

# Protection of Minors in the Audiovisual Media Services: Trends & Practices (ERGA report)



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## About ERGA

ERGA brings together the high level representatives of national independent regulatory authorities in the field of audiovisual services. Its primary purpose is to advise the **EU Commission** on the implementation of the EU's **Audiovisual Media Services Directive**<sup>1</sup> ("AVMS Directive") and facilitate cooperation between the regulatory bodies in the EU. In order to fulfil these roles efficiently, ERGA creates expert groups that examine various areas of the media environment and related regulatory implications.

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<sup>1</sup> EC Directive 2010/13/EU

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## 1. Introduction

The report focuses on the tools currently being used by the audiovisual media service providers to help parents to protect children from content that may be unsuitable or potentially harmful to their development or overall well-being. By outlining the types of measures with concrete examples from the representative sample of the audiovisual media providers active in various EU member states, it is laying the foundations for further ERGA activities with the aim of fostering cooperation among stakeholders to protect children in the audiovisual media environment.

This ERGA initiative is closely linked to its role as advisory body to the EU Commission. It is also led by the need for close cooperation among Europe's regulators, and between regulators and media providers. This is especially important in the field of child protection. In the near future, new challenges lie ahead for regulators and the media alike. In the current proposal for the revision of the Audiovisual Media Service Directive there are changes proposed to provisions on protection of minors. Under these proposed changes, the rules for protection of minors will be unified for both types of audiovisual media services, linear and non-linear, and there are new rules laid down in this field for a new regulatory category of media-sharing platforms.

Whatever will eventually be written into the Directive, it is clear that the international character of the most widely used VOD services and VSPs pose regulatory questions that can hardly be tackled by any one national regulator alone. The technical progress in audiovisual media, furthermore, is so rapid that regulation, even (or especially) in the field of protection of minors, will be particularly challenging. Technical progress does, however, also provide new tools and capabilities to better protect minors. Through cooperation between media companies and regulators, these tools may be put to the most efficient use – one that ideally will protect children from the most immediate threats, will provide parents with the means of raising their children safely in the digital era and according to their wishes, and will not unnecessarily burden the media companies.

**It is important to note that the issue of protective measures within the audiovisual media services is just a part of the bigger question of protecting children in the digital environment and it should be viewed in this context.** The sphere of audiovisual media, however, has the longest history of regulation and its wide use by children certainly justifies close examination of the measures currently used by the media providers. And it is only fitting that ERGA, functioning as an advisory body to the EU

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Commission on these matters within the scope of the AVMS Directive, is contributing to the debate within the field of its competence.

The media providers focused on in this report were chosen as representative examples of all known protection of minors practices across a range of media services, i.e. broadcasting and video-on-demand, video-sharing platforms and audiovisual distributors. Through the work of its Subgroup on Protection of Minors ERGA gathered information about them from existing sources and via direct engagement with the media providers through the questionnaire, phone calls and personal meetings. The information was gathered in a period from September 2016 until early March 2017.

The primary focus is on the actual measures that are employed by media providers but, as these are often influenced by some form of mandatory regulation in the particular jurisdiction, the interplay between regulation and the media practices is also captured in the text of the report - most notably in the section on broadcasting, where this influence is especially strong.

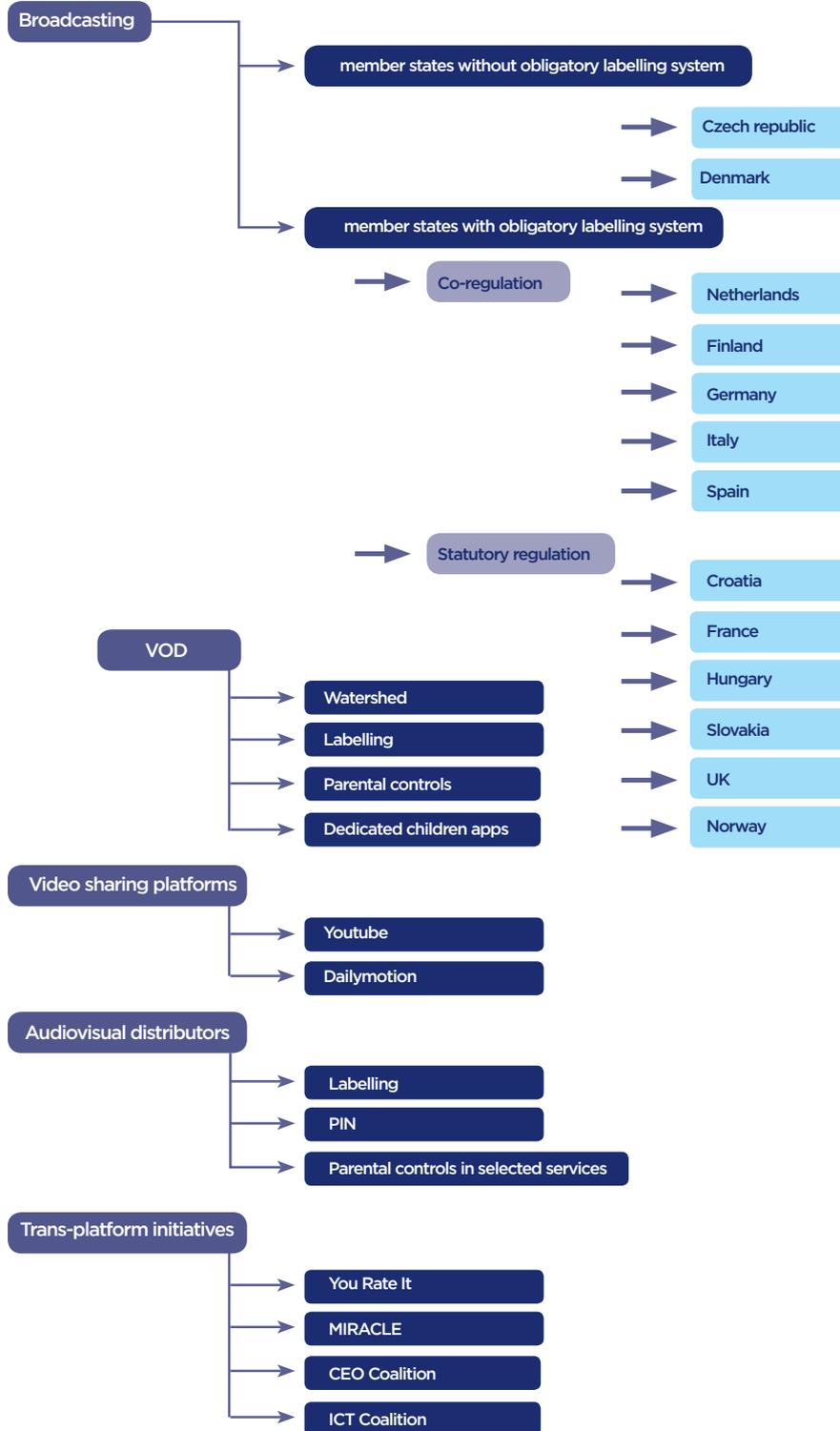
This report does not purport to be an overview of all practices aimed at protection of minors by all media providers in all EU member states. Such a task is clearly beyond current ERGA capacities. It does however, as we believe, provide the reader with a substantial view on the **current state** of protection of minors in audiovisual media services in Europe, namely:

- **what are the most widely used measures media companies use in this field**
- **what is the approach of the biggest market players and**
- **what appear to be the trends for the near future**

# Protection of Minors in the Audiovisual Media Services

## Protection of Minors Measures Value Chain

### Overview of the Measures According to the Type of Media Service

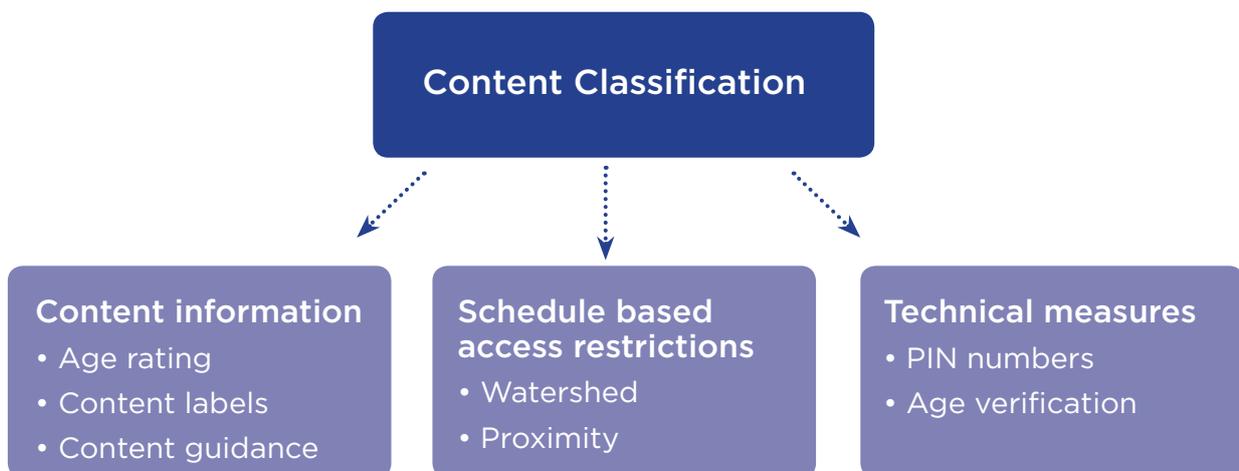


## 2. Protection of Minors Measures Value Chain

As with all regulatory tools, the measures aiming toward the protection of minors have a hierarchy and structure, with various stakeholders having different roles to fulfil. Although it is not the main purpose of this report to elaborate on regulatory points of child protection measures, in order for the report to be sufficiently informative this cannot be entirely avoided. In this section, therefore, we outline the most common schemes used to achieve the basic regulatory measures:

- The provision of content **information**, such as age-ratings or content descriptors
- Restricting minors' access through **scheduling**
- Restricting minors' access through technical **mechanisms**

The editorial characteristics of individual programmes must be evaluated by the responsible content provider or media provider disseminating the content within its service, in order to determine which of those child protection measures set out above should apply. This first stage in a protection of minors scheme is **content classification**.



*Content classification scheme*

**Content classification** is based on specific content criteria, whether enshrined in specific state legislation, self-regulatory code or an internal corporate directive. The framework for classification can be created by a state regulatory authority, self-regulatory or classification body within the industry or by the individual audiovisual media service provider itself.

A media service provider uses the classification process to determine which measures should apply to the programme when it is made available on the provider's broadcast or on-demand service.

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Content classification will then underpin the following measures:

**Content information** is used to indicate the suitability/harmfulness of content for audiences. To this end the system may consist of age rating labels that indicate suitability or harmfulness for various age categories of children.<sup>2</sup> It may also be supplemented by content descriptors indicating the relevant characteristics or nature of the content, which may be in the form of labels<sup>3</sup>, textual guidance and warnings.

**Scheduling restrictions** are used to reduce the likelihood that minors will be exposed to potentially harmful or unsuitable content. These involve restrictions on the time of day when the content may be made available within the service (e.g. in relation to a watershed) or restrictions on placing the potentially harmful content in proximity to other content.

**Technical measures** describe mechanisms other than scheduling used to reduce the likelihood that minors will be exposed to potentially harmful or unsuitable content, by placing a technical barrier between the user and the content. The most common examples are various types of parental controls, PIN numbers or age verification tools - e.g. credit card checks, proof of age and age confirmation checks.

Technical protection measures may be available to users for their **voluntary use** (such as for parents who want to prevent their children from viewing unsuitable or harmful content) or may be compulsory, i.e. imposed on every user by the audiovisual media service provider (such as an age verification form that has to be filled in by all users).

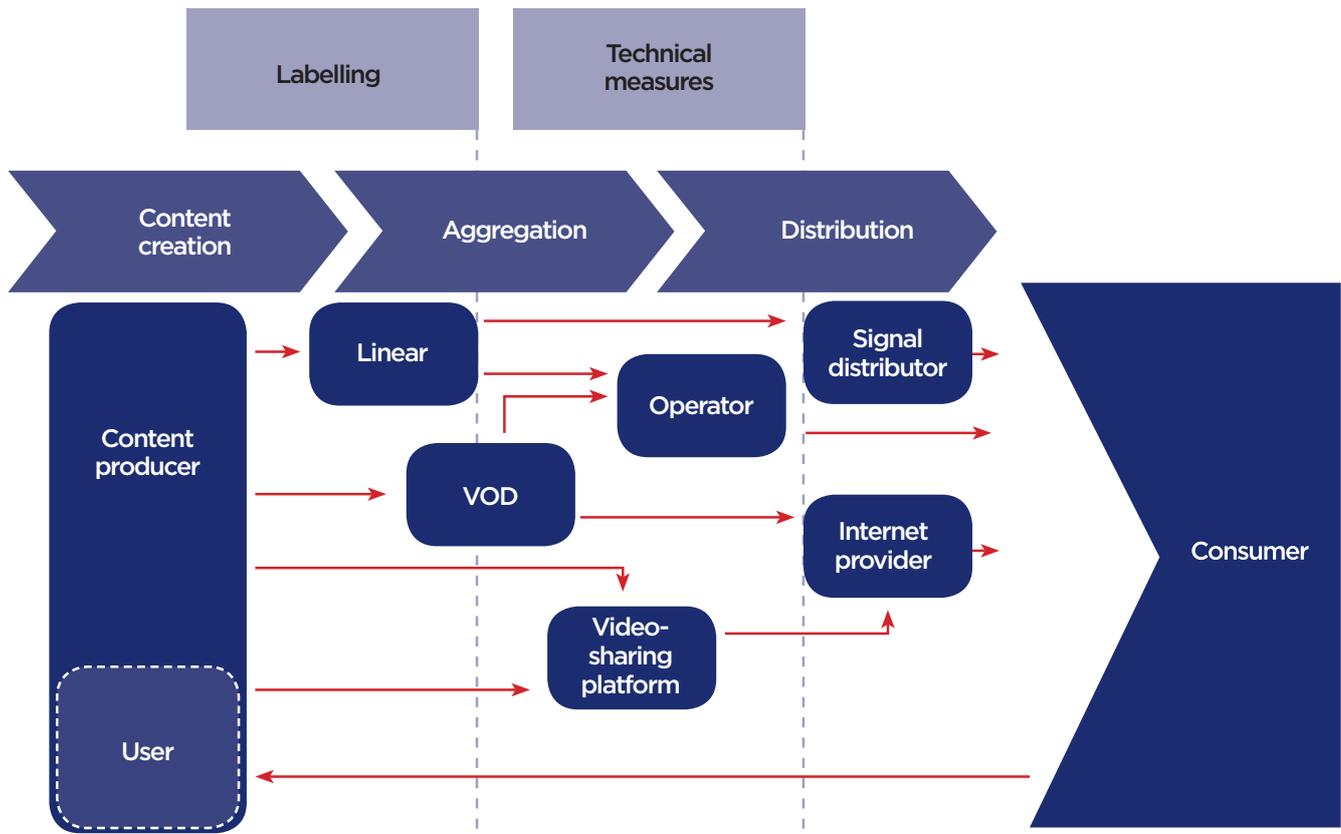
In general, audiovisual media service providers are able to include content information alongside the content itself in their services (for example before the beginning of a programme). However, media service providers will often rely on third parties such as television platforms (or retransmission operators), video-sharing platforms and others to enable technical measures to be applied to the content on their services. Media service providers similarly will rely on the operators of electronic programme guides to include relevant content information, whether age rating labels or textual guidance.

The following diagram outlines where protection measures outlined above sit within the content delivery value chain for the audiovisual services examined in this report. For the sake of brevity the content information and the schedule based measures are included under the common term “Labelling”. The vertical dash lines delineate scope of technical applicability of these measures in different types of services.

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<sup>2</sup> This is the case in the vast majority of EU member states.

<sup>3</sup> Among EU countries this is currently the case in Finland and the Netherlands. Slovenia is currently in the process of implementing a voluntary system of content descriptors.



*Child protection measures within audiovisual content delivery value chain*

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### 3. Overview of the Measures According to the Type of Media Service

This part of the report provides an overview on the measures currently used by those media providers we engaged with from various EU countries, together with examples of actual practices. As there is still significant difference between the approach to protection of minors in linear (broadcasting) and non-linear (video-on-demand) environments, not to mention video-sharing platforms and audiovisual distributors, it seems appropriate to examine these approaches separately. This approach allows for closer comparison of actual practices, rather than just a general overview of individual media providers.

