

## **National Code for mobile operators on safe use of mobile services**

**Orange Slovensko, a.s.**  
**T-Mobile Slovensko, a.s.**  
**Telefónica O2 Slovakia, s.r.o.**

## **1. Contracting Parties**

### **Orange Slovensko, a.s.**

Prievozska 6/A, 821 09 Bratislava, Slovakia

Company ID No.: 35 697 270

Represented by: Ing. Pavol Lančarič PhD., member of the board of directors and managing director

The company is recorded at Companies registry of District Court Bratislava I , Section Sa, File No. 1142/B

### **T-Mobile Slovensko, a.s.**

Vajnorská 100/A, 831 03 Bratislava, Slovakia

Company ID No.: 35 705 019

Represented by:

Ing. Milan Vašina, managing director and holder of procuration

Ing. Ivan Bošňák, financial director and holder of procuration

The company is recorded at Companies registry of District Court Bratislava I, Section Sa, File No. 1238/B

### **Telefónica O2 Slovakia, s.r.o.**

Viedenská cesta 5, 851 01 Bratislava, Slovakia

Company ID No.: 35 848 863

Represented by: Ing. Juraj Šedivý, managing director and executive head

The company is recorded at Companies registry of District Court Bratislava I, Section Sro, File No. 27882/B

(hereinafter referred jointly as “Contracting Parties” or “Mobile Operators” and independently as “Operator” or “Mobile Operator”)

## **2. Preamble**

Whereas the Contracting Parties regard it as important to state the following:

- mobile phones have already become a common means of communication in the whole population of Slovakia too, including children and youth;
- mobile services of operators enable for the most part only another method of access to already existing content (pictures and video, music, debating circles etc.), which is offered by its providers in more ways;
- mobile operators control only commercial mobile content, thus the content that they themselves produce and provide to subscribers or that they take over from third parties; they implement indirect and retroactive control of other content only under condition of a contractual relationship existing with third parties;
- mobile operators are not in a position from which they could control content that is freely available on the internet because no relations exist between the mobile operator and the supplier of such content;
- mobile phone provides the benefits of modern communication to all users, whilst the wide spectrum of its functions (colour display, camera, internet browser etc.) enable access to a wide variety of content;
- mobile operators are interested in all of their subscribers and end users having access to all information about how to use a mobile phone and its functions, as well as access to information about the risks and possible misuse of such functions;
- mobile operators as responsible companies acknowledge the need to work with customers, end users, parents and other interested parties, including organisations for the protection of children, in order to primarily support the security of children using mobile services;

and therefore the Contracting Parties have agreed on this national Code of secure use of mobile services (further referred to as “Code”):

## **3. Scope**

- 1) This Code relates only to commercial mobile content that mobile operators themselves provide to subscribers or that they take over from contractual suppliers of mobile content (third parties).
- 2) Mobile operators are responsible for the mobile content within the scope according to valid generally binding legislation and this Code.
- 3) Mobile operators are not responsible for third party content if in relation to such content they act only as a provider of access or connection to mobile electronic communications network (e.g. content available on the internet).

#### **4. Definitions**

- 1) “Child” for the purposes of this Code is a person younger than 15 years old.
- 2) “Adult” is a person that has reached the age of 18 years, unless according to the law it has reached adulthood earlier.
- 3) “Minor” is a child or youth.
- 4) “Youth” for the purposes of this Code is a person who has reached the age of 15 years old but has not exceeded 18 years.
- 5) “Commercial mobile content” is content made accessible in Slovakia exclusively via one or more mobile public electronic communications networks. Commercial mobile content for the purposes of this Code is understood as being particularly content made accessible via short numbers, released beyond the numerical scope regulated in the Numbering Plan, issued by the Telecommunications Office of the Slovak Republic .
- 6) “Control access mechanism” is a method enabling the blocking of access to commercial mobile content intended only for adults, either for individual subscribers or individual telephone numbers based on the subscriber's (adult's) request or enabling of access blocked for all subscribers based on the subscriber's (adult's) request. In both cases the subscriber's request has to be clearly identified based on verification of his/her identity and age.
- 7) “Commercial mobile content intended only for adults” is commercial mobile content ranked in common classification of content from class CS1.4 to class CS10.
- 8) “Common classification of content” is classification of commercial mobile content focused on erotic, common for all contracting parties, applied in Slovakia. Its wording is contained in an annex to this Code.

