

VOLUNTARY CODE OF SELF-REGULATION FOR MOBILE-TELEPHONE OPERATORS

Code of conduct for the safe use of mobile telephones by young
people

The companies
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mobikom austria AG,
One GmbH,
T-Mobile Austria GmbH,
and the sector initiative Forum for Mobile Communications

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Background

Various European mobile-telephone operators signed the “**European Framework for Safer Mobile Use by Younger Teenagers and Children**”, in Brussels (Belgium) on February 6th 2007. This framework agreement is designed to protect underage users of mobile phones. The framework agreement, which takes into account the results of public consultations by the European Commission regarding child safety and the use of mobiles, is the fruit of trilateral conversations between the European Commission, child- and youth-protection organisations, and mobile operators. The mobile phone operators undertake, within the terms of the framework agreement, to abide by a voluntary code of self-regulation.

Building on this European framework, the undersigned Austrian companies have committed themselves to further voluntary self-regulation designed to improve the protective measures applying to young people in their use of mobile phones.

Preamble

There are few precedents for an idea that has penetrated society so convincingly and permanently as the mobile telephone. The mobile phone has become such an integral part of people's day-to-day existence that life without it is now barely imaginable. Technical progress in the area offers permanent access to a whole range of mobile-based information and communications services. More and more young people are mobile users, and are thus offered access to content that is likely to harm or negatively affect their educational and personal development. One of the tasks involved is therefore to flag unsuitable mobile-based content for young people and their parents or guardians (and others concerned with their education and upbringing), in an effort to reinforce further the positive aspects of mobile communications.

The undersigned are committed to offering young people and their parents and guardians protection from mobile-based content that is likely to harm their personal development. In implementing the European framework, the signatory organisations have committed themselves to further voluntary self-regulation designed to improve the protective measures applying to young people in their use of mobile phones in Austria. This voluntary code of self-regulation describes the sector's common position regarding the responsible use of information and communications - technologies.

This voluntary code of self-regulation contains common standards for the protection of minors with respect to content on mobile phones covered by the instant code and in accordance with current legislation on the issue.

In accord with Austrian legislation covering the protection of young people, particular reference is also made to the specific responsibility of parents and guardians regarding the use of mobile phones by young people.

Austrian child-protection legislation centres on a series of nine state laws. As the initial signatories to this voluntary code of self-regulation are all registered as companies in Vienna, the code has been based on the provisions of the Viennese youth-protection law of 2002.

The Viennese youth-protection law (LGBI. no. 08/2007) is intended – with particular reference to the responsibility of legal guardians, service providers and event organisers – to implement the corresponding agreement on children's rights (BGBI. no. 7/1993), as follows:

1. to protect young people from dangers likely to result in harm to their physical, mental, spiritual, moral or social development
2. to encourage young people to acquire a proactive sense of their own responsibility

The term "young people" refers, under the terms of this code of self-regulation, to persons who have not yet reached the age of 18.

Protective measures on the part of the signatory organisations which go beyond the scope of this voluntary code of self-regulation, and which do not infringe it, are both permitted and welcome.

The signatory organisations hope that this code of self-regulation will serve as a model for other content providers, such as suppliers of Internet services (commercial websites and those based on user-generated content and peer-to-peer and file-sharing networks) or games consoles.

Clause 1: Objectives

The aim of this code of self-regulation is to offer young people and their parents and legal guardians protection from mobile-based content that is either illicit or otherwise likely to harm seriously the physical, mental or moral development of young people,

with particular reference to:

1. the observance of the conditions established in this voluntary code of self-regulation for the responsible use of mobile-based content
2. the implementing of specific information- and communications-related measures designed to make young people and their parents and legal guardians aware of protection issues relating to content that is not suitable for underage persons
3. to implement voluntarily further protective measure that go beyond the scope of this code of self-regulation, provided they do not infringe it

Clause 2: Items covered, responsibilities

1. The signatory organisations recognise their responsibility for the content provided on their behalf via mobile phones and within the terms of relevant legislation, with respect to

- a) Applications and services (e.g. images, games and videos)
- b) Commercial communications (advertising)

2. The signatory organisations are to oblige, within the terms of existing legislation, the independent content-providers who use their communications platforms to abide by the provisions of this code.