The section is therefore divided by the type of services into five subsections:

- Broadcasting
- VOD services
- Video-sharing platforms
- Retransmission providers/ Distributors
- Transplatform initiatives

Every section ends with a list of **trends** that we have been able to observe from the gathered information.

#### 3.1. Broadcasting

The watershed and providing content information are the main tools used for protection of minors in the linear environment, as both are, at least to some extent, used by almost all linear services in the EU. The actual practice, however, may vary considerably. This section presents approaches to protection of minors by a selected number of broadcasters from different regulatory environments. All of the broadcasters examined for this report are, in one form or another, also providers of video-on-demand services. Approaches to the protection of minors for VOD services only are referred to in the next section of this report.

Apart from informing separately about measures used by individual broadcasters, this section is more broadly divided in relation to the type of regulatory approach to protection of minors in various countries.

While this report is primarily focused on measures employed by the industry, and not on the regulation, these issues are often inseparable. Moreover, to get the full understanding of the measures in question it is also important to understand which measures originate in regulation and which are employed by industry through their own

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initiative. By dividing this section in the above mentioned manner, this aspect is made more prominent.

This is also the reason why the further division is based on the countries where the services are established and why the text for every country starts with a basic outline of its regulatory system for protection of minors.

Divisions in this section are as follows:

- Situation in member states without obligatory labelling system
- Situation in member states with obligatory labelling system
  - Co-regulatory systems
  - Statutory regulation
  - Age rating decisions not taken by the broadcasters

Every broadcaster approached for this report also provides an on-demand service to its viewers. These are dealt with in section 3.2 on VOD services<sup>4</sup>.

### 3.1.1. Situation in member states without obligatory labelling system

The **Czech Republic** transposed the relevant Articles of the AVMS Directive regarding the protection of minors but did not go on to set down a detailed regulation.<sup>5</sup> There is only one watershed, at 10.00 p.m. (until 6.00 a.m.). Outside of this timeframe the programmes should avoid any programme units and announcements which might impair the physical, mental or moral development of minors. However, this obligation does not apply where broadcasting is made available to the end user under a written contract concluded with a person over 18 years of age and accompanied by the provision of a technical measure which allows that person to restrict minors' access to broadcasting. During the period after the watershed (from 10.00 p.m. to 6.00 a.m.), Czech broadcasters label their programmes with a four tip star.

**HBO Europe** is a premium pay television service operating in fourteen countries in Eastern Europe with its license being issued in the Czech Republic. They provide linear channels (HBO, HBO2, HBO3, CINEMAX, and CINEMAX 2) as well as non-linear VOD services HBO GO (internet based) and HBO On Demand. Both linear and non-linear services may contain partially different content and schedules on different territories.



On linear channels, they use age rating notification before a programme begins for programmes classified as unsuitable for minors under the age of 12, 15 and 18 years.

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<sup>4</sup> Section: „VOD services provided by broadcasters“

<sup>5</sup> The Czech Republic has currently no detailed regulation in this regard, although there is a legislative process currently ongoing to adopt such a regulation.

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If the programme is not suitable for minors (15 and 18 years) they mark the whole programme with a four tip star which is present throughout the whole duration of the programme next to the logo of the channel.

The labelling they use is based on the most frequent/typical age labelling of the countries they broadcast in and also based on their screening. They use the industry standard on the territories where their channels are available. Determination of an appropriate age classification is done by a person working within the programming/scheduling team based on the screening of the programme and available ratings of producers/distributors etc.

Since HBO does not deliver the channels to subscribers directly, it is the audiovisual distributor's responsibility to implement parental controls. Distributors certify to HBO that they use a technical measure which enables adults to restrict access to linear channels to children and minors.

HBO has also implemented a certain type of watershed. On linear channels they usually do not schedule programmes classified as unsuitable for minors under the age of 18 years before 6 p.m. and after 6 a.m. Programmes classified as unsuitable for minors under the age of 15 years are not usually scheduled at times when children are likely to watch the channels without parents.

HBO is considering using special pictograms indicating the type of content not suitable for minors (sex, drugs, violence etc.), although they do not consider such measure reasonable, since pictograms are not easy to understand by the public. However, they may be required to use them by applicable laws (if passed).

The situation in **Denmark** is similar to that of the Czech Republic. In Denmark's legislation the provisions on protection of minors closely follow articles 12 and 27 of the AVMSD without further elaboration. There are, therefore, no binding watersheds or any system for content rating in place in Danish media law.

**DR, TV 2** and the 8 regional TV 2 broadcasters have internal   guidelines and procedures on the assessments and measures taken regarding the protection of minors. The broadcasters themselves assess programmes for problematic content. Programmes with such content are in practice normally broadcast after 21.00. The Danish Radio and Television Board has stated that children and adolescents under 15 years normally do not watch television after 21.00, making this time a kind of watershed used in practice. When broadcasting these kind of programmes earlier, e.g. news showing violent content, they normally are identified at the beginning of the

programme with an acoustic (spoken) warning.

### 3.1.2. Situation in member states with obligatory labelling system

#### Co-regulatory systems

The obvious example of a functioning labelling system in broadcasting is Dutch **Kijkwijzer**, which has been developed by **NICAM**, a non-governmental institution that serves as a self-regulatory body in the Dutch co-regulatory system for protection of minors. The governmental part of the co-regulation is characterised by the strong involvement of the Dutch media authority, the CvdM. NICAM controls the quality of classifications of its members both structurally and through random checks. In its meta supervisory role the CvdM evaluates the work of NICAM on a yearly basis. In addition the CvdM will check yearly the quality control by NICAM by assessing whether the classification checks by NICAM are reliable, valid, stable, consistent and precise. The CvdM reports its findings and conclusions to the State Secretary for Education, Culture and Science, who is responsible for media affairs.

Virtually all **Dutch broadcasters** take part in this co-regulatory system through membership in NICAM. Although the membership is not a mandatory requirement of the Dutch Media law (Mediawet 2008), the legal advantages of doing so, or, conversely, the comparative disadvantages of not doing so, are considerable, as broadcasters not taking part in it cannot broadcast content, unless it is harmless for all audiences.

Kijkwijzer uses three basic tools for protection of minors:

- age labels
- content descriptors
- watersheds

**AL** = Not harmful / All ages  
**6** = Take care with children under 6  
**9** = Take care with children under 9  
**12** = Take care with children under 12  
**16** = Take care with children under 16

 = Violence  
 = Fear  
 = Sex  
 = Discrimination  
 = Drug and alcohol abuse  
 = Coarse language

*Age categories and content descriptors used in Netherlands*

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Under the Kijkwijzer system the age-rating and allocation of content descriptors is done by internal employees of the media providers who are trained and certified by NICAM. There is an exceptional possibility, although not encouraged by NICAM, to outsource the rating to another organization. This happens usually when a small organization lacks the resources to take care of classification itself.

**NPO** is the umbrella organisation for the National Dutch Public Service Broadcasters which, naturally, follows the NICAM system in its entirety. The organisation considers the system to be effective and receives very few complaints from viewers.



**SBS**, a Dutch commercial broadcaster running several free-to-air (FTA) channels, also states that Kijkwijzer works well, although, in their opinion, this might change in the future. In order to create a level playing field with the providers of on-demand media services and to be effective in the future, some other mechanism should be in place rather than just restrictions to linear broadcasting slots of TV broadcasters.



As was seen above, the Dutch broadcasters are to a certain extent nudged to association with NICAM. However, this is not the



case of **RTL Nederland**, a commercial TV network with several FTA channels, which, although targeting the Dutch market, is established in and therefore under the jurisdiction of **Luxembourg**. Nevertheless, RTL Nederland is affiliated with NICAM and follows Kijkwijzer on a voluntary basis and in its entirety.

A system very similar to Kijkwijzer is applied in **Finland**, although the main Finnish regulator for protection of minors in audiovisual media, National Audiovisual Institute (KAVI), is a governmental agency that is subordinate to the Ministry of Education and Culture. Similarly as in Netherlands, KAVI's Department for Media Education and Audiovisual Media (MEKU) provides training for the classifiers - individuals conducting the age ratings - who are generally employees of the broadcasters, although they may operate also as independent classifiers. The classifiers are licensed by MEKU and they are legally responsible for their ratings - their classifications may be checked and re-classified by MEKU.

Finland

The classification of the programmes, however, can also be made outside the broadcaster's capacities, as there is an option for classification to be done by an official of MEKU. This is done either as a paid service or as a re-classification of programmes for evaluation and control purposes. Since the establishment of the current age rating system in 2012, this has been done in ca. 1.8 % of all ratings.<sup>6</sup>

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<sup>6</sup> Since the 1st of January 2012 (when the Act on Audiovisual Programmes entered into force) up to the 19th of December 2016 altogether 86169 programmes have been registered, of which MEKU has classified 1549.

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The tools for the protection of minors are also similar: age labels, content descriptors and watersheds.

Although watersheds are not prescribed by law in Finland, major broadcasters came to an agreement with MEKU on their usage in the form of a binding code of conduct. Currently, there are two watersheds used in Finland, 9 pm and 11 pm, which are tied to the age categories of 16+ and 18+, respectively.



*Content descriptors used in Finland.*

For commercial media services, **Germany** has an elaborate system of protection of minors which combines the state regulation with two self-regulatory schemes (FSF for television broadcasting and FSM for online multimedia) in a unique co-regulation. Both TV and internet are included in a legal framework through the JMStV (Interstate Treaty on the Protection of Children and Young Persons in the Media).

Under the principle of „regulated self-regulation“, the German Commission for the Protection of minors in the Media (KJM) certifies voluntary self-regulation organizations as specified in Art. 19 JMStV and checks if the decisions taken by the organization regarding broadcasting or telemedia content are taken within the scope of assessment afforded to the organizations. If a voluntary self-regulation organisation exceeds the scope for legal assessment, the KJM can take legal measures. This can happen if, for instance, the self-regulation organisation has ignored the necessary procedures, commits procedural errors, or has not kept to the general principles of assessment. The KJM also draws up statutes and directives which the self-regulation organisations must maintain.

In addition, the **KJM** develops statutes and directives which the self-regulation organisations must adhere to. The FSF is an organisation for the voluntary self-regulation of television, with most of Germany’s commercial television broadcasters registered as affiliated members. The decisions made by the FSF must be complied with and can take various forms such as:

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- establishing a watershed,
  - ordering cuts, or
  - denying the broadcast entirely if the broadcasting of a programme is completely forbidden (i.e. inadmissible programmes such as pornography or those infringing on human dignity).

The decisions are defined according to the following age groups:

- without restriction
- suitable for 12 years and above
- suitable for 16 years and above
- suitable only for adults

There are also additional time schedules and certain age groups which have to be considered. Movies or series that are already classified by the voluntary self-regulation organisation for cinema (FSK) are linked to these time schedules as well. However, broadcasters can apply for an exemption and FSF examination boards can issue a special license.

The substantive provisions described above also apply to the PSBs in Germany. However, the PSB system is based on an internal monitoring procedure. The Broadcasting Council at the regional broadcasters that belong to the Union of German Public Service Broadcasters (ARD) and the Television Council at Germany's second television channel ZDF monitor youth protection practice, for which responsibility lies primarily with the broadcasters' youth protection commissioners. Additionally, PSBs in Germany develop statutes and directives that define standards for protection of minors in their programmes and services. To date watersheds are widely used in PSBs.

The combination described above produces a very protective media environment for viewers. **Sky Germany**, however, pointed to its lack of flexibility. While they admitted that the system motivates companies to provide the highest level of audience protection, they stated that more autonomy could benefit the viewers as the providers would be able to better align their service with viewers' needs.



From the practical point of view, Sky Germany has a specialized department with long time expertise in examining television and on-demand programmes, allocating age ratings and implementing technical measures.

The interesting feature of German regulation is that the **state media authorities can**

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**grant exceptions** from the watershed restrictions for digitally transmitted commercial broadcasts if the service in question is additionally fitted with a suitable digital advance blocking system. The broadcaster may then deviate from the watersheds laid down in the Media law (German Interstate Treaty on the Protection of Minors – JMStV) concerning content impairing the development of minors.

The situation in **Italy** is rather different from the previous examples as there is a legally binding programme rating system for protection of minors in place. Since it is not accompanied by equally binding labelling rules, however, under criteria set for this section of the report, the Italian system falls into the same category.

In **Italy**, the legal provisions with respect to labelling systems are provided by the main broadcasting law (Decree 177/2005, so called AVMS Code or “Testo Unico”), as well as by the self-regulatory Code on TV and Minors, which was adopted in 2002. The Code was signed by the main FTA broadcasters that were operating at that time<sup>7</sup>. It is worth noting that the Code has been successively enshrined in the provisions of law n. 112/2004, and then amended in 2005 (Decree 177/2005). As a consequence, the provisions of the Code on TV and Minors became legally binding for every broadcaster, even those who did not sign the Code in 2002. This represents a significant case of a self-regulatory code which is integrated in a main law.

According to the law and the Code, labelling is compulsory, which means that the broadcasters must label programmes either targeting minors or potentially harmful for minors. With the exception of theatrical movies, labelling is done upon a content classification which is made by every broadcaster autonomously. However, AGCOM can assess whether the labelling has been adequately implemented by the broadcaster and eventually impose sanctions.

Its peculiar feature is that it does not deal with the age of children, as is usually the case, but stipulates times of day during which certain content cannot be broadcast. There are three categories with the following requirements:

07.00 to 22:30<sup>8</sup> - television for all

- programmes must take into account the needs of viewers of all ages and the fundamental educational role of families regarding children. News programmes should avoid including brutal scenes and information that may harm the integrity or moral development of minors. Movies and dramas intended for adult audiences should be labelled by a warning sign,

<sup>7</sup> The code was signed by the main national FTA broadcasters as well as the main associations representing local operators: FRT, Aeranti-Corallo, Aeranti, Corallo, Air Lab, CNT, Conna, GRI, REA, Terzo Polo.

<sup>8</sup> However it should be noted that the main law (Testo Unico, Dlgs 177/05) prescribes that those programmes considered harmful for minors can be broadcast only between 23:00 and 7:00, unless the broadcaster adopts a specific technical measure able to prevent minors from watching the content.

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19.00 to 23.00 - parents should supervise their children,

16.00 to 19.00 - television for minors

- specific protection has to be applied such as to allow clear distinction of commercial communications recognizable by children who cannot yet read and children with disabilities.<sup>9</sup>

In addition to this regulatory and self-regulatory arrangement, every FTA broadcaster is requested to adopt a “clearly evident” labelling system that allows users to recognise the level of suitability of contents for minors. Usually, broadcasters refer to a colour code (so-called “Traffic light system”). In particular, the yellow light means that minors may view the content together with an adult, and the red light refers to content which is considered not suitable for minors.<sup>10</sup>

**Rai** is an Italian public service broadcaster that provides 3 general interest, 4 semi-general interest and 7 specialised channels. In terms of protection of minors Rai adopts coloured labelling applied to the logos of the channels. Such labelling is displayed during the whole length of the programme. Yellow labelling means that the presence of adults is recommended. Red labelling means that the content is not recommended for children. In the latter case, an audiovisual banner, informing viewers about the characteristics of the programme, is displayed both at the beginning of the programme and immediately after any commercial break.



In addition to this, the broadcaster applies the watersheds enshrined in the regulation outlined above.

**Mediaset** is an integrated multi-platform TV operator (free/pay, linear and non-linear). In Italy, Mediaset's free-to-air offer currently consists of 11 channels (3 flagship general interest channels - Canale 5, Italia 1, Rete 4 - and 8 thematic and semi generalist channels - Boing, Cartoonito, Iris, La 5, Mediaset Extra, Italia 2, Top Crime and TgCom 24).



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<sup>9</sup> Analysis of the implementation of the provisions contained in the AVMSD concerning the protection of minors, European Audiovisual Observatory, Strasbourg 2015, p. 96.

<sup>10</sup> “Non-suitable” refers to content recommended for “more adult” viewers and has a different meaning compared to “adult content”, or VM18 (corresponding to pornographic content).

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It was Mediaset that pioneered the “traffic lights” code to distinguish content in regard to its suitability for minors in 1994. According to the company’s statement, the system has proven to be very effective and user-friendly due to its similarity to traffic lights (green, yellow and red). The effectiveness of this system has been recognized and confirmed by several pieces of marketing research and it has been subsequently adopted by all national free-to-air broadcasters.

