

# **CODE OF CONDUCT**

## **On Safer Mobile Use by Children and Younger Teenagers**

## **Preamble**

- ❖ This Code of Conduct is entered between the Signatories on the basis of the European Framework for Safer Mobile Use by Younger Teenagers and Children launched initially by 15 signatories on 6<sup>th</sup> of February 2007 in Brussels;
- ❖ European Operators and content providers have developed national and corporate initiatives to ensure safer mobile use by minors and they have already covered most of the EU Member States;
- ❖ This Code is developed by the Signatories for application in the Bulgarian market of mobile electronic communications and is drafted in compliance with the European and national legislation in force;
- ❖ This Code represents the minimum requirements with regard to self – regulation of the Signatories in order to be given a general protection of children and younger teenagers ensuring safer mobile use by the latter through the manners provided hereunder;
- ❖ The Signatories state that besides their commitments hereunder, the protection of children and younger teenagers may be developed and applied only with the participation of parents and other guardians as well as supported by the state authorities and non-governmental organizations having powers and/or involved in children protection;
- ❖ The Code provides for only the common rules and does not prevent any of the Signatories from adopting different measures for implementation of the obligations undertaken hereunder or different additional measures, providing that they shall be consistent with the Code.

## **Considering that**

- Operators can control only their Own-Branded Content and take the full responsibility with this regard;
- Operators do not produce and have only indirect liability with regard to Third Party content;
- Operator is not in a position to control Internet Content which is freely accessible;
- The Signatories are responsible companies which fully understand and recognize the need to support parents and the other guardians for ensuring safer mobile use by minors.

## I. DEFINITIONS

2.1. *Code* or *Code of Conduct* shall mean this self – regulation document drafted and agreed by the Signatories for the purposes of contributing to the protection of children and to ensuring proper and good conditions for their growth.

2.2. *User* is either user of the post-paid service or user of a pre-paid service, which services are provided by the Undertakings through their electronic communications network.

2.3. *Own-Branded Content* is the content hosted and offered to clients whatsoever in mobile and web portals branded and managed under the respective Undertaking's brand.

2.4. *Mobile Content* is any content, in whatsoever form and provided by whosoever means, such as but not limited to Own-Branded Content or Third Party Content.

2.5. *Adult Content* is content with violent, gambling, erotic and/or sexual character which is legal but can harm certain Users because of their age and the mental and physical characteristics corresponding to it and which content is intended to be viewed only by adults.

2.6. *Signatories* shall mean the Undertakings as well as any other third party who/which joined to this Code by signing it.

2.7. *Third Party* is any party to an agreement with an Operator which provides mobile content under co-signed agreement.

2.8. *Third Party Content* is the content provided by the Third Party, subject to the agreement as stated in the preceding Art. 2.7.

2.9. *Undertaking* or *Operator* shall mean a legal entity providing electronic communications services to clients through its electronic communications network.

## III. OWN-BRANDED CONTENT

### 3.1. Classification of Own-Branded Content

#### **a. Determination of common criteria for classification of Own-Branded Content**

Each Signatory undertakes to classify its Own-Branded Content following a common criteria and standards for classification of Own-Branded Content defined by the Undertakings in compliance with national societal standards which shall be respected by every Operator. For the purposes of defining common criteria the

Signatories may hold consultations with interested state authorities and non - governmental organizations conducting their activities in public interest.

#### **b. Types of content**

On the basis of the criteria set out under the conditions of the previous item and considering the national societal standards, the Own-Branded Content shall be classified as content which is unsuitable for Users under the age of 18 (Adult Content) and content suitable for anybody (general content).

Providing the communications services, the Undertakings shall identify the types of their Own-Branded Content and shall in an appropriate manner provide their clients with information which type of content is Adult Content and therefore unsuitable for minors.

The Signatories shall adjust to the said classification and shall ensure that their Own-Branded Content is appropriately classified on the basis of the existing national societal standards in the Republic of Bulgaria.

#### **c. Access Control**

By access control mechanisms and by self-regulation of the available Own-Branded Content, the Undertakings shall use their best efforts in order to provide an opportunity to parents and other guardians to manage the types of content accessed by their children under the age of 18 as provided herein.

For the purposes of enabling parental control over the access to Adult Content, the Undertakings shall differentiate and situate the Adult Own-Branded Content in separate sections with special access regime or shall use other appropriate technically available tools in order to make easily recognizable any Adult Content.

Access to such Content shall be provided only after due correspondence of the nature of the Content to the User and especially the fact that it is intended to be used by adults.

Parents and other guardians shall be provided with opportunities to apply access control mechanisms for protecting the children and younger teenagers under the age of 18 from getting access to Adult Content which is not appropriate for them. These opportunities shall vary depending on the technical solution available and provided by the different Undertakings.

### 3.2. Raising of awareness

Considering the responsibilities of parents and other guardians for breeding and upbringing of their children provided for by the Constitution of the Republic of Bulgaria and the legislation in force, the Undertakings accept to support them by raising of the awareness of parents and other guardians with regard to the Adult

Content and the means for restrictions of the access to such Adult Content by their children under the age of 18.

Signatories shall provide advice and information to the parents and other guardians regarding the use of Mobile Content and the measures which can be undertaken by them to ensure safer use of this Content.

The adopted active educational approach shall have for a purpose to raise the awareness among parents and other guardians about the proper usage of the mobile phones and the particular types of Mobile Content.

Each Signatory shall publish on its corporate website or shall use other appropriate measures to make information with educational character available to the public.

### 3.3. Implementation and Administration of the Code

Each Signatory shall take the responsibility to implement and administrate the Code and shall undertake the appropriate measures in this regard depending on its own systems, recourses and means available for achievement of the purposes stated hereunder.

## **IV. THIRD PARTIES CONTENT**

The Undertakings declare their readiness to undertake the above stated activities to ensure the safer use of their Own-Branded Content by children and younger teenagers under the age of 18.

The Operators further undertake to make Third Parties aware of this Code of Conduct and to invite them to become its signatory.

## **V. INTERNET CONTENT**

The Undertakings provide only access and have no control over the Internet content, including this accessible via mobile phones, and shall have no responsibilities to classify or restrict the access to Internet content.

## **VI. ILLEGAL CONTENT**

The Operators will continue to work with the competent authorities in executing their obligations under the legislation in force with regard to fight against illegal content.

## **VII. REQUESTS AND PROPOSALS**

Anyone having lawful interest may, if such party considers that one or more Undertakings may be violating any of the terms of this Code, submit to the said

Undertakings a written request or proposal. Any such request or proposal should not be anonymous.

The Undertaking to whom the aforementioned written request is addressed, shall examine the request/s/ or proposal /s/ received and shall undertake the necessary and possible measures in this regard.

### **SIGNATORIES**

This Code of Conduct is prepared in full compliance with the legislation in force and does not contradict, nor infringe any provision of the Bulgarian legislation in force or European Union law.

Acceptation of this document shall be performed by signing of a signature sheet by duly authorized representatives of the Undertakings and the Operators or any Third Party. Once signed, this Code may be amended, including because of the need to be updated respectively to future technical development, only by a written consent of all signatories, provided however that it is open to be accepted as it is by any other legal entity which may contribute for reaching of the objects stated in the document and would like to be a party to it.