

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

**Preamble**

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

The Luxembourg Mobile Operators support this framework and reached agreement to develop the initiatives set out in the framework. This framework will therefore be subject to national implementation by the signatory providers and the mobile operators.

This Code of Conduct (referred to as "Code") has therefore been developed by Entreprise des Postes et Télécommunications, LUXGSM S.A., Tango Mobile S.A. and Orange S.A. (referred to collectively in this Code as "mobile operators") for use in the Luxembourg market, considering also the "Luxembourg's Mobile Services Code of Conduct", signed by the mobile operators on 20 February 2008, as content purchased via SMS Premium is also part of the scope of the Code.

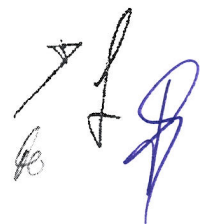
The background of this framework is that, increasingly, mobile devices are available with enhanced features, including colour screens, picture messaging, video cameras and Internet browsers and can be used to access a growing variety of content.

These products being widely adopted by consumers, including younger teenagers and children, the mobile operators developed this Code with the intention to give parents, teachers and other stakeholders access to the information with which to show younger teenagers and children how to use these new mobile devices responsibly and the power to influence the type of content accessible to younger teenagers and children.

The Code covers the content, including e.g. pictures and videos, and Internet access, that may be considered as harmful to younger teenagers and children. It provides a basic common framework and does not prevent mobile operators and content providers from adopting different commercial and brand positions with respect to the content and services they supply, providing these are consistent with the overall provisions of this Code. Each mobile operator may choose or need to use different organizational and technical solutions to enable to meet the various aspects of the Code.

**This being exposed, the mobile operators recognize:**

- that mobile services offer an additional way to consume content (e.g. pictures, videos, etc.) already offered in other ways - typically by mobile operators, service and content providers;
- the importance of parental oversight: accordingly, mobile operators, service and content providers should endeavor to empower parents with Information and tools to facilitate their oversight;



## G.I.E. TELCOM

---

- that any initiatives to classify content should be based on national societal standards regarding decency, appropriateness, legislation and regulation.
- that self-regulation will be a better safeguard against a fast moving environment of mobile technology and services than formal legislation and regulation – It will be future proof.

### **It should be noted that:**

- Mobile operators only control commercial content they produce themselves or which they commission from professional third parties;
- Mobile operators exert limited indirect and retrospective control over commercial content in certain other situations, provided there is a contractual relationship with professional third parties;
- All the mobile service and commercial content providers are invited to respect the same measures and should take full responsibility;
- Commercial content providers are invited to self-classify all content unsuitable for younger teenagers and children in accordance with the framework. By default, all commercial content not classified as such will be deemed as unrestricted.
- Mobile operators are not in a position to control content which is freely accessible on the internet, since there is no relationship between the mobile operator and the service and content provider. However, as responsible companies, mobile operators recognize the need to work with customers, parents, teachers and other stakeholders, including child protection organizations, in order to promote the safety of younger teenagers and children using mobile services;
- Service and commercial content providers offer content in return for payment. Customers use payment methods such as prepaid or postpaid systems or hybrid approaches to billing.

This Code is intended to allow safer mobile use by younger teenagers and children. The mobile operators must assure to enforce the terms of the Code through their agreements with their respective service and commercial content providers from which they commission commercial content.

### **The following measures are hence agreed by the mobile operators:**

#### **A.) Access Control Mechanisms**

1. Any own branded commercial content, classified as only suitable for adult customers in equivalent media, will be provided with the appropriate means for parents to control the access to these types of services.



## G.I.E. TELCOM

2. In addition to article 1, the same appropriate mechanism will be applicable when the content is offered by means of the third party service and commercial content providers. As an example the following mechanisms are in place: barring and blocking for premium services on request of the customers.
3. In addition to articles 1 and 2 above, mobile operators could offer capabilities which can be used by parents to customize access to content by younger teenagers and children using mobiles. These may include specific services, phones or specific reporting mechanisms.

### **B.) Information, Raising Awareness & Education**

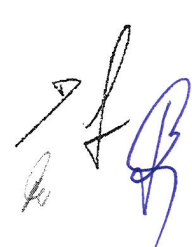
4. The mobile operators in cooperation with specific organizations shall provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children. Advice will include encouraging parents to talk to their children about how to deal with issues arising from their use of mobile services.
5. The mobile operators shall create awareness towards their customers about the risks which can arise when children or younger teenagers use mobile premium services or mobile internet services.
6. The mobile operators shall provide tools in order to ensure that customers will be able to report any of their safety concerns regarding the mobile services offered. The mobile operators shall cooperate with the corresponding specialized organizations.
7. Mobile operators shall support awareness-raising campaigns designed to improve the knowledge of their customers, through organisations such as the INSAFE<sup>1</sup> or LuSI<sup>2</sup> networks and shall actively seek to support the actions taken by the authorities.
8. The measures of this Code can only work effectively if policy makers also take their responsibility to provide educational information and to raise awareness among parents, teachers, younger teenagers and children about proper usage of mobile phones and the Internet.
9. Information on the Code is available on the web site of each mobile operator.