Mediaset’s rating system consists of five classification levels:

- for all
- children with adult guidance
- unsuitable for children
- harmful
- seriously harmful

and classifies its content on the basis of the following categories:

- behaviour
- drugs
- fear and emotional impact
- sex
- language
- violence

while qualitative and quantitative aspects that define a lower or higher level of suitability for minors are also taken into account, namely:

- emotional tone
- scenes’ frequency and duration
- scenes’ plausibility
- plot development

Mediaset applies the watershed established by law (T.U. dlgs.177/05): from 7 a.m. to 11 p.m. for harmful content and for content rated +14 (it can be transmitted in this slot only with the technical measure applied).

Mediaset also guarantees the respect of a second watershed, the so-called “safe viewing time”, from 4 p.m. to 7 p.m. (Self-regulatory Code and Law n.112/2004, now enshrined in T.U.) during which content suitable for minors is offered.

Moreover, the Electronic Programme Guide (EPG) provides users with information

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about programmes, including a parental guidance.

**Sky Italia** operates as a provider of audiovisual media services (both linear and non-linear) in Italy, across a range of transmission technologies, including DTH, DTT, IPTV, Internet and mobile networks.



As far as the free TV channels are concerned, Sky Italia classifies its content according to the following categories:

- PT - Suitable for all
- BA - Parental Guidance (“Bambini Accompagnati”) programmes not suitable for younger viewers
- VM 14 - Suitable for 14 years and over

The situation in **Spain** is, to some extent, similar. The Spanish regulation on protection of minors is established in the Audiovisual Law and in a Self-regulation Code for TV Content and Children signed by several (not all) free to air linear DDT providers (RTVE, Atresmedia, Mediaset, NET TV, VEO TV and Real Madrid TV are part of this Code) in 2004 and therefore only applicable to them.

Spain

These providers created guiding principles (criteria) for age rating their content. Over time, the Code and the criteria have been modified in order to reflect regulatory changes. The current criteria were agreed on in June 2015, and were verified by CNMC. Shortly after, CNMC passed a decision adopting those criteria, making them binding for all audiovisual media service providers.

These criteria establish several categories of impairing content: Violence, Sex, Fear or anguish, Drugs and toxic substances, Discrimination, Imitable behaviour and Language. The categories of impairing content are used to assign the age classification but the categories are not displayed on the screen; only the age labelling is present. According to the Spanish Audiovisual Law, all content broadcast by an audiovisual provider must have an age rating.

The Spanish age classification system consists of the following levels: Suitable for all audiences, Not recommended for children under 7 years old; Not recommended for children under 12 years old; Not recommended for children under 16 years old; Not recommended for children under 18 years old; and X content (content that might seriously impair minors).

According to the Spanish Audiovisual Law, when broadcasting content rated as +18, linear providers must make an acoustic warning (right before the beginning of the

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programme) and a visual warning with age classification. Content rated as +12 and +16 must have a visual warning with the age classification. The visual warning has to be present throughout the programme. Other content does not have to be labelled, so providers can decide if they want to label them as well.

The Spanish Audiovisual Law establishes several watersheds for linear free to air providers<sup>11</sup>:

- General protection time slot (from 6 a.m. to 10 p.m.): during this time programmes considered inappropriate for minors under 18 years old cannot be broadcast.
  
- Special protection time slots during which programmes considered inappropriate for minors under 12 years old cannot be broadcast.  
Therefore, only content rated as “all audiences” and “+7” can be broadcast:
  - Working days: from 8 a.m. to 9 a.m. and from 5 p.m. to 8 p.m.
  - Saturdays, Sundays and festive days: from 9 a.m. to 12 a.m.

There is no watershed for the rest of linear providers and VOD providers, but the Audiovisual Law establishes that they must have parental control systems. The signal of free to air DTT broadcasters must allow the use of parental control systems through the TV sets.

The Self-Regulation Code has gone beyond this regulation, establishing a few more obligations of visual warnings, which must be followed by the providers involved in the Code.

There is a specific obligation regarding VOD and content that might seriously impair minors (X content): according to the Spanish Audiovisual Law, X content (pornography and gratuitous violence) must be in a separate catalogue and protected by default by parental control systems.

**AMC Networks International Iberia** (“AMCNII”), the Iberian  division of AMC Networks International, provides audio-visual media services in Spain, Portugal and Africa. AMCNII provides the following channels in Spain: Canal Cocina, Canal Decasa, Sol Musica, XTRM, Somos, Canal Hollywood, Canal Panda Spain, Odisea, AMC, Dark, Canal Historia, A&E, Crimen + Investigación, Machinima, Biggs, Mov and Blast.

The broadcaster thinks that the age classifications in use are easy to identify and dis-

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<sup>11</sup> Originally, the watershed was established in the Self-Regulatory Code in 2004 but afterwards it was incorporated in the Audiovisual Media Law (2010), extending this obligation not only to the signatories of the Code but to all free to air providers.

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tinguish from one another and the fact that the ones for more adult audiences remain on screen for the total duration of programmes makes the labelling safer for parents and carers. When official labelling is available (through the Cinematography and Audio-visual Arts Institute - a state regulatory body under the Ministry of Culture), AMC adopts this labelling. Otherwise, programmes are labelled in-house following the CNMC criteria.

The information about age classification is included in the metadata of every programme so that it can be accessed by parents/carers at all times via their platform EPG, and the platforms may use that information to implement the necessary parental control systems to block adult content if parents/carers so wish.

**Mediaset** is a free to air broadcaster whose main activities  are the provision of free to air television services and the sale of advertising. Mediaset broadcasts 7 channels: TELECINCO, CUATRO, FDF, DIVINITY, ENERGY, BOING and BEMAD. Mediaset also provides an on-line free service (“mitele”), which offers content in streaming via on demand (VOD and catch-up) and/or live streaming (simulcast with terrestrial broadcasting). Mediaset is part of the Self-Regulation Code.

The TV signals of the channels broadcast by Mediaset are prepared to enable viewers to voluntarily use parental control. The parental control mechanisms are those provided in television devices by manufacturers. By means of the EPG, information about the age classification of each scheduled TV programme is provided. Such information is then used by the television devices designed by manufacturers.

**RTVE** is Spanish public service broadcaster group composed of television and radio channels (national and international broadcasting), a  symphonic orchestra and chorus, a website, and a training television institute. RTVE is part of the Self-Regulation Code.

In the digital solutions (apps, web, HbbTV), they offer parents an option to filter the content (for example by choosing only content suitable for all audiences). This option has a logical protection system ensuring that the youngest cannot override it (usually arithmetical operations). All the content for children is selected by a professional team specialized in children’s content. They do not only look for successful titles but mainly for the best titles for the children’s development.

They also have a “Viewer Advocate” that is the voice of the audience in the corporation. This office receives complaints, and directs them to the content producers.

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**Telefónica Group** operates a pay TV business in Spain under the brand “Movistar+” using different technologies (IPTV technology, satellite technology/DTH and internet). Movistar+ is an audiovisual services platform providing linear and non-linear audiovisual services aiming at the general public. These services include:



- Linear channels and on-demand audiovisual content, in relation to which Telefonica group holds the editorial responsibility.
- Channels edited and produced by third party providers (including pay TV and free-to-air channels), in relation to which Telefonica does not have editorial responsibility.

On channels over which Movistar+ has editorial responsibility, they include a permanent signal on the audiovisual content throughout its duration which indicates the age rating of such content. This measure is being progressively implemented also for their VOD content (expected to be implemented for all VOD content by mid-2017).

In addition, pursuant to a resolution of the CNMC which determined that advertisement of audiovisual contents should also be labelled with the age rating of the advertisement itself (and of the content being advertised), Telefónica also includes the age rating in its self-promotions/advertisements (related to audiovisual contents offered in Movistar+) that are broadcast on the platform.

Moreover, Telefónica also provides to its subscribers information related to the age rating of specific content in the EPG, as well as in different interfaces where additional information on the audiovisual content is provided, which depends on the type of technology, as well as the specific device used to access the service.

Telefónica considers the labelling system to be effective and as a result of its application, children and their parents can have the necessary information in order to determine if a specific programme is suitable for them or if special care is required.

However, the new system has raised some issues that should be considered. In this sense, Telefónica believes that a higher level of harmonization at a European level is needed regarding the content rating criteria (same age to define a minor). Likewise, Telefónica believes that creation of a European rating standard for labelling contents would be advisable in order to avoid legal or cultural differences between different member states.

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Additionally, pay TV platforms provide several tools that can be easily handled by families in order to effectively protect minors (e.g. channel blocking, parental control pin, and purchase pin features). Therefore, Telefónica believes that European regulators should provide different regulatory treatment for free-to-air channels and pay TV channels (or free-to-air channels distributed by means of pay TV platforms) because the latter not only target a different public but also because they are based on a re-broadcast model (therefore reinforced protection in certain hours of broadcast should not be applicable).

## Statutory regulation

In the majority of EU member states the protection of minors is enforced through **statutory regulation**. While there are, of course, certain variations, the common feature of this model is its reliance on the rules that are part of national primary legislation or some regulatory code issued by national regulatory authorities. These rules inter alia specify the criteria under which broadcasters have an obligation to assign the content to a particular age category and label it accordingly.

From the countries whose media providers have been considered for this report, a more or less clear version of statutory regulation is in place in **Croatia, France, Hungary, Slovakia, the UK and (non-EU) Norway**, with all of these countries having similar obligations for broadcasters such as compulsory labelling of the broadcast content, use of watersheds, etc.

In **Croatia**, general regulations regarding the protection of minors are specified in The Electronic Media Act. Furthermore, The Electronic Media Council adopted the Ordinance on the Protection of Minors in Electronic Media. Broadcasters use an audio/visual warning at the beginning of the programme as well as a graphic symbol denoting suitability for minors throughout the whole programme. There is also a watershed in place for programmes unsuitable for minors under the age of 15 and 18.

Croatian broadcasters like **HRT** and **Nova TV** believe that this measure is the most effective



way for protecting minors, notifying parents about suitability of content for their children and educating them for future content usage. This age-rating system is simple to apply by the organizations and easy to understand by the final user.

**France** also has state regulation with the state regulatory authority Conseil supérieur de l'audiovisuel (CSA) issuing regulations and recommendations regarding the protection of minors. Following its creation in 1989, the CSA developed a directive asking broadcasters to ensure daytime and early evening programmes would be suitable for a family audience. Noting that the level of representation of violence had increased over the years, in 1996 CSA proposed the implementation of a common system of programme classification: "la signalétique jeunesse" (younger viewer labels). In 2002, the system was modified to give viewers explicit age indications.

This rating has been used since 2005 by broadcasters in France and subsequently on online media services, and is considered to be effective by media providers. Consumers are familiar with its meaning and aware of the risks. Also, each year, for at least 3 weeks, broadcasters and online media services carry an advertising campaign by CSA in order to remind the public of the meaning of this labelling. There is also a watershed in place for programmes labelled as -12 and -16.

**Group Canal** is fully-owned by Vivendi Group which is an integrated media and content group and operates businesses throughout the media value chain.



In broadcasting, for adult movies (explicit scenes of sex), a parental control is mandatory to access such programmes (with a four digit code). Adult movies can be broadcast only within pay-TV offers and are therefore encrypted. The CGA (Conditions Générales d'Abonnement = general terms and conditions) include also some specific clauses to alert the subscribers about content that might be harmful for minors and specific alerts regarding protection of very young children (less than 3 years old). According to the nature and the format of the channel, it is possible to broadcast some specific contents at certain times: for example, a softer regime is in place for encrypted cinema channels (like Canal+) whereas a stricter regime is in place for free to air channels (like C8). To classify the content of any channel within the group, an internal committee exists in each channel of the group. These committees are in charge of classifying the contents to determine its suitability. When classifying movies, they respect at least the classification used by the CNC (Centre National du Cinéma et de l'Image Animée) which classifies each movie released in French theatres (with possible restriction to certain audiences based on age of the public).

As for **Hungary**, protection of children and minors is included in the Act on Media Services and Mass Media which was adopted by the Hungarian Parliament. The National Media and Infocommunications Authority also issued “Classification Guidelines” which contain recommendations concerning the fundamental aspects of judicial principles relating to the detailed guidelines governing the ratings, the signs to be used prior to and in the course of broadcasting the various programmes and the method of communicating the rating. The Classification Guidelines contain the criteria upon which a certain programme is rated.

Labelling is partly done by a state authority and partly by the media service provider itself. Feature films for theatrical release are rated by the National Film Office of the National Media and Infocommunications Authority. In case of the PSB, however, television content (both bought and original programmes) is rated by the chief editors at Media Service Support and Asset Management Fund (MTVA) and representatives of the channels together. Chief editors at MTVA propose the applicable age-rating category, which is examined, and approved/rejected by the workers of PSB.

As for commercial broadcasters in Hungary, however, the age rating is applied by internal editors according to categories legislated by the Hungarian Media Act and guidelines issued by the Media Council. It is possible to ask the National Media and Infocommunications Authority to do a preliminary classification. The Hungarian Media Act stipulates that “at the request of a media service provider, the Media Council shall adopt an official resolution - upon payment of an administrative service fee - on the rating of a programme within fifteen days from having received the programme in question.” The age-rating system is also combined with watershed periods for programmes labelled as not recommended for minors under the age of 16 and 18.

In **Slovakia**, general regulations regarding the protection of minors are laid down in the Act on Broadcasting and Retransmission. Furthermore, the Ministry of Culture adopted the “Decree Laying Down Details of a Unified Labelling System for Audiovisual Works, Audio Recordings of Artistic Performances, Multimedia Works, Programmes and Other Components of a Programme Service, and on the Means of its Application” (“JSO”). JSO specifies which content is deemed unsuitable for which categories of minors.

All broadcast programmes have to be classified according to their content and then labelled accordingly throughout their whole duration. There is also a watershed in place for programmes unsuitable for minors under the age of 15 (at 8 p.m.) and 18 (at 10 p.m.).

**Markíza** is one of the biggest broadcasters in Slovakia offering also a VOD service voyo.sk. When labelling their broadcast programmes, Markíza applies JSO. To rate the programme, they consider its content according to the criteria set down in JSO and also take into account the intensity and frequency of each criterion, their contextual occurrence in a programme, and the way and form of their rendering or depiction. After that they label the programme accordingly and schedule its broadcast according to the aforementioned watersheds.



In **the UK**, the compliance and enforcement of UK broadcast service providers is underpinned through a statutory licensing scheme, in which compliance is achieved through licence conditions. Ofcom is the statutory regulator and all its powers and duties are provided in law. Sections 3(2)(f) and 319 of the Communications Act 2003 set out Ofcom's general duties in relation to the content of television and radio services and the standards that must be applied to protect the public.

Under legislation, these standards have to be published in a code, known as the 'Ofcom Broadcasting Code' ("the Code"). This covers areas including: the protection of under-18s (including the application of a watershed); harm and offence; crime (including extremist views); religion; impartiality and accuracy in news; fairness and privacy; and commercial references in TV and radio.

It is a condition of a broadcaster's licence to comply with the Code and sanctions apply for any broadcaster found to be in breach of those rules. The Code also gives effect to a number of minimum requirements relating to television in the Audiovisual Media Services Directive.

To comply with the Code, broadcasters consider the suitability of their content to be shown before and after the 9 p.m. watershed and in the hours leading up to the watershed. Through our engagement with UK broadcasters, we understand that they classify the content on their linear schedule, but the ratings or classifications are rarely shown on screen. If a programme has particularly strong content, under the rules of the Code, there is a requirement to provide a warning or announcement before the programme to alert the audience to this, for example 'the following programme contains strong language'<sup>12</sup>. Therefore, UK broadcasters are legally required to consider the age appropriateness of their programmes and label this content accordingly, but have no specific legal obligation to produce an age rating<sup>13</sup>.

Although under no obligation to do so, broadcasters will often produce written descriptions of their programmes and the relevant classification information or guidance

<sup>12</sup> *The Ofcom Broadcasting Code, rule 1.7*

<sup>13</sup> *The only parts of the broadcasting code that take into account age ratings are those in the Films, premium subscription films and pay per view services section which applies some child protections based on the BBFC film classification; however this does not require broadcasters to show particular age ratings on screen.*

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they have identified which will be available on their own EPG or those managed by content aggregators. All content is usually classified by the broadcaster internally but film content often reflects the British Board of Film Classification (BBFC) rating given for use in cinemas. Many of the UK broadcasters use the classifications of their linear content as a basis for classifying their VOD services.

