

**Belgian Code of Conduct
for
Safer Mobile Use
by
Younger Teenagers and Children**

Preamble

In February 2007 European mobile providers and content providers developed an EU-wide common framework to ensure safer use of mobiles by younger teenagers and children.

The Belgian Mobile Operators support this framework and reached agreement to develop the initiatives set out in the framework. This framework will therefore be subject to national implementation by the providers and the mobile operators. The mobile operators assure to enforce the terms of the Code through their agreements with the service and content providers.

The Belgian Mobile operators recognize:

- that mobile services offer an additional way to consume content (still and video images, music, chat, etc.) already offered in other ways - typically by mobile operators, service and content providers;
- the importance of parental oversight: accordingly, mobile operators, service and content providers should endeavour to empower parents with information and tools to facilitate their oversight;
- that any initiatives to classify content should be based on national societal standards regarding decency, appropriateness, legislation and regulation.

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- that self-regulation will be a better safeguard against a fast moving environment of mobile technology and services than formal legislation and regulation – it will be future proof.

It should be noted that:

- Mobile operators only control commercial content they produce themselves or which they commission from professional third parties, with the purpose to commercialize in their own name;
- Mobile operators could exert limited indirect and retrospective control over commercial content in certain other situations, provided there is a contractual relationship stipulating such control with professional third parties;
- All the service and content providers are imposed to respect the same measures and should take full responsibility of the services they offer to the customers;
- Mobile operators are not in a position to control content which is freely accessible on the internet, since there is no relationship between the mobile operator and the service and content provider. However, as responsible companies, mobile operators recognize the need to work with customers, parents, teachers and other stakeholders, including child protection organizations, in order to promote the safety of younger teenagers and children using mobile services;
- Service and content providers offer content in return for payment. Customer uses payment methods such as prepaid or post-paid systems or uses hybrid approaches to billing.

This Code of Conduct is intended to allow safer mobile use by younger teenagers and children. The mobile operators assure to enforce the terms of the Code through their agreements with the service and content providers.

The following measures are agreed by the undersigned parties:**Access Control Mechanisms**

1. Any own branded commercial content, classified as only suitable for adult customers in equivalent media, will be provided with the appropriate means for parents to control the access to that content, such as call barring and information mechanisms, which are already defined and implemented by the Belgian legislation.
2. In addition to article 1, the same appropriate mechanism will be applicable when the content is offered by means of the service and content providers. As an example and referring to the Belgian legislation, the following mechanisms are in place: barring and blocking for premium services on request of the customers, adult content can only be offered through specific defined number ranges.
3. In addition to article 1 and 2, mobile operators could offer capabilities which can be used by parents to customize access to content by children using mobiles. These may include specific services, phones filtering of the mobile operator's Internet access service or specific reporting mechanism.

Raising Awareness & Education

4. The mobile operators in cooperation with specific organizations and with the governmental bodies shall provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children.
5. The mobile operators shall create awareness towards their customers about the risks which can arise when children or young teenagers use mobile premium services or mobile internet services.
6. The mobile operators shall provide tools in order to ensure that customers will be able to report any of their safety concerns regarding

the mobile services offered. The mobile operators shall give their customers the possibility to report their concerns to specialized organizations through direct links put on the mobile operators' website.

7. Mobile operators shall support awareness-raising campaigns designed to improve the knowledge of their customers, through organisations such as INSAFE¹ network and shall actively seek to support the actions taken by the authorities. The Code of Conduct will be available on the website of each mobile operator.
8. The measures of this Code of Conduct can only work effectively if policy makers also take their responsibility to provide educational information and to raise awareness among parents, teachers and children about proper usage of mobile phones and the internet.

Classification of Commercial Content

9. Mobile operators support classification frameworks for commercial content based on national societal standards and consistent with approaches in equivalent media. The mobile operators shall in the scope of their responsibilities undertake the necessary actions to ensure that the classification with respect to mobile SMS/MMS premium numbers set down in the Royal Decree on Numbering of 27 April 2007 is respected by the service and content providers. The classification created different categories and has separate classification for content which is suitable only for adult/+18 customers.
10. Mobile operators shall ensure that commercial content provided by their own-brand is to the most possible extent appropriately classified based on existing national classification standards in the markets.

¹ INSAFE is the European network that coordinates Internet safety awareness in Europe with the support of the European Commission in partnership with the national organizations. Their mission is to empower citizens to use the internet as well as other online technologies, positively, safely and effectively. The network calls for shared responsibility for the protection of the rights and needs of citizens, in particular, children and youths.

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11. The mobile operators shall, as far as possible, undertake the appropriate actions, that the service and content providers, with which they have contractual relationships, classify their commercial content under the same classification approach and respect the existing Belgian legislation and regulation.
 12. The mobile operators cannot effectively organize such above mentioned measures without the help of content and service providers, therefore the mobile operators call upon policy makers, the Ethical Commission, sector associations and other authorities to provide all the necessary support to ensure that the commercial service and content providers classify their content against the same societal standards.

Illegal Content on mobile community products or on the Internet

13. Mobile operators continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content amongst other things by enforcing this at the level of all service providers and content providers.
14. Mobile operators support the authorities in the fight against illegal child images and, through the bodies combating illegal content on the Internet, facilitate the notification of this content where hosted on mobile community products or on the Internet.
15. Mobile operators support the creation of appropriate and legally authorized national take-down procedures for such illegal content, including a commitment to liaise with the Federal Computer Crime Unit of the Federal Judicial Police or any other law enforcement authority.
16. For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. The Belgian government support for this is vital. Belgian mobile operators will support all initiatives in this respect as far as possible.

Implementation, Stakeholder Consultation & Review

17. By signing this Code of Conduct, the mobile operators will work towards implementation of these initiatives described above in collaboration with service and content providers.

18. Mobile operators shall regularly review child safety standards on the basis of the development and changes in technology and mobile services provisions in cooperation with the European Commission and national authorities and child protection organisations combating illegal content on the Internet. The mobile operators will keep the Code under review and will make changes, where this is seen necessary.

Signature

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