3. The signatory mobile operators cannot accept liability for content supplied by third parties (and which happens to be distributed by mobile phone networks), as they have no control over such content and can not monitor such content.

Clause 3: Content

1. Illicit content

The signatory organisations are committed to preventing access to illegal content via mobile phone, and work closely with Austrian public prosecutors in their fight against illicit online content within the terms of the Austrian code of criminal procedure (StPO), while supporting the online reporting of illegal content to stopline.at, the website of Internet Service Providers Austria (ISPA).

The signatory organisations undertake, within the terms of their legal responsibilities to ensure, within the terms of relevant legislation, that the content providers with whom they have a contractual relationship do not supply illicit content.

Some examples of content that is prohibited by criminal law:

- Attempts to revive Nazi ideology
- Content that encourages or is likely to lead to criminal acts
- Pornography involving children, animals and/or violence

2. Content harmful to personal development

The signatory organisations undertake, within the terms of their legal responsibility, to protect young people from material that is likely to harm their personal development. Such harmful content is deemed to exist, under the terms of clause 10, section 1 of the Vienna youth-protection law of 2002, if the content in question:

- Promotes aggression and violence
- Discriminates against persons on the grounds of their race, skin colour, national or ethnic origin, gender, sexual orientation or religious beliefs or preferences
- Portrays sexual behaviour that degrades human dignity

Clause 4: Control of access

The signatory organisations undertake, within the terms of their legal responsibilities to ensure that young people are not offered access to content that is likely to harm their development, or to ensure that such content is identified accordingly.

The organisations undertake as follows in this respect:

- to use a reliable system of age-verification when acquiring contract (post-paid) mobile customers and
- to use warning indications or a system of authentication to provide the best-possible means of protection for young people whenever they attempt to access such content.

The signatory organisations undertake to provide, as permitted by legislation and technical and operational circumstances, the parents and legal guardians of young people with the means to block access to content that is likely to harm personal development.

Clause 5: Advertising

Advertising material that includes content likely to harm young people in terms of their transformation into responsible members of society must always be distributed separately from content aimed directly at young people.

The signatory organisations undertake not to advertise in any way that infringes the legislation covering the protection of young people.

The signatory organisations will not engage in any advertising that is likely to harm the physical or mental well-being of minors.

Clause 6: Chat rooms

1. The signatory organisations undertake, on a voluntary basis, to implement monitoring systems designed to police the activity of chat rooms, or to oblige accordingly, and within the terms of relevant legislation, the operators with whom they have a contractual relationship.

2. Agreements between the signatory organisations and providers of chat-room services should therefore be worded in such a way as to ensure that the suppliers of these services react immediately to problems and user-complaints by deleting illegal postings and/or content without delay whenever such items come to their notice.

3. The signatory organisations support the prosecution by the criminal-justice authorities of posters of illegal content.

Clause 7: Classification

1. The signatory organisations undertake to flag their own mobile-based content accordingly if it is not suitable for young people.

2. The signatory organisations undertake to ensure, under the terms of relevant legislation, that the content providers with whom they have a contractual relationship likewise identify the content covered by point 1.

3. The signatory organisations support, together with other sectors of the media and state-run bodies, initiatives designed to establish a universal system of classification.

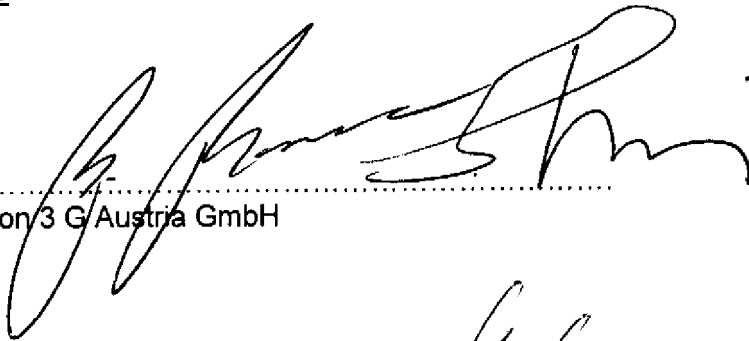
Clause 8: Measures relating to information and communications