#### **5. Control Access Mechanisms**

- 1) The Contracting Parties undertake that after signing this Code they will not offer without securing the possibility of controlling access, via methods of controlling access determined in this Code, any of their own commercial mobile content that is according to the Common classification of content determined only for adults.
- 2) The Contracting Parties undertake to use the methods for controlling access determined in this Code also in relation to commercial mobile content that is according to the Common classification of content intended only for adults and that the contractual suppliers of mobile content supply.

- 3) If a Mobile operator provides or enables access to commercial mobile content intended only for adults, it is obliged to also provide the option of controlling access to it via suitable methods for controlling access.
- 4) Suitable methods for controlling access to commercial mobile content are regarded as being only such methods that within the scope of their use clearly verify the identity and age of the subscriber or the user communicating in the matter of controlling access to services intended only for adults. The identity and age of such a person are regarded for the purposes of this Code as verified
  - a) in the case of written communication or in the case of electronic communication with electronic signature if it states at least 1. name and surname, 2. address, customer number or telephone number and 3. signature (or electronic signature) of the subscriber,
  - b) in the case of personal communication, if the subscriber who is communicating in the matter of controlling access to services intended only for adults proves its identity to operators with a commonly accepted proof of identity,
  - c) in the case of communication via means of electronic communication (voice calls, SMS messages etc.), if a subscriber communicating in the matter of controlling access to services intended only for adults states at least two personal details of a confidential nature (birth certificate number, customer number etc.).

Meanwhile it is not critical whether the verification is done by the operator, a person acting on its behalf (e.g. business representative) or a third party (e.g. post office).

- 5) The Operator decides at its own inclination about to what extent within the securing of methods for controlling access to
  - a) block access to services intended for adults for individual subscribers or end users or telephone numbers based on verification of request by subscriber, and to what extent
  - b) block access to services intended only for adults for all subscribers and in individual cases frees it up based on verification of request of the subscriber (adult).
- 6) Information of the content provider about its suitability only for adult customers, possibly also in combination with unverified declaration by the user about his/her age (disclaimer) is not regarded as a suitable method of controlling access. However, it may be used beyond the framework of methods for controlling access individually in cases when access to the given service intended only for adults is not blocked for all subscribers.
- 7) This Code does not order mobile operators in any case to use a specific method for controlling access and it does not prevent the adoption of wider technical measures for controlling access to commercial mobile content. Each mobile operator can choose for fulfilment of the commitments according to this Code various technical and organisational solutions for controlling access to content.

## **6. Awareness and Education**

- 1) The Mobile Operators undertake to provide basic information and consulting about how to use mobile electronic communications services and content services, and on measures that parents can take to protect children for appropriate and safer use of mobile electronic communications services.
- 2) The Mobile Operators undertake to secure a mechanism via which parents can inform the Mobile Operator about their fears for the safety of the child in connection with the provision of the mobile electronic services and content services.
- 3) The Mobile Operators undertake to support in an appropriate manner information campaigns aimed at increasing the awareness and knowledge of its subscribers and end users about the provision of mobile electronic communications services and content services.
- 4) The Mobile Operators undertake to, in an appropriate manner, share in improving the awareness of children via specialised education material and approaches, which should contain particularly comprehensible information about the safe use of mobile phones and the internet.

## **7. Common Classification of Content**

- 1) The Mobile Operators and contractual suppliers of mobile content have agreed on introducing common classification for mobile content of an erotic nature. When choosing common classification of content, corporate standards of administration were taken into consideration along with usual approaches in means of mass communication, as well as in accordance with generally binding legislation valid in Slovakia.
- 2) The common classification framework is comprised of two categories:
  - a) mobile content intended only for adult customers, and
  - b) other mobile content.
- 3) The Mobile Operators will ensure that common classification of content is also applied when classifying content supplied by contractual suppliers of mobile content.
- 4) Common classification of content comprises an integral part of this Code, and also in a simplified version intended for the public as well as in the full version intended for mobile operators.