One example of this is **Sky**, a commercial (non-PSB) broadcaster<sup>14</sup> that provides a range of channels and genres including Family, News, Sports, Entertainment and Movie programming.



For its linear content Sky use time of day ratings which are not seen by the viewer but serve as a guide for internal departments to ensure that each programme is scheduled at an appropriate time. These time of day ratings are: SAT (Safe at Any Time), SDNSH (Scheduled Daytime Not School Holidays), 6pm, 7pm, 8pm, 9pm, 10pm, 11pm. As explained in section 3.2.2, Sky use the same classifications to inform the age labelling, content information and warnings on its VOD service.

Sky use warnings on linear content on screen (as required under the statutory framework) and also provide this on the Sky EPG (not required to do). The categories that are included and referenced in both rating and warning details include:

- nudity and sexual content
- violence
- horror
- strong language
- drug use
- imitable behaviour

Sky has a long standing Editorial Compliance department which oversees content classifications and protection of minors issues. The team of compliance experts view all Sky's Entertainment content, label it with the appropriate time of day ratings and warnings and flag any content that could raise regulatory or audience concerns, regardless of the platform it is shown on. Where necessary Sky make edited versions of the content to make it more appropriate for the time of day in which the programme is intended to air. Sky reviews measures and guidance on protection of minors on a six monthly basis.

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<sup>14</sup> The Sky brand also contains VOD services and retransmission operators that are dealt with later in this report.

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**ITV** is a UK public service broadcaster which in addition to its linear channels offers its content on demand through numerous platforms both directly and via its VOD service.  ITV apply a similar approach, in that they schedule programmes around the 9pm watershed for linear television and use on air warnings. ITV has a dedicated compliance team to ensure a high level of protection and has developed its own labelling criteria so that it can accurately label content in each programme. ITV use a standard list of warnings that reflect commonly used best practice across the industry. Content categories typically used include: contains strong language, scenes of a sexual nature, strobe lighting / flashing image, adult humour and violence.

ITV's editorial policies and principles are the same in all cases, whether content is transmitted on television or online. ITV also include explanatory guidance for programmes on their website or on EPGs.

ITV use their labelling system on linear and VOD because it allows them to use specific guidance bespoke to each and every programme where some form of guidance is necessary. The broadcaster believes it reflects the UK cultural standards and norms, Ofcom's code requirements and industry best practice, while providing some flexibility to use their own common sense so they can provide appropriate and realistic guidance of value for their audiences.

**Channel 4** is also a UK public service television broadcaster offering TV, catch up, archive and online exclusive content. Its services are aimed primarily at adults but are also used by children, fulfilling its remit of innovative, experimental and creative content which appeals to the tastes and interests of a culturally diverse society. 

It has a specialised legal and compliance team whose role is to ensure compliance of all content shown across all of its platforms in accordance with its relevant legal and regulatory obligations. In respect of its linear service, all content is compiled in accordance with its regulatory obligations under the Ofcom Broadcasting Code. They categorise individual programmes based on classifications or "descriptors" such as language, sex, violence, drug use, nudity and flashing images. Once classified this information will be used on air before a programme is broadcast (as required under the statutory framework) and, as explained in section 3.2.2 (page 28), this information and further detail is also shown on the Channel 4 'All 4' VOD service and any EPG featuring Channel 4 content. Once the content has information attached to it, the Channel 4 team will also categorise the content on its suitability as either suitable for 16 year olds (scheduled at 9pm on linear) or 18 year olds (scheduled after 10pm on linear).

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<sup>14</sup> The Sky brand also contains VOD services and retransmission operators that are dealt with later in this report.

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In **Norway**, the duty to label programmes with an age limit is set by law and thus decided by the Norwegian Parliament.

In this regard, Norwegian Media Authority (Medietilsynet) has adopted guidelines for age classification of audiovisual programmes. All stakeholders are obligated by law to classify their content based on the criteria set out in these guidelines. Classifications are based on an assessment of whether the content of the audiovisual programme may be harmful to persons under the given age limit. Audiovisual programmes with seriously harmful content shall have an age limit of 18 years. While preparing the guidelines, the Media Authority had meetings with representatives from stakeholders. After that, a consultation process began where all relevant stakeholders were invited to give input on the usefulness of the guidelines. The new law, including the duty to classify programmes according to the guidelines and the duty to label programmes on screen with the set age limit, came into force on 1st July 2015.

**NRK** (Norwegian Broadcasting Corporation) is Norway's largest media house. NRK is a public service broadcaster financed by the licence fee. To protect minors from harmful content, they have one channel aimed at children between 2 and 12 years old, the programmes of which are also labelled accordingly. On regular channels, besides labelling programmes and adhering to watersheds, they also make editorial assessments for content suitability depending on the tendencies of the audience (e.g. on Saturday, children tend to watch television to later hours than on weekdays).



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## Observed trends:

- *Established, and especially the largest, broadcasters tend to rely on their own capacities, rather than external standards frameworks, when it comes to choosing the measures for protection of minors. They feel confident that they can best assess the needs of their audience including the protection of children.*
- *There is an observable tendency to aspire to higher standards of protection of minors mainly by following international initiatives, especially among the broadcasters which are part of larger media groups operating in several member states.*
- *Many broadcasters are motivated to take action to protect minors as much (if not more so) by a desire to meet customers' expectations, as they are by the need to comply with binding legislation.*
- *Although provision of information about the nature of the content on the broadcasters' websites or EPGs seems to be taking hold, content descriptors in the form of labels that would accompany the broadcast on screen are seldom used.*
- *Without obligatory labelling systems, broadcasters tend to carry theatrical films production age ratings, if available, on a voluntary basis (DK, IT).*

Name	State	Labelling	Self-regulation	Co-regulation	State regulation	Technical measures	Other measures	Watershed
HBO	CZ	✓			✓		✓	✓
DR	DK				✓	✓	✓	✓
TV2	DK				✓		✓	✓
AMCNII	ES	✓			✓			
ATRESMEDIA	ES	✓		✓			✓	✓
AXN (Sony)	ES	✓			✓			
Disney	ES	✓			✓			
Mediaset	ES	✓		✓			✓	✓
NET TV	ES	✓		✓			✓	✓
RTVE	ES	✓		✓		✓	✓	✓
Telefónica	ES	✓			✓	✓		
Viacom	ES	✓			✓			
Brilliance Com.	FIN	✓			✓		✓	✓
Discovery Networks	FIN	✓			✓		✓	✓
Fox Int.	FIN	✓			✓		✓	✓
MTV Sisällöt	FIN	✓			✓		✓	✓
Sanoma Media/ Nelonen Media	FIN	✓			✓		✓	✓
YLE	FIN	✓			✓		✓	✓
Group Canal	FR	✓			✓	✓	✓	✓
TF1	FR	✓			✓		✓	✓
M6	FR	✓			✓		✓	✓
HRT	HR	✓			✓		✓	✓
NOVA TV	HR	✓			✓		✓	✓
OTV	HR	✓			✓		✓	✓
RTL Hrvatska	HR	✓			✓		✓	✓
DUNA	HU	✓			✓		✓	✓
Origo	HU	✓			✓		✓	✓
Hungarian RTL	HU	✓			✓		✓	✓
Mediaset	IT	✓		✓		✓	✓	✓
Rai	IT	✓		✓		✓	✓	✓
Sky Italia	IT	✓		✓		✓	✓	✓
NPO	NL	✓		✓			✓	✓
SBS	NL	✓		✓			✓	✓
RTL Nederland	NL	✓		✓			✓	✓
TVNorge	NO	✓			✓		✓	✓
NRK	NO	✓			✓		✓	✓
TV 2	NO	✓			✓		✓	✓
VGTV	NO	✓			✓		✓	✓
Markíza	SK	✓			✓		✓	✓
Channel 4	UK	✓			✓		✓	✓
ITV	UK	✓			✓		✓	✓
Sky	UK	✓			✓	✓	✓	✓
BBC	UK	✓			✓		✓	✓

Child protection measures used by broadcasters that responded to the questionnaire

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## 3.2. VOD

Video-on-demand is the general term for services that allow users to download or stream programmes. They are characterised, as the AVMSD legal definition recognises<sup>15</sup>, by the existence of a catalogue editorially assembled by the service provider and the non-linear nature of programme viewing – the moment of the viewing is chosen by a user, rather than being pre-determined as in broadcasting.

There are several different types of VOD services. Every broadcaster examined for this report provides a **catch-up service** that allows users to view programmes that have already been aired on a broadcast channel for a certain period after the original broadcast. Many of the broadcasters, however, now also provide services that offer a wide range of programmes on demand that may not necessarily have been aired on their channels.

In terms of the contractual arrangement with the users the VOD services may be designed as free services (usually catch-up TV), subscription services (**SVOD**) or transactional/pay-per-view services (**TVOD**).

For protection of minors, VOD services provided by broadcasters tend to follow their broadcasting practice, while standalone VOD services have of course to devise their own measures. Because of this basic difference, VOD services connected to broadcasting and standalone VOD services are treated separately in this section of the report.

The measures for protection of minors in non-linear environment are for the purpose of this report divided into four distinct types:

- Watershed
- Labelling
- Parental control
- Dedicated children apps/players

These will be examined separately to allow for comparison of their actual application by individual providers. It has to be noted that when we talk about VOD services provided by broadcasters, we focus only on providers that have some unique tools for protection of minors.

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<sup>15</sup> Article 12 of the AVMSD

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As the regulatory environment does not have as strong an influence on the actual measures VOD providers employ for their services as is the case in broadcasting, in this section the regulatory aspects will not be mentioned unless required for explanatory reasons. The characterization of the regulatory environments from the section on broadcasting, however, generally applies also to this one.

### 3.2.1. Watershed

The watershed is not widely used in a non-linear environment. Even when applied for VOD services, the watershed appears to be always imposed on VOD providers by state regulation, as we have not encountered an instance of the industry's own initiative in this regard. This is certainly the case in three of the jurisdictions that have been featured in this report.

In the **Netherlands** the watershed in a non-linear environment applies only to the national public service broadcasters, as a result of their status. This means that content in their catch-up service that can be considered to be (potentially) harmful for viewers under the age of 16 may only be made available between 22.00 p.m. and 6.00 a.m.

The truly mandatory watershed on VOD among EU countries is imposed only in **France** (content unsuitable for children under 16 years should not be made freely available to the public on VOD, except between 10:30 p.m. and 5:00 a.m.) and Germany (while VOD service providers in **Germany** are also allowed to label their services with the age-de.xml standard to avoid time watersheds)<sup>16</sup>.

### 3.2.2. Age-ratings

Some type of age rating is currently a standard feature in VOD services provided in the EU. It is true both for the services connected in one way or another to broadcasting – whether it is catch up TV, broadcaster's archive or a genuine on demand service provided by the same or affiliated company – and standalone (Netflix-like) VOD services.

In those two broad categories of VOD services – those provided by broadcasters and standalone enterprises – there are, however, some features that tend to be found in the former and not in the latter and vice versa.

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<sup>16</sup> *Analysis of the implementation of the provisions contained in the AVMSD concerning the protection of minors, European Audiovisual Observatory, Strasbourg 2015, p. 15.*

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## VOD services provided by broadcasters

Every broadcaster approached for this report provides an on-demand service to its viewers. In these services, the age ratings and information guidance, naturally, tend to be based on those protection measures used in broadcasting. Furthermore, the broadcasters that provide information about the nature of programming content to the viewers in broadcasting, either by written guidance in EPGs or through visual content descriptors, also use these approaches for their VOD services.

This is the case in the **UK**<sup>17</sup>, where all of the broadcaster examples set out below voluntarily use written guidance, and the **Netherlands** and **Finland**, where broadcasters use content descriptors which are part of the regulatory system.

In the Netherlands, however, these are used entirely voluntarily, as Dutch law in general does not require VOD providers to apply the measures for protection of minors as it does for broadcasters<sup>18</sup>.

In **Norway**, rules on protection of minors are unified in one act regardless of distribution platform. Therefore, all obligations regarding the protection of minors, i.e. classification of content, labelling of programmes, etc. as well as classification guidelines that apply to broadcasting also apply to VOD services.

The exception can be found in **Italy** where VOD services provided by broadcasters carry more content categories than on linear channels.

In **Denmark**, some VOD services provided by broadcasters have special sections called “children universe” which contain only videos suitable for children.

In the UK, despite the lack of required age rating or classification system for VOD content, many of the broadcasters Ofcom engaged with apply the same classifications to their VOD content as they do to their linear content.

The **BBC** is a UK public service broadcaster that provides audio, audio-visual and text content for adults, children and general audiences across a full range of genres.



On the BBC VOD service ‘BBC iPlayer’, the BBC primarily uses ‘G for Guidance’ label-

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<sup>17</sup> In the UK, Ofcom regulates on demand programme services (ODPS) when established in the UK under rules set out in Part 4A of the Communications Act. Under the legislation, there is no requirement to provide any particular classifications on VOD in the UK that goes beyond the minimum requirements under the AVMS Directive to protect children.

<sup>18</sup> In the Netherlands, non-linear service providers can make available rated content without the obligation to be a member of NICAM (the Netherlands Institute for the Classification of Audiovisual Media). However, the main VOD providers, which are members of the national platform VODNET, have become members of NICAM on a voluntary basis. Additionally, non-linear services provided by the public service broadcaster (NPO) have to apply both the Kijkwijzer (Dutch rating system) and the watershed.

ling across all of its content. This is designed as the online equivalent to, and aims to achieve the same goal as the watershed, enabling web users to make informed decisions about what content is appropriate for themselves and for their children.

The 'G for Guidance' labelling was devised by the BBC in partnership with the other UK broadcasters; they do not use further age categories. The BBC comment that due to this cross broadcaster approach and equivalence to the watershed the 'G for Guidance' provides benchmarks that are well-established, understandable and transferable for the whole of the national audience. The 'G for Guidance' sign is often accompanied by tailored programme descriptions and warnings - these cover the full range of categories including violence, drug abuse, language and sexual content and are the equivalent to the information that may be provided by voiceover before a broadcast. The BBC does not provide specific age classifications beyond this information.



BBC "G for Guidance" example

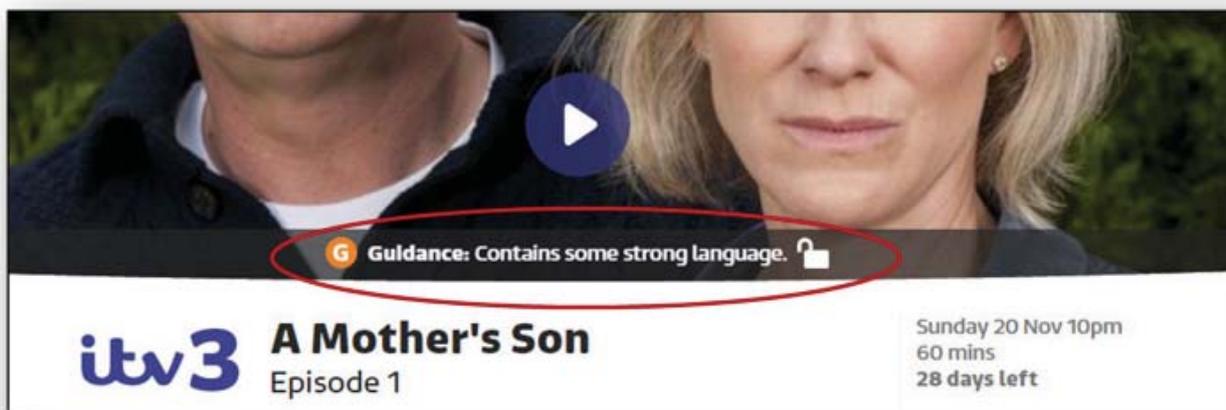
As noted in section 3.1.2, **ITV** is also a UK public service broadcaster which in addition to its linear channels offers its content on demand through numerous platforms both directly and via its VOD service.



Similarly, on its VOD service 'ITV Hub', ITV uses the G-rating system, which identifies content that *'may contain some language, violence, sexual scenes, nudity, adult humour or other material that you may not wish your kids to watch. It may also include*

<sup>19</sup> <http://www.itv.com/help/tv/tv-how-to#what-does-a-g-rating-mean>

flashing images or lights that can be a concern for people with photosensitive epilepsy'<sup>19</sup>. ITV note that their editorial policies and principles are the same in all cases, whether content is transmitted on television or online. ITV also include explanatory guidance for programmes on their website or on EPGs.