### **C.) Classification of Commercial Content**

10. Mobile operators support classification frameworks for commercial content based on national societal standards, legislation and regulation and consistent with approaches in equivalent media, such as the "Décision 05/89/TLR du 17 novembre 2005" classifying number ranges for premium rate services. The mobile operators undertake the necessary actions to ensure that the classification of commercial content creates at least two different categories and separate classifications for commercial content which is suitable respectively only for adult/+18 customers and suitable for younger teenagers and children (or "unrestricted").

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

<sup>2</sup> Luxembourg Safer Internet – c.f. [www.lusi.lu](http://www.lusi.lu)



## G.I.E. TELCOM


11. Mobile operators shall ensure that commercial content provided by their own-brand is appropriately classified based on these classification standards.
12. Mobile operators shall, as far as possible, undertake the appropriate actions, that the service and commercial content providers with which they have contractual relationships and from which they commission commercial content, classify their commercial content under the same classification approach as outlined in article 11 above and respect the existing legislation and regulation.
13. Mobile operators cannot effectively organize such measures, therefore they call upon policy makers, sector associations and other authorities to provide all the necessary support to ensure that the commercial service and content providers classify their content against the same societal standards.
14. Nothing in the Code prevents mobile operators from providing, for information purposes, further divisions of commercial content classification, where they deem that such an approach would be useful to customers in assessing the age range for which content is designed (e.g. for games).

### **D.) Illegal Content**

15. Mobile operators continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content, amongst other things by reporting of content that may break criminal law, and by removing illegal content identified and hosted on their servers.
16. Mobile operators support the authorities in the fight against illegal child images and, through the bodies combating illegal content on the internet, facilitate the notification of this content where hosted on mobile community products or on the internet.
17. Mobile operators support the creation of appropriate legal take-down procedures for such illegal content, including a commitment to liaise with any law enforcement authority, in accordance with the relevant legal provisions.
18. For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. The Luxembourg Government's support for this is vital and mobile operators will support initiatives in this respect.

### **E.) Unsolicited bulk and Malicious Communications**

19. Mobile operators will continue to take action against unsolicited bulk communications.
20. New forms of content may give rise to additional sources of malicious communications. Mobile operators will continue to deal vigorously with such matter, adapting existing procedures as appropriate. They will ensure in particular that customers have ready access to mechanisms for reporting to them concerns about malicious communications and other safety matters.

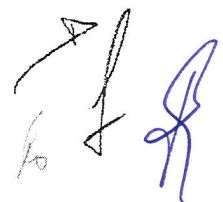


**F.) Implementation, Stakeholder Consultation & Review**

21. By signing this Code, the mobile operators will work towards implementation of these Initiatives described above in collaboration with mobile service and commercial content providers.
22. Mobile operators shall regularly review child safety standards on the basis of the development and changes in technology and mobile services provisions in cooperation with the European Commission and national authorities and organisations combating illegal content on the Internet.
23. Nothing in the Code overrides the mobile operators' or commercial content providers' responsibilities to abide by all relevant legislation and regulation, including the Luxembourg Data Protection legislation.
24. Mobile operators take responsibility for the implementation and administration of the Code. They will keep the Code under review and make changes, where this is seen necessary, for the Code remain relevant to their respective customers.
25. Each mobile operator will enforce the terms of the Code through its agreements with commercial content providers.

**G.) Glossary**

26. Access control mechanisms: methods of preventing unrestricted access to content, including barring, PIN controlled access and subscription only services.
27. Commercial content: content provided by commercial content providers, encompassing own brand and third party providers, to mobile operators' customers. Mobile operators only control content they produce themselves or which they commission from professional third parties. Commercial content includes pictures, video clips, mobile games, music, sounds, etc. It does not include content accessed via the internet, where mobile operators are only providing the connectivity.
28. Commercial content provider: means a provider supplying content to customers through a mobile device.
29. Internet content: content accessed on the Internet, including sites that can be accessed using WAP, where mobile operators only provide connectivity and cannot exercise commercial influence over the type of content supplied to the customer.
30. WAP – Wireless application protocol -: a protocol used by mobile phones to browse either commercial content or internet content.



## G.I.E. TELCOM

---

Signed in Luxembourg on 1 February 2010 for and on behalf of:

**Entreprise des Postes et Télécommunications**




Josep GLOD

**LUXGSM S.A.**



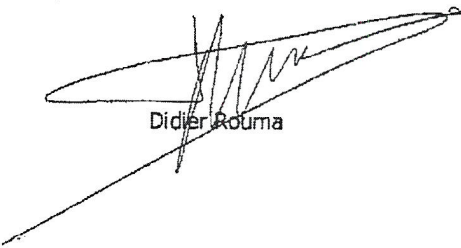
Marc Rosenfeld

**Orange S.A.**



Jeannot Grethen

**Tango Mobile S.A.**



Didier Rouma