## **8. Co-operation of Mobile Operators after Signing the Code**

- 1) The Mobile Operators declare that they will continue to co-operate according to their possibilities with government authorities in fulfilling their obligations relating to the fight against illegal content.
- 2) The Mobile Operators declare that they will continue to support the pertinent government authorities and non-profit sector organisations during their activities connected with the fight against illegal depiction of children and youth and will facilitate the reporting of such content, communicated via mobile electronic communications networks.
- 3) The Mobile Operators undertake during discussions with contractual suppliers of mobile operators, as well as during the duration of contractual relations with them, to adhere to and apply the principles and rules of safe use of mobile services at least at the level agreed on in this Code.

## **9. Implementation, Consultations and Revisions**

- 1) The Mobile Operators undertake that at the latest by 31 December 2009 they will take on and demonstrably fulfil all obligations to which they committed in this Code.
- 2) No later than within 1 month from the date of signing this Code by the last of the Contracting Parties, the Mobile Operators will publish the text of the Code on their websites and will ensure that it is sent to GSM Europe. They will publish the text on their website with a version of common classification of content for the public.
- 3) Either of the Contracting Parties is authorised in the event of doubts about adherence to or fulfilment of obligations stated in this Code to communicate with the other Contracting Party to the Code and to begin consultations in the given matter.
- 4) The Contracting Party that the consultations relate to is obliged to give the necessary explanation within it without unnecessary delay.
- 5) The other Contracting Party to this Code can proceed to consultations at any time too.
- 6) The result of consultations is after agreement by all parties to the consultations binding between those parties.
- 7) The Mobile Operators undertake that with regard to changing social needs, as well as to the technical development of mobile services and changes to their content, they will base on mutual agreement regularly revise and update this Code. Revisions and updates are also possible based on the result of consultations.

### **Annexes:**

1. Common Classification of Content – simplified version
2. Common Classification of Content – full version

Bratislava, 31 January 2008

On behalf of Orange Slovensko, a.s.

**Orange Slovensko, a.s.**

Prievozska 6/A

821 09 Bratislava, Slovakia

Company ID No. 35 697 270

VAT No. SK2020310578

[signature]

Ing. Pavol Lančarič PhD.

Managing director and member of the board of directors

Bratislava, 2008

On behalf of T-Mobile Slovensko, a.s.

[signature]

Ing. Milan Vašina,

Managing director and holder of procuration

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Ing. Ivan Bošňák,

Financial director and holder of procuration

Bratislava, 31 January 2008

On behalf of Telefónica O2 Slovakia, s.r.o.

[signature]

Ing. Juraj Šedivý

Managing director and executive head



## Annex 1.: Common Classification of Content – simplified version

Príloha č. 1.: Spoločná klasifikácia obsahu – zjednodušená verzia

Rating	Title		Description	Male Male	Comments
CS1.0	Glamour/Topless				
CS1.1		Lingerie	Single Model, no nudity must be wearing bra and panties/swimwear/etc. No nipples, no nipple shadow, no nipple covers, no pubic hair or see-through underwear. Can include full rear view if wearing G-String/panties. No sexually suggestive touching or position. No use of objects to imply sexual activity (See Comments).		Use of Object to convey sexual activity covers the handling, kissing, licking or sucking of phallic-like objects.
CS1.2		Glamour	Single Model, no nipples, no nipple shadow, no nipple covers, no pubic hair or see-through underwear. Can include full rear view if wearing G-String/panties or nudity if photographed from the side. Can include limited sexually suggestive touching or position. No use of objects to imply sexual activity (See Comments).	Penis must not appear erect underneath clothing	Use of Object to convey sexual activity covers the handling, kissing, licking or sucking of phallic-like objects. Borderline images with hand positioned over genital area, if this implies masturbation the image will be uplified to CS2.6
CS1.3		Medium Shot Female Nude - rear	Medium shot of single model, can include full rear view but not with legs up or apart. No pubic area/hair, outer lips and/or anus. No use of objects to imply sexual activity.	No Penis or genitalia visible	
CS1.4					
CS1.5					
CS1.7					
CS2.0	Nudity/Initial Sexual Contact				
CS2.1					
CS2.2					
CS2.3					
CS2.4					
CS2.5					
CS2.6					
CS3.0	Genitalia				
CS3.1					
CS3.2					
CS4.0	Female Non-penetrative Sexual Contact				
CS4.1					
CS4.2					
CS5.0	Close Up Female Genitalia				
CS5.1					
CS6.0	Female Penetrative Masturbation				
CS6.1					
CS7.0	Female Penetrative Foreplay and Cunnilingus				
CS7.1					
CS7.2					
CS8.0	Erect Male Genitalia				
CS8.1					
CS8.2					
CS8.3					
CS8.4					
CS9.0	Penetrative Sex/Ejaculation				
CS9.1					
CS9.2					
CS9.3					
CS9.4					
CS9.5					
CS10.0	Other locally legal sexual activity not detailed above				