Written guidance used by ITV

As referred to in the broadcast/linear section at 3.1.2, **Channel 4** is a public service television broadcaster offering TV, catch up, archive and online exclusive content.



Channel 4 uses the 'G for Guidance' label to identify content that the viewer may require further information on. This is part of a wider system the broadcaster uses for protection of minors which is founded on three pillars:

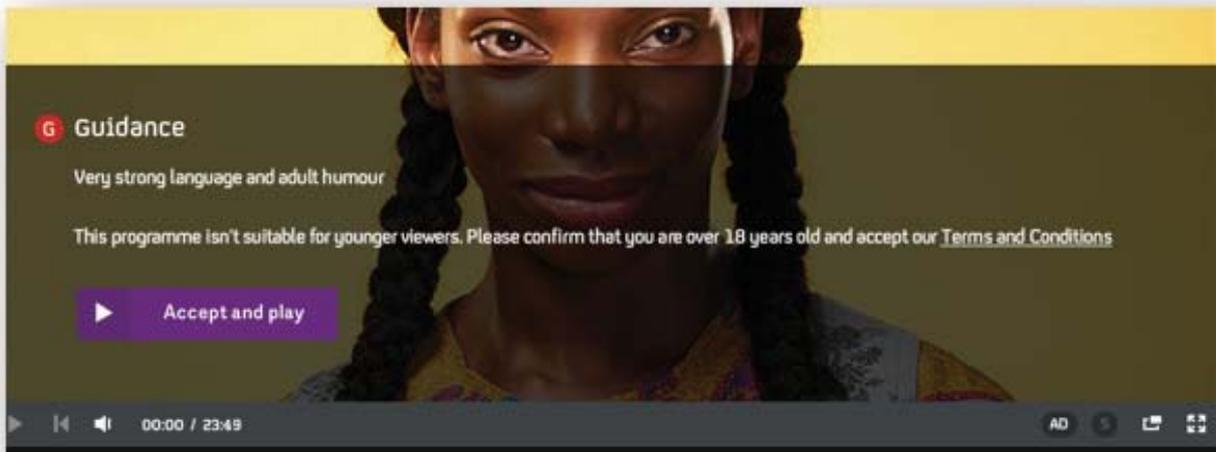
- programme information
- programme guidance and warnings
- appropriate age ratings and parental controls

A specialised compliance team at Channel 4 categorises individual content based on categories such as language, sex, violence, drug use, nudity and flashing images that are similar to those used for linear content. They also give information on the severity of each of these categories: for example, mild language/discriminatory language and detail on the types of scenes such as graphic scenes depicting surgery. This information is shown on the Channel 4 'All 4' VOD service and any EPG featuring Channel 4 content.

Once the content has information attached to it, the Channel 4 team will also categorise the content as either suitable for all ages, 16 year olds (scheduled after 9pm on linear) or 18 year olds (scheduled after 10pm on linear). These age distinctions cannot

be seen by the person accessing the VOD service but if parental controls have been set up the content will be filtered out depending on the settings chosen.

The availability of an effective parental control system is central to Channel 4’s approach to providing On Demand content. In addition to the child protection measures referred to above the All 4 VOD service also has compulsory registration currently requiring a minimum age of 16. Any user registered as under the age of 18 will be unable to access any 18-rated content.



Written guidance used by Channel 4

**Sky** is a commercial (non-PSB) broadcaster<sup>20</sup> that provides a range of channels and genres including Family, News, Sports, Entertainment and Movie programming. Sky is also featured in the earlier section on Broadcast at 3.1.2, which explains how they use time of day ratings based on broadcast scheduling of content classified by their Editorial compliance department.



Sky uses the same classifications to inform the age labelling, content information and warnings on its VOD service. Sky’s on demand film services also carry age labels modelled on the BBFC film ratings as well as warnings where necessary. Sky use BBFC-style ratings because viewers understand this type of labelling and are used to seeing it used on film in cinemas and on DVDs and Blu-Ray etc.

Sky UK age ratings for scheduling the same content across on demand and linear broadcasts						
Sky age ratings	U	PG	12A	12	15	18
Time codes	SAT	SDNSH	7PM	8PM	9PM	10PM

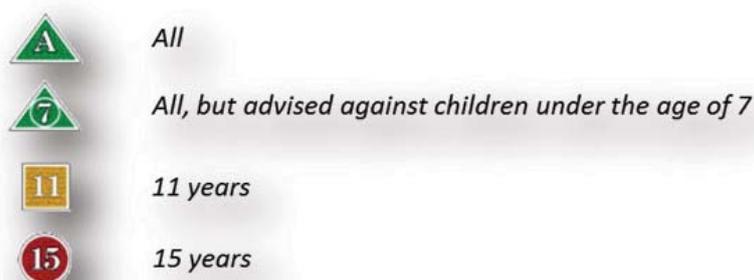
*Correlation between Sky’s age ratings on its VOD service (users can set parental controls based on these ratings) and watersheds for its linear broadcasts (used for appropriate scheduling)*

<sup>20</sup> The Sky brand also contains VOD services, and audiovisual distributors that will be dealt with later in this report.

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## Standalone VOD services

In Denmark, standalone VOD providers like TDC use, on a voluntary basis, the age classification of the Danish Media Council for Children and Youth - an agency the primary task of which is to classify films for children under the age of 15 according to the provisions of the Danish Film Act.



*Age-ratings used by Danish Media Council for Children and Youth*

**Netflix** is the world's leading Internet television network with over 86 million members in over 190 countries watching more than 125 million hours of TV shows and movies per day, including original series, documentaries and feature films. Members can watch content without limits, anytime, anywhere, on nearly any Internet-connected screen. Subscribers can play, pause and resume watching, all without commercials or commitments. **NETFLIX**

In the EU, Netflix is based in the Netherlands, where it uses the age labelling as provided by NICAM / Kijkwijzer. The Kijkwijzer's age symbols are always displayed; for content descriptors, however, this depends on the device used for reception.

On the website version of Netflix, the content descriptors are displayed in the information section belonging to an individual work, be it a movie, documentary or episode of a series. In the app for mobile devices such as iPhone currently only the age symbol is displayed, but in future also the content descriptors are said to be included.

Netflix is working on further roll-out and intends to make the display and visibility of age and content classification symbols as uniform as possible for all the different devices that can be used to watch Netflix content.

Outside the Netherlands, however, Netflix uses different age-ratings in different countries. In the EU (+ Norway) Netflix recognizes specific age-ratings for these countries:

- United Kingdom
- Ireland
- Sweden
- Denmark
- Finland
- the Netherlands
- France
- Germany
- Austria
- Belgium
- Luxembourg
- Spain
- Portugal
- Italy
- Norway

The ratings usually correspond to the standards used in the individual countries under their current legal or most commonly used framework, although we identified one instance – Italy – where the source of the age-rating in Netflix is uncertain and two instances – Finland and Norway – where the ratings are not entirely up-to-date with the current regulatory framework.

Netflix also recognizes a category of “Rest of the world” countries, for which it uses the same general age-rating. All EU countries not mentioned above fall within this category.



United States Canada Latin America United Kingdom Ireland Sweden Denmark Norway Finland Netherlands France Germany  
Austria Switzerland Belgium Luxembourg Australia New Zealand Japan Spain Portugal Italy Iceland Singapore Taiwan  
South Korea Rest of World

If your country is not specifically listed, it will use the ratings below.

**Movies and TV:**

Little Kids	Older Kids	Teens	Adults
All	7+	13+	16+

*Netflix's "Rest of the World" age-ratings*

The share of the so called Netflix Originals, works commissioned by Netflix or produced by companies affiliated with Netflix, in its catalogue is growing. Typically for this category there are no existing rating/labelling databases available. Netflix's policy here is to base the classification on the Kijkwijzer criteria. In that respect Netflix staff involved in the internal classification process is guided by NICAM experts via in-house training.

Similarly to Netflix, Amazon tries to use local labels for age categories for its **Amazon Prime Video** service. In some countries this means full alignment with the local age ratings. In the "help" section of the service the provider explicitly, although not exclusively<sup>21</sup>, lists age-ratings systems of the following EU countries and their institutions:



- United Kingdom - British Board of Film Classification (BBFC)
- Germany - Freiwillige Selbstkontrolle der Filmwirtschaft (FSK)
- France - Centre national du cinéma et de l'image animée (CNC) and Conseil supérieur de l'audiovisuel (CSA)
- Italy - Ministero dei Beni e delle Attività Culturali e del Turismo (MBACT) and Autorità per le Garanzie nelle Comunicazioni (AGCOM)
- Spain - Instituto de la Cinematografía y de las Artes Audiovisuales (ICAA) and Comisión Nacional de los Mercados y la Competencia (CNMC)

In the majority of countries "Amazon Maturity Ratings" are used that consist of five categories:

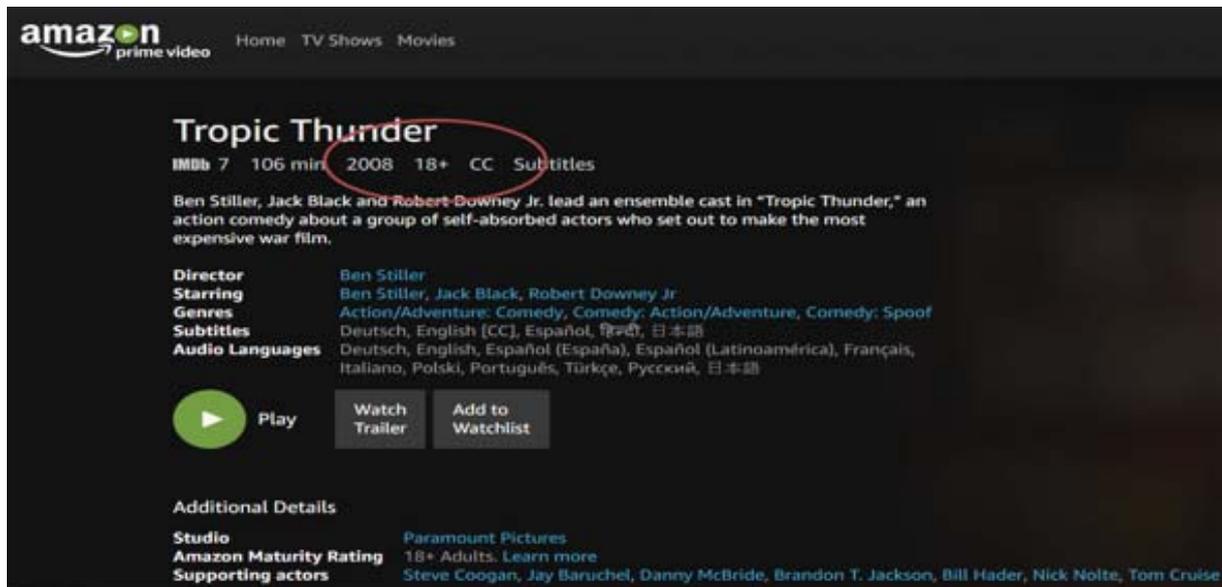
- Kids (All)
- Older Kids (7+)
- Teens (13+)
- Young Adults (16+)
- Adults (18+)

Amazon Maturity Ratings	Kids (All)	Older Kids (7+)	Teens (13+)	Young Adults (16+)	Adults (18+)
BBFC (TV & Movies)	Universal (U)	Parental Guidance (PG)	Ages 12 and over (12)	Ages 16 and over (16)	Ages 18 and over (18)
					NR
					Unrated
					R

*Relation of Amazon Maturity Ratings to BBFC (UK) ratings as observed on the Amazon Prime website – although apparently BBFC ratings are not correct*

<sup>21</sup> The ratings are introduced as follows: "Amazon Maturity Ratings are closely based on established ratings classification systems from across the globe, including:..."

A different approach is taken on the video section of the **Amazon website**, which is not part of the Prime Video service as such. When accessed from Slovakia, for example, the labels shown to the user are taken from the Slovak system for protection of minors (JSO), although the underlying age rating seems to be that of the BBFC (UK).



The same item on prime video and on the Amazon website viewed through a Slovak IP address

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**HBO GO** is also localizing age ratings; although from their service itself it is not entirely clear what rating is being used or what is its source. In Slovakia, for example, HBO seems to be using age categories from the Slovak JSO system, although not all of them. JSO consists of five basic categories (Children, 7+, 12+, 15+ and 18+) and only the latter three are used on the service.



Within **iTunes** the rating of the audiovisual content is localized too, at least in the majority of jurisdiction which have been examined for the purpose of this report (see table below).



On **Google Play** the content rating is localized for some countries (see table below), with explicit reference to these rating systems (EU) on the help page of the service:



- BBFC ratings (United Kingdom)
- CNC ratings (France)
- ICAA ratings (Spain)
- FSK ratings (Germany)
- MiBAC ratings (Italy)

For other countries mainly the MPAA ratings (US) are used.

**Vodafone Ono** is a Spanish audiovisual service platform that provides linear and non-linear audiovisual services. Vodafone does not have editorial responsibility over the linear channels distributed via its TV platform (except for a self-promotion linear channel of Vodafone TV services) but it does have editorial responsibility over the audiovisual catalogue accessible through its platform.



Vodafone Ono carries out labelling in the case of its VOD, where the audiovisual works are distributed with an age classification. They also label the self-promotional channel which consists of, inter alia, the “making of” of audio-visual works as well as commercial communications (which are normally classified as “Universal”). This content is normally broadcast in time schedules similar to free-to-air TV. Vodafone Ono labelling activity, when applicable, is carried out by a qualified team within the organisation.

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Spanish VOD provider **Wuaki.TV** offers an on-demand video service that allow customers to access a wide range of movies, series, documentaries and other television programmes through the Wuaki.TV website. The services provided by Wuaki are offered in 12 countries in Europe (Spain, UK, the Netherlands, France, Germany, Italy, Belgium, Luxembourg, Portugal, Ireland, Switzerland and Austria) and are aimed at a general audience including adults and children.



Wuaki labels the programmes by means of visual warnings with age classification, shown in the interface before accessing the content. They use the corresponding age classification of the member states where they provide services.

**Chili** is an Italian VOD provider. When labelling programmes, Chili adopts coloured signals based on age classification which inform about harmfulness and/or unsuitable content. It is similar to the traffic light system which Italian broadcasters use when labelling programmes. According to Chili, this method is effective because it is immediate, understandable and it can be easily interpreted by customers. Chili uses age classification for programmes classified as parental guidance, suitable under 12 years old, under 14 years old, under 18 years old and adults. This classification can be applied to all devices activated.



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### 3.2.3. Parental controls

#### VOD services provided by broadcasters

Most of the broadcasters that provide also a VOD service use some kind of parental controls. Usually this is done by use of a PIN code that the user has to enter in order to view content that is restricted for minors. The use of the PIN code is either voluntary or compulsory for the user.

In **Denmark**, audiovisual provider **TV 2** created a so-called “Child lock” for their VOD service. If the “child lock” has been activated on the site (by the parents), the child has to solve an additional problem in order to leave the designated children’s universe.



**French** VOD providers have to provide a “zone of confidence” that allows families and young audiences to have access only to programmes without age classifications. If the parental control is activated by the user, the programmes with an age classification will not be available. In this regard, besides the regular adult PIN code, **Orange** created also a Confidential PIN that is required to access the functions locked by parental controls, if this has been activated, to watch videos in the sections „charme“ (“glamour”), to access video games according to parental control settings, to access certain sections of the account and also to change the confidential PIN.



Audiovisual provider **RTL Nederland** and specifically its VOD service **Videoland** provide the user with an option to use a PIN code in order to obtain access in general to the catalogue. In the settings, the user can also choose whether erotic content should be made available. By default the option to see the erotic movies section is switched off, so the user needs to opt in by changing the settings.



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## Standalone VOD services

On **Netflix**, a subscriber can control access to certain maturity levels of content from the “Your Account” page under “Manage Profiles”. Parental control settings can be changed from a computer or mobile browser, and will then apply to all devices currently attached to the same Netflix account. For the main profile, the subscriber is only able to change these settings to “Teens and below” or “All Maturity levels” to allow access to the “Your Account” page. If you want to make a profile child-friendly by default, you need to click the checkbox “Kid?” in the “Manage Profiles” section of your account and opt for Kids only. **NETFLIX**

The profiles, however, are currently not password protected.

