covered in the Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services.

e. The extent to which filtering can be used

Since the early prototypes based on key words - which did not discriminate between pornographic and medical sites - *filtering software has improved considerably* . However, although parental control software can now efficiently screen for suggestive words or for known sites, it cannot at this stage screen for explicit images unaccompanied by suggestive text, unless those who configure the software are aware of the particular site . Of course rating agencies can label sites on the basis of visual content, thus bringing them within the scope of PICS filtering.

Similarly, the opponents of filtering approach underline two main risks: that existing unacceptable content on the Internet could be always be accessed from an unprotected computer; and that in most homes computer-aware children may always disable their parents' best efforts. This concern has been addressed by PICS, which claim that the system is tamper-proof.

However, despite some limitations, currently available user-based software suggests that an *effective method of empowering parents and protecting their children from inappropriate content is already widely and cheaply available*.

f. European rating systems

In order to ensure that users have access to rating systems suitable to their needs, and in order to avoid a situation whereby they have to rely on rating systems developed for the US where there may be a different approach on what is suitable content for minors, *encouragement should be given to setting up European rating systems* . This should not however be a single monolithic system, since this would run counter to the principle of subsidiarity and be seen as an attempt to impose moral uniformity. Rather, *European content providers, as well as European rating agencies, should be actively encouraged to set up their own rating systems*. In any case, it

should be ensured that rating, listing or self-control systems are based on open standards developed on a European or international basis rather than proprietary standards.

In parallel, development of European filtering and tracking software (in order to trace where illegal content comes from) should be encouraged in the framework of Community R&D programmes.

Reporting mechanisms ("hot lines") should be established, to encourage the public in detecting and reporting illegal and harmful sites. In the US, voluntary watchgroups are already playing a useful part in the updating of lists and verification of ratings.

g. Educating the public

Neither the strict application of laws, nor blind reliance on technology will entirely solve the issue of illegal and harmful content on the Internet. Public education will play a crucial role. *Awareness activities should therefore be encouraged so that users understand the opportunities as well as the drawbacks of the Internet.* Parents and educators, in particular, should be sufficiently informed so as to be able to take full advantage of parental control software and rating systems.

6. POLICY OPTIONS/CONCLUSIONS

The Commission considers that the following actions to reduce the flow of illegal and harmful content on the Internet should be taken. They aim to enhance the benefits which Citizens of the [European Union](#) will obtain from increased access to information through Internet and should be adopted - according their respective nature - under the provisions of the EC Treaty (free movement of services) or within the framework of Justice and Home Affairs.

This is a *first set of measures for immediate action* . They do not prejudice further proposals as a result of discussions initiated by the Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services.

1. Illegal content

a). Co-operation between Member States

Co-operation between Member States is vital to combat the sources from where criminal content comes and in restricting distribution of copies.

There is a need to reinforce co-operation in the context of Justice and Home Affairs with a view to:

- *exchange information* on those providing criminal content and enforce existing laws relating to criminal material
- encourage Member States to define *minimum European standards* on criminal content.

b) Liability of access providers and host service providers

The need for a common European framework to clarify the administrative rules and regulations which apply to access providers and host service providers should be assessed.

c. Encourage self-regulation

The Commission will continue to *encourage co-operation between associations of Internet access providers to help the process of self-regulation* . This process should be put in motion in

those Member States where it has not yet started. The Commission will *encourage discussion and research into technical issues* concerning access providers' and host service providers' role in limiting distribution of illegal content.

2. Harmful content

Community action to support use of filtering software and rating systems

- A Council recommendation could be envisaged setting out a clear political message *encouraging the use of filtering software such as PICS* , and for one or more European rating systems. The Commission has already called upon the industry to form a common platform enabling the use of filtering systems Community-wide.
- European *content producers* should be encouraged to co-operate in this system by adopting their own *Code of Conduct for content published on the Internet* , including systematic self-rating of content.
- A Commission initiative will *support national awareness actions for parents and teachers*

3. International issues

a) An Interational Conference

At the Industry Council of 8 October 1996, the invitation by Germany to host an International Conference was accepted. This will involve representatives of law-enforcement authorities, together with representatives of access providers, host service providers and users. It will concentrate on:

- feasibility of *immediate measures including a framework for international co-operation* , using the existing legal framework
- discussion on the *possibility of an international convention on illegal and harmful content* .

b) Extension of the dialogue

Since this dialogue must include the largest number of countries possible, it could be extended to a body with a larger membership such as the OECD, the World Trade Organisation, the United Nations, or one of the more specialised United Nations bodies.

4. Support actions

a) Transparency mechanism

Regulatory issues should be examined at Community level in a systematic and transparent manner, so as to elaborate coherent and effective legal solutions.

b) Information Web site

A site will be set up on the World Wide Web (hosted by a Commission server) containing original content and links to appropriate pages on other sites. This Web site will be part of a comprehensive set of Web pages dedicated to broad range of information and related topics, which will be established in the framework of the action plan *Learning in the Information*

Society recently adopted by the Commission.