## Annex 2.: Common Classification of Content – full version

Príloha č.2: Spoločná klasifikácia obsahu – úplná verzia

Rating	Title	Description	Male Male	Comments
CS1.0	Glamour/Topless			
CS1.1		Lingerie Single Model, no nudity must be wearing bra and panties/swimwear/etc. No nipples, no nipple shadow, no nipple covers, no pubic hair or see-through underwear. Can include full rear view if wearing G-String/panties. No sexually suggestive touching or position. No use of objects to imply sexual activity (See Comments).		Use of Object to convey sexual activity covers the handling, kissing, licking or sucking of phallic-like objects.
CS1.2		Glamour Single Model, no nipples, no nipple covers, no pubic hair or see-through underwear. Can include full rear view if wearing G-String/panties or nudity if photographed from the side. Can include limited sexually suggestive touching or position. No use of objects to imply sexual activity (See Comments).	Penis must not appear erect underneath clothing	Use of Object to convey sexual activity covers the handling, kissing, licking or sucking of phallic-like objects. Borderline images with hand positioned over genital area, if this implies masturbation the image will be uplisted to CS2.6
CS1.3		Medium Shot Female Nude - rear Medium shot of single model, can include full rear view but not with legs up or apart. No pubic area/hair, outer lips and/or anus. No use of objects to imply sexual activity.	No Penis or genitalia visible	
CS1.4		Topless Single Model, no genitalia, no pubic hair, can include full rear view in 1.3. No sexually suggestive touching or position. No use of objects to imply sexual activity.	Penis must not appear erect underneath clothing	Sexually Suggestive contact includes hand to breast but excludes kissing/licking of breasts, or any hand contact with pubic area and genitalia.
CS1.5		Topless with sexual suggestion As CS1.4 above, but in a limited sexually suggestive pose.	Penis must not appear erect underneath clothing	Borderline images with hand positioned over genital area, if this implies masturbation the image will be uplisted to CS2.6
CS1.7		Female Female Topless More than one model, no genitalia, no pubic hair, can include full rear view. Limited sexually suggestive touching or position (See Comments). No use of objects to imply sexual activity.		Limited sexually suggestive touching excludes hand to breast but can include breast to breast
CS2.0	Nudity/Initial Sexual Contact			
CS2.1		Female Female Topless Touching More than one model, no genitalia, no pubic hair, can include full rear view. Can include kissing, sexually suggestive touching of themselves or each other (See Comments). No use of objects to imply sexual activity.	N/A	Sexually Suggestive contact includes hand to breast but excludes kissing/licking of breasts, or any hand contact with pubic area and genitalia.
CS2.2		Female Male Topless Touching More than one model, no genitalia, no pubic hair, can include full rear view. Can include kissing and sexually suggestive touching of themselves or each other. No use of objects to imply sexual activity.	Applies to Male Male	Sexually Suggestive contact includes hand to breast but excludes kissing/licking of breasts, or any hand/mouth contact with pubic area and genitalia
CS2.3		Medium Shot Female Nude - Front Medium shot of single model, can include full rear view or full frontal but not with legs up or apart. Public area/hair may be seen but no view of inner lips. No anus visible. No use of objects to imply sexual activity.	No Penis or genitalia visible	Sexually Suggestive contact is as above, however: This category is sensitive due to the physical variations that will occur between the models. This and the fact that in some images the model may be shaved, could uplift certain images to CS3.1
CS2.4		Female Female Nudity Nudity as CS2.3 but with more than one model. Can include kissing/licking of breasts. No use of objects to imply sexual activity.	N/A	Sexually suggestive touching excludes any hand/mouth contact with pubic area and genitalia
CS2.5		Female Male Nudity More than one model, no male genitalia or pubic hair, female nudity as CS2.3. Can include kissing/licking of breasts but excludes kissing/licking/touching of genitalia. No use of objects to imply sexual activity.	Applies to Male Male	When using video content, if soundtrack is used to imply that penetration is happening, the rating would be uplisted to CS10.1 (penetrative sex).