Currently Netflix parental controls consist of four maturity levels:

- Little Kids - Watch movies and TV shows suitable for all ages.
- Older Kids - Watch movies and TV shows suitable for older kids.
- Teens - Watch movies and TV shows suitable for teens.
- Adults - Watch all movies and TV shows, including mature content<sup>22</sup>.

In addition to the option of installing a Kids-only profile the system currently also offers the opportunity to set a PIN code within the profiles, even when it is not a special Kids profile.

A subscriber can change settings under Account. There is a parental controls option which can be accessed by entering an account password. In this environment you can set a PIN code which is needed to watch content within a specific age range.

The PIN protection is usually off by default, making all content freely available. However, as a subscriber you can opt for different age categories which are only accessible with a PIN and which correspond with the Kijkwijzer categories as mentioned before. The only countries in which the PIN protection is enabled by default are Germany and Singapore.

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<sup>22</sup> The information has been taken from Netflix's own help page but the functionalities were tested by authors of this report.

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A very similar approach is taken by Amazon on Prime Video service. The PIN protection can be attached to one of the “Amazon Maturity Ratings” categories:



- All
- 7+
- 13+
- 16+
- 18+

If the protection is set for “All” category, it means that access to the content rated higher requires a PIN. Setting the 18+ category means that all content is accessible without a PIN.

The viewer can also choose which devices connected to the service will apply PIN protection.

**HBO GO** uses a similar system too. There are five categories in total (Slovakia):



- 0
- 9
- 12
- 15
- 18

The only difference from other services is that the content is protected by a password (number and/or letters) rather than a PIN per se.

On **iTunes** the user can mark a category of content above which the password is needed to play, share or buy such content. For audiovisual content this can be set for movies and TV programmes separately, and the user can also choose the rating system, divided by countries, he/she prefers.



On **Google Play** the user can choose the highest maturity level of content he/she wants to allow for download or purchase; otherwise a PIN has to be used. However, the PIN system is available only for portable devices, and for audiovisual content it is not provided in all jurisdictions.



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A similar system is in place also in **Wuaki.TV**. Parents can choose the protection level in the service, i.e. users can decide that content not recommended for a certain level of age is not shown in the service. This information is protected with the password (so it cannot be changed without the password).



**Vodafone Ono** also uses parental controls in its VOD to protect minors from viewing harmful content. Content classification is automatically transferred to a database that is connected to the user's device(s). A 4-digit PIN number is set up and the user can block content from every labelled age classification. In addition, Vodafone Ono has a reinforced system for X content (adult content) consisting of hiding searches and recommendations, so minors cannot access it through the PC or mobile device.



There are also special catalogues aimed at certain age groups. One catalogue called "cine infantil" (children's movies) is aimed only at children. There is also a catalogue aimed at adults that is separated from the other catalogues and protected by PIN, remote control, etc.

**Chili** also uses parental control. They do not allow children under 18 to see harmful and unsuitable content because titles prohibited to minors have parental control activated. Also, customers that are not 18 years old cannot register to the service, as the date of birth is mandatory information required for the registration. This is the first form of protection. Chili chose this measure because it prevents minors from immediately registering to the service.



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### 3.2.4. Dedicated children apps/players

#### VOD services provided by broadcasters

VOD services provided by broadcasters rarely have apps or players dedicated only to children. From the audiovisual providers focussed on in this report, only few broadcasters providing also VOD service have dedicated children players or children apps.

Denmark's **DR** has two separate players, Ramasjang for 3-6 year olds and Ultra for 7-12 year olds. For Ramasjang, there is a parental lock in place which prevents children from accessing harmful content. **TV 2** which is also located in Denmark has one separate player for children up to 12 years of age.



**RTL Nederland's** VOD service **Videoland** provides users with an opportunity to create a special Kids profile for minor users. The user of such profile will only have access to a special zone which contains solely content rated for the age category of 6 years or younger. The user of this profile cannot switch to a PIN code protected profile, unless he knows the PIN code. This system works in the same way in the apps for mobile and tablet and on the website version. For the app on the smart phone the age category is rather broader: 0-12 years. But the goal is to introduce also the 0-6 years old category here too. In future Videoland even wants to offer more differentiated age categories applicable on any digital platform used for distribution and digital device used for reception.



The other broadcaster providing a VOD service that, apart from the regular player, has a special children's player is **NRK** from Norway. The Children's player is a safe place for children between 2 and 12. As mentioned above in the broadcasting section of this report, NRK also has a linear channel aimed at the same age group.



**Sky** in the UK built a Kids app, which was developed with specific controls for parents such as a bedtime setting which puts time limits on how long a child can watch content on the service. The app was designed with children and parents to make it user-friendly for young children, but also allowed parents careful control over how their children use the service. The content available on the Sky Kids app is only content from Sky's on demand catalogue that is suitable for children. Parents can choose age ranges to provide a different experience for different ages of children using the app. There is no way for users to inadvertently access content that is not suitable for children while using the app.



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## Standalone VOD services

**Filmin** is a Spanish VOD provider which provides two different apps: a general app called Filmin and a special app aimed at children called FILMINKIDS. The app is available in the Apple Store along with their app FILMIN. The objective is to allow parents to create a profile for their kids to set some rules in order to allow their children to use the app alone. The elements to set are: age, time per day; total time during the week.

**Filmin** has also created a special category system to classify content aimed at children inside its FILMINKIDS environment which includes categories such as Christmas, friends, adventures, space, tales, animation, etc. This category system was created in collaboration with Yeeep! – Spanish audiovisual content guide for children from 2 to 13 years. The reason for creating these categories comes from the necessity of offering educational criteria and for helping parents and children to discover other kinds of films.



	BE <sup>I</sup>	DE	DK <sup>II</sup>	ES	FIN	HU	IT	NL	NO	PL	PT	SE	SK	SL	UK
<b>NETFLIX</b>															
Special children profile	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Special children app															✓
Information about suitability	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
- general	✓		✓		✓	✓		✓ <sup>III</sup>		✓	✓	✓	✓	✓	✓
- country of rec.		✓	✓	✓			✓	✓	✓		✓				✓
Parental Control PIN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>HBO GO</b>															
Special children profile	N/A	N/A <sup>IV</sup>					N/A	V			N/A				N/A
Special children app															
Information about suitability			✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	
- general				✓	✓					✓		✓	✓	✓	
- country of rec.			✓			✓		✓ <sup>VI</sup>	✓						
Parental Control PIN				✓		✓				✓				✓	✓
<b>AMAZON PRIME VIDEO</b>															
Special children profile			N/A									no data			
Special children app								✓							✓
Information about suitability	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
- general	✓				✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
- country of rec.		✓		✓											
Parental Control PIN	✓	✓		✓		✓	✓	✓	✓	✓	✓		✓	✓	✓
<b>GOOGLE PLAY</b>															
Special children profile		✓		✓		✓		✓			✓	✓	✓	✓	
Special children app															
Information about suitability	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
- general <sup>VII</sup>	✓			✓	✓	✓		✓		✓	✓	✓	✓	✓	✓
- country of rec.		✓	✓				✓		✓ <sup>VIII</sup>			✓ <sup>IX</sup>			✓
Parental Control PIN		✓	✓		✓	✓		✓	✓	✓	✓	✓		✓	✓
<b>APPLE ITUNES</b>															
Special children profile	no data	✓			✓	✓		✓	✓		✓	✓	✓	✓	✓
Special children app															
Information about suitability		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
- general		✓ <sup>X</sup>			✓				✓ <sup>XI</sup>	✓		✓	✓		✓
- country of rec.		✓	✓	✓		✓	✓	✓ <sup>XII</sup>	✓		✓			✓	✓
Parental Control PIN		✓	✓					✓	✓				✓	✓	✓

<sup>I</sup> Information is about French speaking part of Belgium

<sup>II</sup> Regarding information about suitability in the country of reception, VOD services are apparently showing rating given by the Danish Council for Children and Youth

<sup>III</sup> Kijkwijzer age classification is used, the additional symbols are not

<sup>IV</sup> Cannot be received in Germany without bypassing the geo-blocking filter

<sup>V</sup> Only available for those who have Ziggo or Canal Digital

<sup>VI</sup> Kijkwijzer age classification is used, the additional symbols are not

<sup>VII</sup> It has been noted by some countries that MPAA rating is used

<sup>VIII</sup> Age limits are only on some of the provided content. Most of the content does not have any age limit listed

<sup>IX</sup> Age categorization on Swedish movies

<sup>X</sup> Age-rating for apps is decided by app developers and Germany's rating is adopted for video content

<sup>XI</sup> A combination of general ratings and Norwegian ratings

<sup>XII</sup> Kijkwijzer age classification is used, the additional symbols are not

Comparison of child protection measures in several Europe-wide Standalone VOD services based on viewer experience in various jurisdictions.

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## Observed trends:

- *Age-ratings, labels and informational guidance on VOD services that are connected to linear services (catch-up TV, archives or on-demand) are largely based on the protection measures used in broadcasting.*
- *VOD services connected to linear services (catch-up TV, archives or on-demand) tend to provide more information guidance to the viewers regarding protection of minors than specialized VOD only services (e.g. Netflix, HBO GO).*
- *Parental controls are often modelled on common market standards (e.g. CEO Coalition, ICT Coalition or COBA in UK).*
- *Almost all of the VOD platforms examined for this report have a PIN system in place. Whether required by legislation or not, a PIN system seems to be a standard feature.*
- *Standalone VOD services (e.g. Netflix, Amazon Prime Video or HBO GO) tend to localize age rating labels in their services.*
- *Standalone VOD services would like to see common age-rating categories across the EU.*
- *There is an increasing use of specialised profiles and (to a lesser degree) even apps for children that allow for only children's content to be watched on a particular VOD platform.*

Name	State	Labelling	Technical measures	Compulsory (for user)	Voluntary (for user)	Self-regulation	Co-regulation	State regulation	Other measures	Future measures
Maxdome	DE	✓	✓	✓			✓			
Sky Germany	DE	✓	✓	✓			✓		✓	
DR	DK		✓		✓			✓	✓	
TV2	DK		✓		✓			✓	✓	✓
Atresmedia	ES	✓			✓			✓		
Filmin	ES	✓	✓		✓			✓	✓	
Mediaset	ES	✓			✓			✓		
RTVE	ES	✓	✓		✓			✓		
Telefonica	ES	✓	✓		✓			✓		
Vodafone Ono	ES	✓	✓		✓			✓		
Wuaki.TV	ES	✓	✓		✓			✓		
Brilliance Com.	FIN	✓								
Discovery Networks	FIN	✓								
Fox Int.	FIN	✓								
MTV Sisällöt	FIN	✓								
Sanoma Media / Nelonen Media	FIN	✓							✓	
YLE	FIN	✓							✓	
Elisa	FIN	✓								
Rovio Entertainment	FIN	✓								
Watson Nordic	FIN	✓								
Orange France	FR	✓	✓	✓				✓	✓	
M6	FR	✓	✓		✓			✓	✓	
HRT	HR		✓		✓	✓				
Duna	HU	✓								
Magyar Telekom Plc.	HU	✓	✓	✓				✓		
Hungarian RTL	HU	✓	✓	✓				✓		
Invitel	HU		✓		✓			✓	✓	
Chili	IT	✓	✓		✓			✓	✓	
Mediaset	IT	✓	✓		✓			✓	✓	
Sky Italia	IT	✓	✓	✓	✓		✓			
TIMvision	IT	✓	✓	✓			✓			
KPN	NL	✓	✓	✓		✓				
NPO	NL		✓		✓		✓		✓	✓
RTL (Nederland)	NL	✓	✓		✓		✓			✓
TVNorge	NO	✓	✓	✓				✓		
Get	NO	✓	✓	✓				✓	✓	✓
NRK	NO	✓	✓		✓			✓	✓	
TV 2	NO	✓	✓		✓			✓		
VGTV	NO	✓			✓			✓		✓
Markíza - voyo.sk	SK	✓	✓	✓				✓	✓	
Slovak Telekom	SK	✓	✓	✓				✓		
Channel 4	UK	✓	✓		✓	✓			✓	
ITV	UK	✓	✓		✓	✓				
Sky	UK	✓	✓	✓		✓				
Virgin Media	UK	✓	✓	✓						
BBC	UK		✓		✓	✓			✓	✓

Child protection measures used by VOD providers that responded to the questionnaire

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### 3.3. Video-sharing Platforms

Video sharing platforms are services that allow users to upload audiovisual content for viewing by other users. The content may be user created (generated - UGC), which is most often the case, or, legal issues aside, produced by professional media producers. The most popular services attract great number of users, and thus also video uploads, and are widely used by a young audience. These factors also mean that VSPs are an important and challenging topic from the protection of minors perspective.

For the purpose of this report we have chosen two of the most widely used VSPs available in Europe - Youtube and Dailymotion. The information about Youtube comes from the communication with Google and desk research on the user's experience. Information about Dailymotion comes from desk research only.

Google provides a variety of technology and information services for people and businesses. The company specializes in Internet-related services and products, including online search, advertising, cloud computing, software, and web platforms, among others. These services are provided in more than 100 languages and in more than 50 countries, regions, and territories.



**YouTube** is a platform for billions of people to discover, watch, create, and share videos. It provides a forum for anyone to connect with and inform others across the globe, and acts as a distribution platform for original content creators and advertisers.

In order to provide families with a safe and secure online experience, Google offers tools so they can control their experience online. Google has issued Community Guidelines which outline the rules for what content is allowed on its platforms, and the company provides a variety of controls - at the account and product level - over what minors can see.

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## Age verification

YouTube uses the Google Accounts unified sign-in system (which also gives users access to products like Gmail). Below are the minimum age requirements to own a Google Account<sup>23</sup>:

- United States: 13 or older
- Spain: 14 or older
- Netherlands: 16 or older
- All other countries: 13 or older

When Google receives a report about an underage account, it tries to verify the age of the user before disabling the account. Acceptable forms of age verification include a birth certificate, passport, driver's license, or any other government-issued identification. If their account is controlled by their parent or guardian, Google asks them to provide their contact information for verification of consent.

Google uses the declared age of the account holder in order to determine whether a user should be shown a video that has been age-restricted.

## Age restriction

In situations when some YouTube videos do not violate Google's policies, but may not be appropriate for all audiences, **Google's review team** may place an age restriction when they are notified of the content. Age-restricted videos are not visible to users who are logged out, are under 18 years of age, or have Restricted Mode enabled<sup>24</sup>. YouTube creators also have the ability to apply age-restrictions to their own videos, when they deem their content not suitable for all audiences<sup>25</sup>. In addition, Google uses the declared age of the user in order to restrict the exposure of minors to sensitive advertising, including for alcohol.

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<sup>24</sup> [https://support.google.com/youtube/answer/2802167?visit\\_id=1-636129877436327360-1028618751&rd=1](https://support.google.com/youtube/answer/2802167?visit_id=1-636129877436327360-1028618751&rd=1)

<sup>25</sup> <https://support.google.com/youtube/answer/2950063>

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## Age rating

Google provides YouTube partners with ratings that they can proactively and voluntarily apply to their paid content<sup>26</sup>.

Content creators can use ratings to identify any mature content in six categories:

- Strong language,
- Nudity,
- Sexual situations,
- Violence/disturbing,
- Drug use, and
- Flashing lights.

The responsibility to rate content lies solely with the uploader. YouTube creators can also limit access to their free videos with mature content by using the age-restriction feature explained above.

## YouTube Restricted Mode

There may be cases when users would prefer to screen out certain content, even though it meets Google's overall guidelines for the platform. YouTube Restricted Mode helps users avoid videos that may not be appropriate for families. Restricted Mode works to prevent videos with mature content or that have been age-restricted from showing up in video search, related videos, playlists, shows, or films. It is also designed to hide objectionable comments. Turning on Restricted Mode in YouTube takes one click, and the feature can be locked at the browser level.

## YouTube Kids - app

In February 2015 Google launched YouTube Kids, a free standalone app for tablets and mobile phones. YouTube Kids is a way for families to explore and discover millions of videos. Within Europe, the app has launched in UK, Ireland and Spain. The app was built with features designed for early literacy, limited dexterity, and easy video viewing. YouTube Kids also has features like a built-in timer, as well as categories dedicating to Learning and Exploring. When parents first download the app, they are guided through a series of steps explaining the app's features, and they can also consult Google's Parental Guide<sup>27</sup>.