The type of content available could include a) information and guidance for parents, teachers and children b) parental control software c) information on activities of official bodies (EU institutions, Member States, third countries, international organisations and non-governmental organisations).

Footnotes:

- (1) One of the key factors in the development of the Internet market in the US has been the lower cost of telecommunications (lower costs of leased lines for professional users; of local calls for individual customers).
- (2) An estimate by Forrester Research concludes that the Internet “core economy” will generate in the US alone some \$2.2 billion in 1996. By the year 2000, some \$45.5 billion will be directly attributable to Internet activity - a twenty-fold increase in five years. According to Forrester Research, the Internet’s most intense economic activity will center on Internet infrastructure (\$ 14.2 billion), consumer content (\$2.8 billion, including Internet advertising and rights purchases), business content (\$ 6.9 billion, including business intelligence now supplied on proprietary networks), online trade (\$ 21.9 billion, including \$ 6.9 billion from new electronic retail activities and \$ 15 billion from the migration of traditional EDI systems), and financial services (management through the Internet of an estimated \$ 46.2 billion in assets and savings)
- (3) Source: Study on the Extent of Direct Marketing in the European Union, interim report by FEDIM for the European Commission.
- (4) The increase in the numbers of servers providing Web content and in the number of users connected to the network is startling.
In Europe alone, the number of servers increased by 60% over the period January 1995 - January 1996. See also statistics referred to in IPSO newsletter July issue (<http://www.ispo.cec.be/ispo/newsletter/ISPOJULY/ISPOJULY04.html> - 5 million new servers in the last 12 months).
- (5) Such “proprietary content” may be produced by the online service provider itself, or produced contractually for that provider by a third party (entertainment company, financial services institution, airline, etc.). The online service operator generally assumes editorial responsibility for such content, like a traditional publisher.
- (6) See Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services
- (7) For example publication of *Mein Kampf* by Adolf Hitler or “revisionism” i.e. denying the reality of the Holocaust. These are forbidden in some Member States, e.g. Germany, but not in others.
- (8) Austria, Germany, France, UK.(Defamation Bill).
- (9) Commission Communication on commercial communications; draft communication on the Follow-up to the Green Paper on Copyright and Related Rights in the Information Society.
- (10) In France, a Code of Conduct has similarly been proposed in the Rapport de la Mission Interministérielle sur l’Internet. Text available at <http://www.telecom.gouv.fr/english/sommaire.htm>
- (11) A large US-based international commercial online service provider which also provides Internet access, and has a substantial number of subscribers in Germany
- (12) At the latest count, the document is mirrored on 43 WWW sites and 2 newsgroups and is available from an e-mail listserver.
- (13) In the proposed Distance Selling Directive a requirement is made that those offering goods and services at a distance (including electronically) should identify themselves.
- (14) Moreover, the European Convention on Human Rights contains relevant provisions affirming the right to privacy and to the secrecy and to the secrecy of the correspondence. The same principle is enshrined in the constitutions or in the constitutional traditions of all Member States. Subject to exceptions necessary in a democratic society, they have been respected in the

postal and telecommunications sector.

In the decision granting a preliminary injunction against the US Computer Decency Act, the judges affirmed the importance of anonymity on the Internet: "Anonymity is important to Internet users who seek to access sensitive information, such as users of the Critical Path AIDS Project's Web site, the users, particularly gay youth, of Queer Resources Directory, and users of Stop Prisoner Rape (SPR)."

(15) See paras 29 and 30 of the UK "R3 Safety-Net" proposals <http://www.ispa.org.uk>

(16) (16) R3 Safety-Net: Rating, Reporting, Responsibility For Child Pornography and Illegal Material on the Internet", September 1996

(17) Le Conseil Constitutionnel a décidé de supprimer les articles 43-2 et 43-3 de la loi sur la réglementation des télécommunications au motif «que la loi a confié au Conseil Supérieur de la Télématique le soin d'élaborer et de proposer à l'adoption du Conseil Supérieur de l'Audiovisuel, auprès duquel il est placé, des recommandations propres à assurer le respect par certains services de communication de règles déontologiques, sans fixer à la détermination de ces recommandations, au regard desquelles des avis susceptibles d'avoir des incidences pénales pourront être émis, d'autres limites que celles, de caractère très général, résultant de l'article 1 de la loi susvisée du 30 septembre 1986».

(18) US District Court for Eastern Pennsylvania ACLU v. Reno, 11 June 1996. Full text available at <http://aclu.org/>

(19) (COM(96) 392 final, 30.8.1996

(20) These graphics, provided by Netscape are published on the WWW Consortium pages referring to PICS. This site provides extensive technical specification on the PICS standard. <http://www.w3.org/pub/www/PICS>

(21) The W3C is an industry consortium which seeks to promote standards for the evolution of the Web and interoperability between WWW products by producing specifications and reference software. The Consortium is international; jointly hosted by the MIT Laboratory for Computer Science in the United States and in Europe by INRIA who provide both local support and performing core development. The W3C was initially established in collaboration with CERN, where the Web originated, and with support from DARPA and the European Commission.

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