CS2.6		Non-Penetrative Female Masturbation Medium shot of single model can have legs up or apart but no detailed view of genitalia or public area, no penetration with fingers, no excretion. Hand must cover public area or be inside/outside of G String/panties. No use of objects to imply sexual activity.	N/A	Borderline in video when hand in underwear and scrotal facial expression, if it implies penetration then the image would be uplisted to CS6.1
CS3.0	Genitalia			
CS3.1		Medium Shot Female Genitalia Medium shot of naked model in which public area and genital detail may be seen and can include legs up or apart. Picture is not to be solely of public area. No excretion, no penetration, no pulling apart of lips. No anus visible. No use of objects to imply sexual activity.	N/A	
CS3.2		Medium Shot Male Genitalia Medium shot of naked model in which public area and genital detail may be seen and can include legs up or apart. Picture is not to be solely of public area. Penis visible but not erect (45 degrees). No anus visible. No use of objects to imply sexual activity.	Applies to Male Male	Please Note: In some local markets male nudity may be considered more restrictive than some of the categories in CS4.0 and above.
CS4.0	Female Non-penetrative Sexual Contact			
CS4.1		Female Female Medium shot of mutual masturbation or implied oral sex. No visible penetration with tongue, fingers etc. No tongue on genitalia. Normal sized and shaped phallic objects can be used in the shot, but the objects must not touch the genitalia.	N/A	
CS4.2		Female Male Medium shot of male masturbating female or implied oral sex (cunnilingus). No visible penetration with tongue, fingers etc. No tongue on genitalia, if penis visible then must not be erect. Normal sized and shaped phallic objects can be used in the shot, but the objects must not touch the genitalia.	N/A	
CS5.0	Close Up Female Genitalia			
CS5.1		Natural/Opened Close up of model where picture is mainly of public/genital area. If penis visible then must not be erect. Pose may allow inner and outer lips and genital detail including anus to be seen. No excretion. Normal sized and shaped phallic objects can be used in the shot, but the objects must not touch the genitalia.	N/A	Lips may be held apart.
CS6.0	Female Penetrative Masturbation			
CS6.1		Fingers/Objects As CS5.1 but with penetration of vagina with finger or object.	N/A	Only phallic objects of normal size and shape can be used in the shot
CS7.0	Female Penetrative Foreplay and Cunnilingus			
CS7.1		Fingers Male or female finger touching or inserted into another female's vagina. If penis visible then must not be erect	N/A	
CS7.2		With Tongue/Object As CS7.1 but penetration with tongue or object	N/A	Only phallic objects of normal size and shape can be used in the shot
CS8.0	Erect Male Genitalia			
CS8.1		Medium shot Erect Penis Medium shot of model from a distance with penis erect, picture not solely of erection. No touching, no penetration, no excretions or stimulation of excretions.	Applies to Male Male	
CS8.2		Close Up Close up of model where picture is solely of genital/public area. Anus may be shown. No touching, no penetration, no excretions or stimulation of excretions.	Applies to Male Male	
CS8.3		Masturbation of Male by self or female Medium or close up shot of model with penis erect. Penis may be touched/rubbed by subject or woman. No ejaculation or simulated ejaculation.	Applies to Male Male	
CS8.4		Oral Sex - Fellatio Medium or close up shot of female performing fellatio with man. No ejaculation or simulated ejaculation.	Applies to Male Male	Must not include any indication of force.
CS9.0	Penetrative Sex/Ejaculation			
CS9.1		Penis/Vagina Shot of vagina being penetrated by penis, can be close up. No ejaculation or sign of ejaculation.	N/A	
CS9.2		Ejaculation Ejaculation on body, face, genitalia or anus.	Applies to Male Male	
CS9.3		Finger/Anus Shot of anus being penetrated by finger, can be close up.	Applies to Male Male	
CS9.4		Penis, Tongue or Object/Anus Shot of anus being penetrated by penis, can be close up. Anus can be seen being penetrated by other objects.	Applies to Male Male	Only phallic objects of normal size and shape can be used in the shot
CS8.5		Double Simultaneous penetration of anus and vagina by penis, fingers and/or objects.		Only phallic objects of normal size and shape can be used in the shot
CS10.0	Other locally legal sexual activity not detailed above			