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<sup>26</sup> <https://support.google.com/youtube/answer/146399?hl=en>

<sup>27</sup> <https://support.google.com/youtubekids/?hl=en#topic=6130504>

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## Collaboration and community

In regards to protection of minors online, Google collaborates with a variety of stakeholders, including government, NGOs, and industry – both in terms of flagging and reporting content, but also in raising awareness around safe and positive behaviours online.

Youtube's<sup>27</sup> explain what kinds of content are not allowed on the platform. They were designed internally and adherence to the Community Guidelines is compulsory for each and every user. For example, these guidelines include:

- Hate speech: Google does not allow content that promotes or condones violence against individuals or groups based on race or ethnic origin, religion, disability, gender, age, nationality, veteran status, or sexual orientation/gender identity, or whose primary purpose is inciting hatred on the basis of these core characteristics.
- Threats: Such acts as predatory behaviour, stalking, threats, harassment, intimidation, invading privacy, revealing other people's personal information and inciting others to commit violent acts are not allowed on the platform.
- Depicting violence: They do not allow violent content that is primarily intended to be shocking, sensational, or disrespectful.
- Inciting violence: They explicitly prohibit terrorist recruitment and propaganda and other content posted with the purpose of inciting others to commit specific, serious violent acts. The promotion of illegal activities (bomb making, for example) is not allowed.
- Harmful or dangerous content: videos that encourage others to do things that might cause them to get badly hurt, especially children, are not allowed. Videos showing such harmful or dangerous acts may be age-restricted or removed depending on their severity.

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<sup>27</sup> <https://support.google.com/youtubekids/?hl=en#topic=6130504>

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## Reporting mechanisms

Google relies on YouTube community members to flag content that they find inappropriate. Anyone who is logged in to YouTube and thinks a video violates the Community Guidelines can flag it by clicking on “More” below the video player, clicking on “Report,” and categorizing the content violation. Users can also flag specific comments and report the channel URLs of users whose content violates Google’s policies. When the video is flagged, Youtube’s team looks to determine whether the video violates their policies, examining not only the content of the video but its context and intent. When Youtube’s teams encounter a video that violates the Community Guidelines, Google removes it globally, immediately.

Flagged content does not automatically get removed. YouTube is an important global platform for information and news, and its teams evaluate videos before taking action in order to protect content that has an educational, documentary, scientific or artistic purpose.

Youtube receives about 200,000 reports per day, and over 90 million people have flagged videos on YouTube since 2006. Youtube’s teams evaluate flags 24 hours a day. They remove content that violates Youtube’s terms and age-restrict content that may not be appropriate for all audiences. The number of flags per day is up over 25% each year. In 2015, Google removed 92 million videos for violation of their policies through a mix of user flagging and their spam-detection technology.

Google also has a set of tools to help facilitate bulk flagging through a **Trusted Flagger** program on YouTube.<sup>28</sup> This allows certain deputized power users, NGOs, and government officials to identify problematic videos to Google. The company is actively expanding this program through initiatives like **YouTube Heroes** – a program designed to recognize and support the global community of people who are helping to improve the YouTube experience by adding captions & subtitles to videos, reporting videos that violate Youtube’s Community Guidelines, or are active in Youtube’s help forums.

In addition to the Community Guidelines, Google has developed a process to facilitate requests to block content for particular jurisdictions based on local law. Content that violates local law can be reported via Google’s legal removals site.<sup>29</sup> They carefully review the material so that they can take appropriate action. When the content cited in a legal request also violates Google’s product policies<sup>30</sup> (which are often broader than the legal norms), it will be removed from their platforms globally. In some cases, content that is allowed under Google’s policies may be against the law in a particular

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<sup>28</sup> <https://support.google.com/youtube/answer/2803402?hl=en>

<sup>29</sup> <https://support.google.com/legal/answer/3110420?hl=en&rd=2>

<sup>30</sup> <https://support.google.com/accounts/answer/147806?hl=en>

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country; access to such content will then be restricted in that country.

Since 2010 Google has had a comprehensive Safety Center available at [google.com/safetycenter](http://google.com/safetycenter) (available in 76 languages). This site is designed to be a localized resource for parents and families to better understand Google products and services, to learn how to keep themselves safe online, and to review the partnerships and resources that Google contributes to this growing field.

In addition to the Safety Center, Google has Help Centers for specific products. These Help Centers include specific advice on things ranging from how to adjust settings to how to troubleshoot issues. YouTube's Help Center includes a comprehensive Parent Resource page that offers tips, advice, and further detail on safety tools available<sup>31</sup>.

They also work with parents, schools, and non-profit organizations to promote digital awareness and online safety resources through various offline programs. For example, in October 2015 Google launched Internet Legends, an educational primary school assembly roadshow which teaches children between ages 8-11 a simple, four-part code which empowers them to 'stay safe and be epic online.'<sup>32</sup> The code includes the principles: 'think before you share,' 'protect your stuff,' 'check it's for real,' and 'respect each other'.

Google is also involved in several activities initiated on EU level, namely in the CEO Coalition and is a current and active member in the ICT Coalition. Google will also participate in the new CEO Alliance.

**Dailymotion** is a community website that allows users to upload, view, share and comment on videos. It is a place where video-makers are free to share their world and connect with a passionate audience anywhere, anytime. Dailymotion attracts 300 million users from around the world, who watch 3.5 billion videos on its player each month.



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<sup>31</sup> [https://support.google.com/youtube/answer/2802272?hl=en&ref\\_topic=2803240](https://support.google.com/youtube/answer/2802272?hl=en&ref_topic=2803240)

<sup>32</sup> [g.co/internetlegends](http://g.co/internetlegends)

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## Collaboration and community

Dailymotion has signed the European Safer Social Networking Principles and is actively involved in raising awareness of Internet risks amongst both children and their parents. Also, in order to take an active role in raising children's awareness of Internet risks, Dailymotion sealed a partnership with the French association E-Enfance. E-Enfance aims to allow children and teenagers to make safe use of new technologies of communication (Internet, mobile phone, network games). E-Enfance also advises parents so that they can exert an authority as „cyberparent“. To this end, Dailymotion put on line „a code of conduct“ in the form of a video produced by E-Enfance in order to point out some essential principles regarding the use of the site.

On their website, they have published advice and tips for both minors and parents and teachers in order to better protect children from harmful content. They also have terms of use which they encourage every user to read carefully.

Similarly to Youtube, Dailymotion has also issued Community Guidelines that briefly specify how the users should behave on the website and they also present actions the users may take when they think certain content should not be available on the website.

## Reporting mechanisms

Dailymotion has established a visible and easily accessible means of allowing anyone to notify it of dissemination via the website of the following content:

- child pornography;
- dangerous or illegal acts (including but not limited to incitement to violence, animal abuse or drug abuse);
- unlawful, obscene, defamatory or libellous material; or
- any sexually explicit content (including but not limited to images of rape, bestiality, intercourse, masturbation, sadistic or masochistic abuse, explicit depiction of male or female genitalia or pubic areas, paedophilia or necrophilia).

To this end, a special form is available upon clicking a link which is situated beneath each Player. Upon receipt by Dailymotion of notice of the aforementioned violations, the content in question will be reviewed and may be removed from the website. Additionally appropriate authorities may be notified.

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Currently, Dailymotion does not monitor content uploaded to the site. In this regard, they rely on their community to notify them of any inappropriate behaviour or content. All reported content (video or comment) is systematically checked and removed if it infringes their Terms of Use.

Below the video player is a Flag button which the users have to click on if they wish to report the video. Dailymotion also encourages users to provide any additional information that can help them make a decision whether such video should be deleted or not. Reporting a video is anonymous. Channel owners will never know who flagged a video.

## **Age restriction and age gate**

Some videos do not violate Dailymotion's terms of use, but may not be appropriate for all audiences. In these cases, content can be age restricted and thus not made available to all viewers. When evaluating whether content is appropriate for all ages, they consider, inter alia:

- Violence
- Nudity and sexually suggestive content
- Harmful or dangerous activities

Channels can also use age gates to prevent logged out users and minors from accessing inappropriate content. The user can toggle the age gate on or off in the Dailymotion footer at the bottom of any page of the website. The age gate is listed under the Help section. When the age gate is on, it restricts the user's account from viewing age-restricted content.

Dailymotion is set to be redesigned and a new version will be launched in April 2017.<sup>33</sup> Dailymotion's chairman said that they, inter alia, have cleaned the explicit content from the website and now have a sound basis on which they will be able to restart the project. It will be interesting to see if they will revise in some way the protection of minors that is currently in place on the website or even add some new tools that will help better protect minors from accessing unsuitable or harmful content.

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<sup>33</sup> <http://www.broadbandtvnews.com/2016/11/18/april-re-launch-vivendis-dailymotion/>

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## **Observed trends:**

- *VSP providers try to educate the users how to behave and what to expect on their platforms; what kind of content is acceptable, how to rate it, how to inform the provider about inappropriate content and, above all, how to prevent children from accessing content that might be harmful.*
- *For protection of minors VSP providers actively try to create communities of attentive users.*

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## 3.4. Audiovisual Distributors and Platforms

Audiovisual distributors in various countries use very similar tools of protection of minors. This is mainly caused by the nature of distribution (retransmission) as a simultaneous, full and unmodified transmission of original broadcasts or provision of access to VOD services. Therefore, in this part we will provide some general information on protection of minors used by audiovisual distributors and then focus on those providers that use some unique tools not commonly used.

### 3.4.1. Age-rating

Audiovisual distributors do not label the programmes themselves but use labelling which is already a part of the programme they retransmit. Their role in this regard is only to provide the programme as a whole, with the age limit or label indicating suitability or unsuitability of the programme as was provided by the broadcaster. Some retransmission providers carry the labels in the EPGs of the programme services.

### 3.4.2. PIN

Another tool that is used by all retransmission providers is a technical restriction of viewing certain programmes. This is done by implementing a PIN code which the user has to enter in order to view a restricted programme. This option is either compulsory for the end user, i.e. he cannot turn it off, or the end user can decide if he wants to use it. In some cases they are technically implementing PINs on behalf of broadcasters in a contractual arrangement (UK).

### 3.4.3. Parental controls in selected services

**TDC Group** is, among other things, an audiovisual distributor from Denmark which currently operates across the Scandinavian communications market. Audiovisual distribution is provided under the brands YouSee and Get which offer TV subscribers tools for parental control, either per channel or for recorded films. A default age limit can also be set.



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**Magyar Telekom Plc.** and **Invitel Telecommunications Zrt.** are two Hungarian audiovisual distributors that distribute only set-top



boxes that have built-in parental control functions. Besides standard use of PIN codes for viewing the restricted channels, PIN protection also applies to programmes that are recorded to the internal storage of the device. The set-top boxes used allow for filtering individual programmes based on the user's age. When the user types in a wrong PIN code, the system automatically blocks access to the channel or programme in question for at least 10 minutes.

**Canal Digital** provides both managed and un-managed linear and non-linear TV services to end users, offered both over satellite and cable/IPTV in the Nordic region. For users that receive channels through satellite, Canal Digital offers a so-called Kids Mode. Through the Kids Mode, parents can set the whole portal in a mode which shows only children-related content. To leave Kids Mode, user has to enter a PIN code. Canal Digital is trying to find a way to implement this tool also for portals transmitted through cable. It is also considering launching a profile log in. Once the user is logged in, the content will be recommended according to his/her preferences or only children-related content.



**Digital UK** manages a platform which serves homes with a TV service received via aerial. Most digital television sets and set-top



boxes allow viewers to remove unwanted channels from the EPG. Some also feature parental controls which can be used to limit access to certain channels. In order to protect children from viewing unsuitable content, Digital UK clusters children's linear channels in a Children's section of the EPG. Adult services are also grouped together in an area of the EPG away from Children's and are clearly labelled with a full-screen warning at the start and end of the section. Channels designated as 'adult chat' are labelled with a clear 'ADULT' prefix. Digital UK is considering denoting the start of the Children's section in the EPG with a label in the future as well. The company maintains these standards through the LCN (logical channel number) Policy that controls the ordering of channels on digital terrestrial televisions and set-top boxes.

The option to use a PIN code for all recorded post watershed programming with guidance is also available.

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Besides the standard tools of protection of minors, **Virgin Media** also offers its users the options to hide adult channels from the channel guide and to lock specific channels.



**YouView** is a hybrid TV platform in the UK, developed by a partnership of three telecommunications operators and four broadcasters which provides access to linear channels and on-demand content via a set-top box. A default PIN is used when a device is set up and the user is offered a choice of protection/tools. These are required to watch post-watershed or age-rated content in the day. Customers have the option to remove the PIN if they choose to. Adult channels are now hidden by default on the Youview platform with the user option to turn them on.



**Telefónica Group** operates a pay TV business in Spain under the brand "Movistar+" using different technologies (IPTV technology, satellite technology/DTH and internet). Movistar+ is an audiovisual services platform providing linear and non-linear audiovisual services aimed at the general public.



The implemented technological measures depend on the technology the client has to access the TV services (IPTV, satellite or internet), as well as the specific device used. In general, Telefónica grants to its clients the possibility of blocking linear channels (by means of activating a PIN code in order to have access to the channels). Also, for the IPTV platform, it is also possible to block video on-demand content that falls within any of the following categories (by means of activating a PIN code in order to have access to the audiovisual contents):

- Not recommended for children under 7 years old;
- Not recommended for children under 12 years old;
- Not recommended for children under 16 years old; and
- Not recommended for children under 18 years old.

When using the internet to access the service, smart TVs also allow blocking of audiovisual content (either VOD or linear) depending on the age rating, by means of activating the "children mode" (different options: up to 7 years old, up to 12 years old and up to 16 years old).

Moreover, generally adult content is presented to the client in a separate section (and, in some devices, adult content is not even available). In order to view specific adult content (IPTV platform) or to access sections where it is shown/offered (DTH

platform), it is necessary to insert a PIN code. On the other hand, when using a PC to access the service, the adult section requires client identification (username and password).

In general, these measures are voluntary for the user except for the need to insert a PIN code for viewing adult content in the IPTV Platform, which is activated by default and cannot be waived.

**KPN** is a Dutch telecommunications company and audiovisual distributor that has compulsory PIN code protection. By default 16+ content is locked and can only be accessed by a PIN which is provided to the subscriber by letter of KPN as part of the agreement. By doing so, KPN can then also check whether the subscriber is of mature age and is allowed to enter into the agreement. The subscriber can subsequently change and/or switch off the PIN code provided.



Name	State	Labelling	Technical measures	Compulsory (for user)	Voluntary (for user)	Self-regulation	Co-regulation	State regulation	Other measures	Future measures
Sky Germany	DE	✓	✓	✓			✓		✓	✓
Stofa	DK	✓	✓		✓	✓				
TDC Group	DK	✓	✓		✓					
Telefónica	ES	✓	✓	✓	✓			✓	✓	
Vodafone Ono	ES	✓	✓		✓			✓	✓	
Hrvatski telekom	HR	✓	✓	✓				✓		
HI TELEKOM	HR	✓	✓		✓					
VIPNET	HR	✓	✓		✓			✓		
Magyar Telekom Plc.	HU	✓	✓	✓				✓		
Invitel Telecommunications Zrt.	HU	✓	✓	✓					✓	
Tivù Srl	IT	✓	✓		✓					
CAIW	NL	✓	✓		✓					
KPN	NL	✓	✓	✓		✓				
Ziggo	NL	✓	✓		✓	✓				
Canal Digital	NO	✓	✓	✓		✓		✓	✓	✓
Get	NO	✓	✓	✓		✓			✓	✓
Orange Slovensko	SK	✓	✓	✓		✓				
Slovak Telekom	SK	✓	✓	✓		✓				
Digital UK/Freeview	UK	✓	✓	✓			✓		✓	✓
Freesat	UK	✓	✓	✓			✓		✓	
Virgin Media	UK	✓	✓		✓	✓				
YouView	UK	✓	✓		✓		✓			✓

Child protection measures used by VOD providers that responded to the questionnaire

## Observed trends:

- For protection of minors audiovisual distributors use labelling provided by the broadcasters.
- PIN codes restricting access to programmes unsuitable for minors are used by every distributor we engaged with.

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## 3.5. Trans-platform Initiatives

### 3.5.1. You Rate It

Under the framework of the CEO coalition Better Internet for Kids, NICAM and the BBFC (British Board of Film Classification) jointly developed **You Rate It**.

