

Code of Conduct for safely using the content provided on the mobile phone

PREAMBLE

During the past years, the market of mobile electronic communication services has known a special dynamics in Romania and aspect which, added to the arrival of the new technologies, has imposed the needs for operators to create and offer to their own clients new content-related services, dedicated to a society that is currently in full informational development.

Romanian mobile operators and content suppliers have developed individual initiatives in order to make sure that the mobile content is used under the best conditions. Mobile operators propose a set of common conduct principles that are to support the safe use of mobile communications, especially by children and teenagers. The present Code has a self-regulation character and it proposes to reflect these conduct developments that are to determine the responsible use of the mobile content that is especially accessed by children and teenagers.

The signatory parts to the present code are interested in providing communication services in a responsible way concerning any use of the content that might affect the harmonious development of the users who are under 18 years old.

I. Definitions:

- Code of Conduct – the present code of conduct / the code agreed upon by its signatory parts
- Mobile operator – mobile communication services supplier, holder of an licence for operation issued by competent authorities and which owns its own access network
- Commercial content – downloadable content for mobile personalization
- Content supplier – any natural or legal person who supplies commercial content and which has signed a valid contract with the mobile operator, by means of which the supplier sells its own content

- Content-related service (video, audio, images) – a service of the informational society, with onerous title, which is performed by using electronic means and which refers to the distribution of multimedia downloadable content.

II) Conduct principles

The principle of transparency: all users have the right to be informed about the terms and conditions for supply of the services providing content, especially from the category of the services classified for people over 18;

The principle of parental control: if the mobile terminal is designed to be used by children or teenagers, the operators will provide facilities by means of which parents can control or forbid access to the content classified for people over 18;

III) Recommendations for safely using the mobile content

1) Educating and stimulating awareness

- Mobile operators will provide access to the information pertaining to using mobile communication services and the measures that parents might take in order to allow their children to safely use such information.
- Mobile operators will encourage their clients who are parents to talk to their children about the aspects derived from using mobile communications.
- Mobile operators will promote the content of the present Code among their own users, for example by showing the Code on their website, elaborating and offering leaflets with the purpose of rendering customers sensitive, educating them and raising the degree of awareness, etc.

2) Classification of the mobile commercial content

Mobile operators and content suppliers will support the classification rules of the commercial content depending on the national standards of the Romanian society. The categories will cover at least 2 classes: content addressed only to adults and content addressed to all clients' categories.

Mobile operators only control their own commercial content or the content supplied by third parties that they have signed contracts with. Operators cannot control the content that is freely accessed on the Internet, because in such situation, there is no contractual relation between the mobile operator and the content supplier in question.

A. The content created and supplied by mobile operators

- the mobile operator will adequately label the content designed for users over 18;
- mobile operators will not supply under any circumstance any illegal content, such as this is defined in the Romanian legislation in effect;
- the content created and supplied will not be discriminatory, offending or insulting to race, religion, sex or ethnicity;
- the content created and supplied is adequately classified depending on the national standards of the Romanian society.

B. The content created by third parties and supplied by mobile operators

- the third party supplier will adequately pre-classify the content designed for users over 18 before providing it to final users;
- the third party content supplier will not supply under any circumstance any illegal content, such as this is defined in the Romanian legislation in effect;
- the content created and supplied will not be discriminatory, offending or insulting to race, religion, sex or ethnicity;
- the content created and supplied is adequately classified depending on the national standards of the Romanian society.

IV. Requirements pertaining to implementation, consultancy and revision

The present code is drawn up in keeping with the provisions of the Romanian legislation in effect and it has an auto-regulatory character for signatory parties. It can be revised with the consent of the signatory parties. The signatory parties take on to make all necessary efforts for implementing the code, to revise and update the present code whenever it is necessary, in keeping with the legislation in effect at the moment when the revision is made, and in keeping with the ethical principles of the Romanian society. Also, it is recommended for mobile operators to include the provisions of the present Code in the agreements signed with third party content suppliers.

The present code comes into effect starting with the 1st of February 2008, except for the access control mechanism, which will come into effect on the 1st of February 2009.