1. The signatory organisations undertake to implement specific information- and communications-related measures designed to fulfil the above objectives, and to help run suitable information campaigns for the same purpose.
2. The signatory organisations undertake to provide parents and legal guardians with information on the measures that they can take to help ensure the responsible use of mobile phones by young people.
3. The signatory organisations acting independently can also implement protective measures that go beyond the aims of this voluntary code of self-regulation, provided they do not infringe it.
4. The signatory organisations are each to nominate a youth-protection officer to act as a contact person in the area of mobile communications and protection of minors.
5. The signatory organisations undertake to implement a plan of action designed to encourage the responsible use of mobile phones by young people. These actions will specifically address the changes in society that this new means of communication has brought about, and the socialisation of young people in the world of the media. This information exercise is designed to help young people act responsibly when it comes to using mobile-based communications.

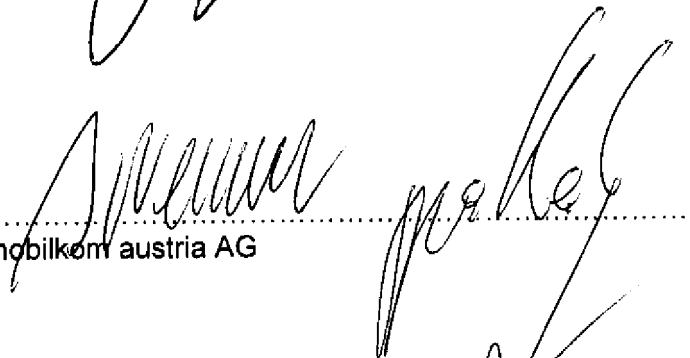
Clause 9: Entry into force

This voluntary code of self-regulation comes into force for an indefinite period as soon as it is duly signed by the organisations that subscribe to it.

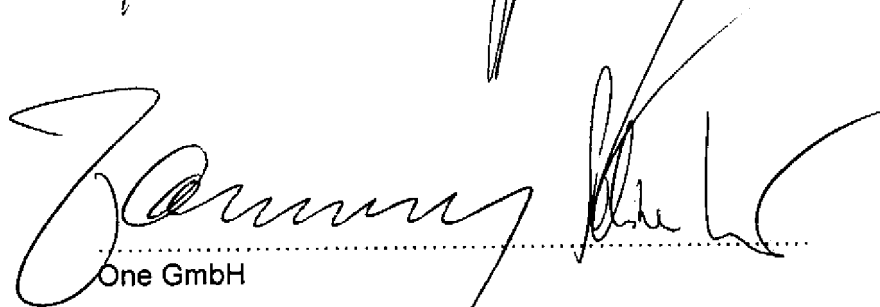
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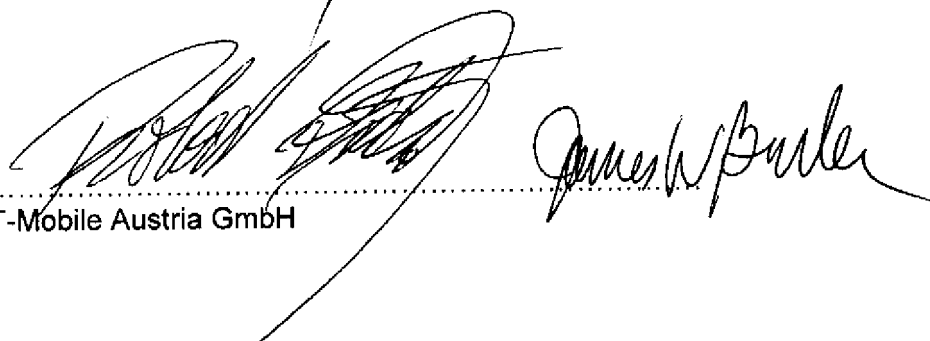
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