The logo for 'You Rate It' features the words 'you rate it' in a lowercase, white, sans-serif font. The text is set against a solid black rectangular background.

It is designed as a tool for rating user generated content (UGC) across different territories and platforms and its primary purpose is to enable those with responsibility for children to make fully informed viewing choices in relation to non-professional content online.

Through a single, simple, free to complete questionnaire, the tool instantaneously produces an age rating which will be stored in a cloud-based rating database. In this database unique URLs and ratings per country are stored which can be accessed by: websites, apps, filters, video websites, search functionalities, etc. The ratings can differ from country to country to reflect different national sensitivities and concerns over content.

Look and appearance can be fully customized to any website or platform. Unrated content could be identified as such by uploading sites and users would simply click on a “not (yet) rated” icon to rate it. Currently the tool contains six questions about the content of the UGC, on behaviour, drugs, horror, language, sex and violence. Completing the questionnaire takes a couple of minutes. It also includes a facility for viewers to report content which in their view might be illegal to the appropriate law enforcement body.

For instance, the questionnaire may be completed by those uploading content while the content is being uploaded. Alternatively, it may be completed by those viewing the content, or both. The role of existing classification bodies can be as extensive or as limited as users want. For example, in some countries, national classification bodies could act as an independent administrator to check a proportion of ratings and handle certain complaints about incorrect ratings.

The tool has the option of using either existing, well understood age ratings and labels or new, simplified ratings. This depends on the choices of different countries or platforms. The tool may also be linked to filtering devices to enable those with responsibility for children to prevent children accessing inappropriate content. A pilot project was undertaken by the Italian media company Mediaset. The pilot was launched in

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March 2014 on their video sharing website www.16mm.it as well as in their iOS and Android apps. User generated videos could be rated according to You Rate It by users as well as uploaders. The questionnaire took into account national differences and used the national recognizable labels. In Italy this means a traffic light system: green (all ages), amber (parental guidance), red (adults) and nocivo (adults only).

At this moment the partners in You Rate It are exploring how the initiative can have a wider roll-out amongst the relevant actors throughout the converged media distribution chain.

### 3.5.2 MIRACLE

There are many age-rating or labelling systems for protection of minors across member states or even various audiovisual



delivery platforms. Often these systems differ from each other to various extents. The **MIRACLE** (short for „Machine-readable and interoperable age classification labels in Europe”) project is based on the assumption that the protection of minors would be enhanced if one common data model was being used across borders and platforms. Such an approach could fully utilise the knowledge comprised within individual systems for the benefit of both end users and businesses along the supply chain and across borders, regions and devices.

MIRACLE therefore aims at providing one data model for electronic age classification information, implementing it in different classification schemes and showing the added value of interoperable classification data for businesses, educational institutions and end users. Eight project partners are spread across five different member states and classification schemes, consisting of classification bodies, Safer Internet nodes, self-regulatory bodies and filter software providers. The 30-month technical pilot, co-funded by the “ICT Policy Support Programme” within the CIP (“Competitiveness and Innovation Framework Programme”) of the European Union, started in spring 2014 and ended in July 2016.

The main objective of this technical pilot project was to develop a common data model for age classification information (MIRACLE specification), to deploy this specification in five different rating schemes and contexts (BBFC - UK, NICAM - NL, PEGI - NL, FSM - DE, NCBI - CZ) and to develop MIRACLE-based infrastructures, services and apps, including modules for two existing parental control products (JusProg, OPTENET). Additional objectives were the organisation of a two-day hackathon (“League of Labels”) to develop innovative MIRACLE-based demos and prototypes showing the added value of interoperable classification data, and to disseminate MIRACLE’s potentials among the relevant stakeholders, offering support for third-party pilots.

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## Sustainability and Outlook

With the MIRACLE project ending, the project partners have agreed to form a **Sustainability Working Group** to maintain the MIRACLE specification and the website including the specification's namespace. In the long run, this group will be looking for an official body that endorses or officially adapts the MIRACLE specification. A supreme example of the added value of a MIRACLE-based API is the MIRACLE-based data feeds of PEGI; PEGI business users prefer the MIRACLE API, so the body is currently developing an enhanced data output model on the basis of the MIRACLE feeds. Moreover, with the current online labelling infrastructure provided by JusProg (label generator, label validator and CMS plugins for self-classification of websites), there is a chance that MIRACLE-based age labels will continue to spread in the open web.

### Interoperable age labels support a Better Internet for Kids

Given that online content provides age classification data in a standardised way, parental control software and other technical protection measures are significantly more effective due to the high interoperability of label data and software. Filters receive more data and can decide to white- or blacklist individual online resources depending on the label data and their configuration. By offering assisting labelling systems and plugins for platforms and content management systems, even user generated platforms can offer labelling features to their customers and users. By using the same data model, even user generated or embedded videos can provide age rating data in a simple format, enabling technical measures to become ever more efficient. But also apps and services in the field of media education can thrive on the newly available data, since much more classification and rating knowledge in general is being unlocked by making data interoperable.

### How EC and national policies can support interoperable labels

EC policy can effectively shape policies that support the implementation and fruitful use of interoperable age labels, e.g. by endorsing it as a means for protection in the AVMS Directive, and given that the AVMS scope extends to online video platforms. Using incentive-based approaches in the legal framework can help in successfully establishing electronic age labels and respective labelling infrastructure both in B2B and B2C areas, e.g. by clarifying that electronic labels are deemed a technical measure in the AVMS Directive. Moreover, since national age classification schemes often have a national remit, the motivation for existing systems to open up their schemes to interoperable electronic labels is low. Here, European measures helping international coordination and cooperation can help in strengthening cross-border approaches.

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**It is important to note that the MIRACLE project does not aim at harmonizing the age-rating of the content, but aims at harmonizing the data format in which this information is stored.** The age-rating information stored in this format may then be easily shared with every device that can read this format, be it server of VOD provider or end-user's set-top box. **This makes it potentially useful regardless of which particular PoM system is used.** The MIRACLE-based data set is specifically designed to carry multiple age-rating for the same content, e.g. from various jurisdictions, and can be thus used also by one provider supplying the same content to different member states with different protection of minors legislation.

This system, however, depends on the willingness of stakeholders in possession of age-rating data to share it. As the authors of the system recognize themselves, this may not always be the case. There are classification bodies which consider age-rating as their intellectual property and are indeed providing it as a commercial product.<sup>34</sup> The success of such a system may therefore depend on factors lying outside the content value chain, such as legislation obliging relevant stakeholders to make this kind of information available.

Technically, the MIRACLE system can be used for labelling both distributed content as well as websites. Its authors note, however, that the data needed for one may not be suitable for the other. It means that while interoperability is possible, it may not be feasible from the practical point of view to devise a common system for both media environments<sup>35</sup>.

### **3.5.3. Alliance to better protect minors on-line (former CEO Coalition)**

The Alliance to Better Protect Minors Online (“the Alliance”) is a self-regulatory initiative that was established to eliminate the safety risks that are involved in the process of delivering digital experiences to minors. The main goal is characterized as an effort to sum the progress in providing a safe environment for minors and protecting their rights and freedoms in the online environment. The Alliance is designed to complement companies' existing efforts in this area. As such, the Alliance is built on the experience gained from the CEO Coalition to make the Internet a Better Place for Kids and should not preclude companies from taking separate actions and continuing to fulfill their commitments as individual companies or as part of their membership within existing self-regulatory initiatives. The Alliance unites more than thirty companies and associates.

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<sup>34</sup> *Electronic age labels ecosystem – Report p. 19.*

<sup>35</sup> *Electronic age labels ecosystem – Report p. 19.*

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## The Statement of Purpose

The main framework of Alliance's approach to protection of minors is defined in the Statement of Purpose announced at Safer Internet Day 2017.<sup>36</sup>

Areas, actions and activities that are seen as potentially hazardous and dangerous are:

- harmful content (e.g. violent or sexually exploitative content)
- harmful conduct (e.g. cyberbullying)
- harmful contact (e.g. coercion or sexual extortion).

Procedures that are involved in eliminating those potentially hazardous and dangerous issues are divided into three groups:

### 1. User-empowerment

To promote enhanced use of parental tools, content classification and other tools for online safety. Reporting tools will be provided in a more accessible and user-friendly way. Companies will also focus on improving follow-up measures such as feedback and notifications.

- Identifying and promoting best practice for the communication of data privacy practices;
- Providing accessible and robust tools that are easy to use and to provide feedback and notification as appropriate;
- Promoting users' awareness and use of information and tools to help keep them safer online and awareness of their responsibility and duty to behave responsibly and respectfully towards others and foster trust, at the same time promoting minors' digital empowerment;
- Promoting the use of content classification when and where appropriate; Promoting the awareness and use of parental control tools.

### 2. Enhanced collaboration

- Intensifying of cooperation between members of the Alliance and with other parties such as Child Safety organizations, governments, education services and law enforcement to enhance best practice-sharing;
- Identifying emerging developments in technology such as connected devices and with the support of the Commission, engaging with other parties who also have a role to play in supporting child safety online.

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<sup>36</sup> <https://ec.europa.eu/digital-single-market/en/news/safer-internet-day-2017-european-commission-welcomes-alliance-industry-and-ngos-better-internet>

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### 3. Awareness raising

To promote enhanced use of parental tools, content classification and other tools for online safety. Reporting tools will be provided in a more accessible and user-friendly way. Companies will also focus on improving follow-up measures such as feedback and notifications.

- Supporting the development of awareness-raising campaigns about online safety, digital empowerment, and media literacy through both ad hoc and ongoing initiatives;
- Promoting children's access to diversified online content, opinions, information and knowledge.

Participating companies and associates are expected to conceive their own commitments of how they will improve online safety of minors and how they are going to implement those commitments in their further existence. Members of the Alliance and the European Commission have agreed to assess the implementation of this initiative through regular transparent and independent monitoring and evaluation. The main expectations are driven by previous experience that showed that self-regulation can make the industry more responsive and flexible in addressing safety challenges.

#### 3.5.4. ICT Coalition

The ICT Coalition for Children Online unites 20 companies from across the information and communications technology (ICT) sector<sup>37</sup>.

The main goal of the ICT Coalition is to provide a safe environment of online services and internet devices for juvenile and adolescent users and to implement and support parents and guardians in the processes of protecting their children in the digital world. Since 2012 members of the ICT Coalition are signed up to a set of guiding principles. These principles are declaring the commitment that the safety of younger internet users is essential and integral to the products and services that are being developed by members of the ICT Coalition.

The principles were designed to encourage the best practices in terms of safer use of connected devices and online services by young users. The main areas covered by these principles are content, parental controls, dealing with abuse/misuse, child sexual abuse content or illegal content, privacy and control, education and awareness.

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<sup>37</sup> <http://www.ictcoalition.eu/members>

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## Principle 1 Content

Signatories of the ICT Coalition should be aware of content that might not be appropriate for children and young people. Such content must be:

- Clearly marked
- Provided and displayed with the Acceptable Use Policy
- Provided with clear and relevant terms of service or community guidelines
- Provided with reporting options in the relevant areas of services
- Provided with a notice about the consequences for users if they post content which violates terms of service or community guidelines

Signatories are expected to provide innovative solutions able to support child safety protection tools and solutions.

## Principle 2 Parental Controls

Signatories should assist parents to limit the possibilities of exposing children and young users to inappropriate content. This includes:

- Design of devices that allow parents simply and clearly to set appropriate levels of control on devices.
- Tools and settings across networks are designed in a way that enables parents to set appropriate levels of control.
- Content and service providers are designing their platforms in a way that enables parents to set appropriate levels of control.

## Principle 3 Dealing with abuse /misuse

Dealing with content that may be illegal, harmful, offensive or inappropriate e.g. under a company's Acceptable Use Policy. In case of abuse/misuse:

- Provide a clear and simple process for reporting the content or behaviour which breaches the service's terms and conditions
- Review all users' reports about abuse/misuse
- Provide the user who reported the abuse/misuse with feedback

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## **Principle 4 Child abuse or illegal contract**

In cases of child sexual abuse content signatories are cooperating with law enforcement authorities, as provided for in local law.

## **Principle 5 Privacy and control**

Signatories will continue to comply with existing data protection and advertising rules and privacy rights as set out in the relevant legal dispositions.

## **Principle 6 Education and awareness**

Signatories will provide appropriate information and engage in activities to raise awareness of the safer use of connected devices and online services.

### **Publications and reports**

#### **2014 April - First Report on the Implementation of the ICT Principles**

The report reviewed achievements of ICT Coalition members, assessed the state of play in the area of online safety policy, and outlined the key areas for further consideration and action in the next few years.

#### **2016 January - Let's Play it Safe**

Assessment of the Emerging Trends and Evolutions in ICT Services.

Each member of the ICT Coalition issues an ICT Principle implementation report and ICT Coalition implementation report. Those can be found on <http://ictcoalition.eu/commitments>.

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## 4. Conclusions

The report shows that in particular traditional players such as linear TV stations, but also VOD service providers, are fully aware of the importance of child protection measures. The majority of both broadcast and VOD providers have already implemented a range of protection measures, even when there is no legal obligation for them to do so.

Many of these protection tools are believed to be effective but in some cases they can become ineffective when the services are distributed over certain platforms or received and consumed on certain devices. Existing cross border and cross media initiatives provide useful common guidelines for media providers and in some countries content providers have tried to align themselves with existing local systems for protection of minors for the benefit of their local consumers. However, a lack of standardization between all the parties involved may still lead to some confusion amongst consumers and could leave gaps in how protection measures are implemented. This suggests that there might be room for wider cooperation among relevant stakeholders of the converged media value chain and for more work to improve common understanding about the different measures.

Future ERGA activities could therefore aim at improving the coordination between various stakeholders. A possible **workshop** or network event should not only include the usual suspects such as broadcasters and VOD services: a broader scope, involving parties sitting at other positions of the converged media value chain, would be essential. Their participation could help us gain insight into what measures could be implemented from a technical point of view, and which incentives might be needed to take further steps towards cooperation and mutual understanding. The involvement of organizations representing parents and consumers would also be important so that their views on what an adequate and future-proof child protection system over the whole converged media value chain should look like.

The outcomes of such an event could provide further information that could be shared with a wider public e.g. in the form of a comparative **good practices guide**.

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## Annex - The list of observed trends

- Established, and especially the largest, broadcasters tend to rely on their own capacities, rather than external standards frameworks, when it comes to choosing the measures for protection of minors. They feel confident that they can best assess the needs of their audience including the protection of children.
- There is an observable tendency to aspire to higher standards of protection of minors mainly by following international initiatives, especially among the broadcasters which are part of larger media groups operating in several member states.
- Many broadcasters are motivated to take action to protect minors as much (if not more so) by a desire to meet customers' expectations, as they are by the need to comply with binding legislation.
- Although provision of information about the nature of the content on the broadcasters' websites or EPGs seems to be taking hold, content descriptors in the form of labels that would accompany the broadcast on screen are seldom used.
- Without obligatory labelling systems, broadcasters tend to carry theatrical films production age ratings, if available, on a voluntary basis (DK, IT).
- Age-ratings, labels and informational guidance on VOD services that are connected to linear services (catch-up TV, archives or on-demand) are largely based on the protection measures used in broadcasting.
- VOD services connected to linear services (catch-up TV, archives or on-demand) tend to provide more information guidance to the viewers regarding protection of minors than specialized VOD only services (e.g. Netflix, HBO GO).
- Parental controls are often modelled on common market standards (e.g. CEO Coalition, ICT Coalition or COBA in UK).
- Almost all of the VOD platforms examined for this report have a PIN system in place. Whether required by legislation or not, a PIN system seems to be a standard feature.
- Standalone VOD services (e.g. Netflix, Amazon Prime Video or HBO GO) tend to localize age rating labels in their services.

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- Standalone VOD services would like to see common age-rating categories across the EU.
  - There is an increasing use of specialised profiles and (to a lesser degree) even apps for children that allow for only children's content to be watched on a particular VOD platform.
  - VSP providers try to educate the users how to behave and what to expect on their platforms; what kind of content is acceptable, how to rate it, how to inform the provider about inappropriate content and, above all, how to prevent children from accessing content that might be harmful.
  - For protection of minors VSP providers actively try to create communities of attentive users.
  - For protection of minors audiovisual distributors use labelling provided by the broadcasters.
  - The PIN codes restricting access to programmes unsuitable for minors are used by every distributor we engaged with.