

CODE OF CONDUCT

**FOR ACTIVITIES INVOLVING THE PROVISION OF
CONTENT SERVICES**

SONAECOM TMN VODAFONE

CODE OF CONDUCT

FOREWORD

This Code of Conduct was drafted by Sonaecom, TMN and Vodafone Portugal (hereinafter the “Mobile Operators”) for implementation in Portugal.

The Mobile Operators, aware of the following:

- a) That mobile telephones are currently used by clients not only as a voice communication tool but also as a tool for accessing contents and other types of data-based services;
- b) That there has been an increasing development of mobile services for adults;
- c) That there is no dedicated legal or regulatory framework for the supply of adult-only contents through mobile telephones (SMS, MMS and WAP); and
- d) That the current international context *maxime* the commitment made by the different stakeholders in the electronic communication industry in February 2007 before the European Commission, the essence of which translates into the approval of national codes of conduct aimed at establishing rules for the protection of minors when using mobile electronic communication services.

have decided, on its own initiative, to develop and approve this Code of Conduct that they are committed to comply with in the performance of their activities for the provision of content-delivery services.

This Code of Conduct sets the minimum rules that Mobile Operators shall comply with, aware that the implementation thereof may depend on the technical specifications and other internal requirements of each of the same. On the other hand, each Mobile Operator may pursue its own commercial and brand positioning and may also add more restrictive requirements than those envisaged in this Code of Conduct, as long as said positioning and requirements are consistent with the latter.

1. SCOPE AND DEFINITIONS

- 1.1. The scope of this Code of Conduct is a shared approach for Mobile Operators in reference to the protection of minors using mobile electronic communication services. Mobile Operators may at any time include into this Code of Conduct other issues of similar nature that also require a common approach.
- 1.2. The following terms the first letter of which is capitalised have the following meaning throughout the Code of Conduct:

| | |
|---------------------------|--|
| Adult-only Content | Contents that may negatively affect the shaping of the personality of children or adolescents the viewing of which, as a result, is not suitable for children or adolescents, namely contents associated with themes of erotic or sexual nature; |
| Illegal Content: | All graphic contents (including static and moving images), sound or text that are prohibited by law or by a resolution issued by any regulatory body whatsoever; |
| Mobile Operators | Sonaecom - Serviços de Comunicações, SA ("Sonaecom"), TMN – Telecomunicações Móveis Nacionais, S.A. ("TMN") and Vodafone Portugal – Comunicações Pessoais, SA ("Vodafone"); |
| Partners: | Third parties with whom the Mobile Operators have formal contractual agreements in force for the supply of contents or provision of access to short numbers (including both SMS and MMS) or access to contents or portals owned by the same third parties; |
| Pornography: | Any content, in any form whatsoever, that is classified as such pursuant to the law; |
| Child Pornography: | Child Pornography includes, but is not restricted to, any representation, by whatever means, of a child involved in |

explicit sexual acts be they real or simulated or any representation of a child's sexual parts for sexual purposes only, in addition to the exploitation of a child to create this type of representation;

Portals

The Mobile Operators' mobile portals, which are accessible by means of any of the available technologies.

2. PROTECTION OF MINORS

2.1. Illegal Content

The Mobile Operators are committed to implementing suitable mechanisms so as to prevent the availability of any Illegal Content through the Portals and also to assure in association with the Partners that the latter are committed to similar obligations, considering Illegal Content, namely, as being:

- Child Pornography;
- Any violation of human dignity;
- Gratuitous violence or pathological or excessive forms of physical violence;
- Content that encourages discrimination, hate or violence against a person or group of persons due to their race, colour, ethnic or national origin, religion, gender or sexual orientation.

2.2. Pornography and Access Controls

Mobile Operators will do their best efforts in order to only make available on their Portals contents of pornographic nature to clients over 18 years of age, by implementing a sound and safe validation system that will restrict or attempt to eliminate the risk of access by minors.

The pornographic content shall only be made available as a result of an explicit and prior request by the customers and the access to the same must in any case be preceded by a warning page identifying the nature and classification of said content.

In addition, the Mobile Operators will make every effort to ensure that the Partners will commit to obligations similar to those described in the previous paragraph regardless of the distribution channel employed (portals of the Partners, SMS, MMS, Wap or any other means of access).

2.3. Adult-only Content and Access Controls

In the absence of specific rules governing the classification of contents made available through mobile telephones, the Mobile Operators are committed to classifying as an Adult-only content the contents made available through the Portals.

In making available Adult-only Contents, the Mobile Operators shall observe the following principles:

- a warning page shall always be displayed before access to these contents;
- if the client does not want to access this content he/she shall have the option of breaking off browsing;
- whenever it is technically feasible, clients must have the option of proceeding to permanently debar access to these contents through the Portals and by WAP;
- the debarring tool must be activated as requested by the clients and is activated upon accessing the contents of the Mobile Operators and their Partners that are accessible in their respective Portals and by Wap;
- promote the implementation of debarring mechanisms, identical to those mentioned above, for contents made available by SMS and MMS.

The Mobile Operators will make every effort to ensure that the Partners will commit to obligations similar to those described in the previous paragraph in reference to the classification of contents and the implementation of controlled access mechanisms.

2.4. Relationships with Partners

Notwithstanding the provisions established in the text of this Code of Conduct as regards the Partners, the services provided by Partners making available, or who will make available, Adult-only Contents or Pornography shall use a specific range for the demand and delivery of such contents, in order to reduce the risk of such contents being confused with other types of content. These services are currently made available through the 499XX range.

Furthermore, the Mobile Operators shall guarantee that their Partners are committed to ensuring compliance with the following rules on the communication of Adult-only Contents:

- The communication of adult services must be distinguishable from others;
- The communication shall include, as a minimum, the following information: reference to the adult nature of the content, price, customer support contact and name and contacts of the Partner.

3. GENERAL PROVISIONS

- 3.1. The rules provided in this Code of Conduct represent a common understanding between Mobile Operators on the issues touched upon herein, by establishing a set of minimum rules allowing Mobile Operators to adopt specific commercial and brand positioning, in addition to more restrictive measures, as long as the positioning and measures are consistent with this Code of Conduct.
- 3.2. The Mobile Operators agree to regularly review this Code of Conduct, both pursuant the provisions of Clause 1.1. and also to update it in line with technological development, as envisaged by the Law and as may be determined by the competent regulatory authorities.
- 3.3. The Mobile Operators are committed to inform all Partners of this Code of Conduct, meaning that they shall promote the compliance to the rules and principles provided therein.
- 3.4. The Mobile Operators' commitment in reference to the previous item shall be applicable both to Partners with whom contracts have already been entered into and with Partners with whom agreements shall be entered into after the date of signing this Code of Conduct.

Entered into in Lisbon, on this day the ... of February 2008

SONAECON Signature: _____

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Function:

Signature: _____

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TMN Signature: _____

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VODAFONE Signature: _____

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