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REPORT

on the Commission proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS))

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mr Gerhard Schmid

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PE 225.458/fin.

- * Consultation procedure
simple majority
- **I Cooperation procedure (first reading)
simple majority
- **II Cooperation procedure (second reading)
simple majority to approve the common position
majority of Parliament's component Members to reject or amend the common position.
- **III Assent procedure
majority of Parliament's component Members to give assent
but simple majority under Articles 8a, 105, 106, 130d and 228 EC
- ***I Codecision procedure (first reading)
simple majority
- ***II Codecision procedure (second reading)
simple majority to approve the common position;
majority of Parliament's component Members to adopt a declaration of intended
rejection of the common position, and amend the common position or confirm its rejection
- ***III Codecision procedure (third reading)
simple majority to approve the joint text;
majority of Parliament's component Members to reject the Council text

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By letter of 26 January 1998 the Council consulted Parliament, pursuant to Article 130(3) of the EC Treaty, on the proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet.

At the sitting of 29 January 1998 the President of Parliament announced that he had referred this proposal to the Committee on Civil Liberties and Internal Affairs as the committee responsible and the Committee on Budgets, the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Culture, Youth, Education and the Media for their opinions. At the sitting of 29 April 1998, the President of Parliament announced that he had referred the proposal to the Committee on Women's Rights for its opinion.

At its meeting of 18 and 19 May 1998, the Committee on Legal Affairs and Citizens' Rights decided, pursuant to Rule 53(3) of the Rules of Procedure, to examine the legal basis of the proposal, and at its meeting of 3 June 1998 it decided that the appropriate legal basis was Article 129a(2) of the EC Treaty.

At its meeting of 18 March 1998 the Committee on Civil Liberties and Internal Affairs appointed Mr Gerhard Schmid rapporteur.

It considered the Commission proposal, the draft report and the proposal to change the legal basis to Article 129a(2) of the EC Treaty at its meetings of 27 April and 4 June 1998.

At the latter meeting it adopted the draft legislative resolution unopposed, with one abstention.

The following took part in the vote: d'Ancona, chairman; Schmid G., rapporteur; Andrews (for Schaffner), Bontempi, Buffetaut, Cederschiöld, Crawley, Deprez, Elliott, Ford, Lehne (for Posselt), Lindeperg, Nassauer, Pinel, Pirker, Roth, Schulz, Wemheuer (for Marinho) and Zimmermann.

The opinions of the Committee on Budgets, the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Women's Rights and the Committee on Culture, Youth, Education and the Media and the letter from the Committee on Legal Affairs and Citizens' Rights concerning the legal basis are attached.

The report was tabled on 9 June 1998.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

A
LEGISLATIVE PROPOSAL

Proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS))

The proposal is approved with the following amendments:

Text proposed by the Commission⁽¹⁾

Amendments by Parliament

(Amendment 1)

Title

Proposal for a Council Decision

of ...

adopting a Multiannual Community Action Plan promoting safe use of the Internet

Proposal for a European Parliament and Council Decision

of ...

adopting a Multiannual Community Action Plan promoting safer use of the Internet

(Amendment 2)

Citation 1

having regard to the Treaty establishing the European Community, and in particular Article 130(3) thereof,

having regard to the Treaty establishing the European Community, and in particular Article 129a(2) thereof,

(Amendment 3)

Recital 2

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can seriously hamper the development of the emerging Internet industry and thus, adversely affect the set-up of the necessary favourable environment for initiatives and undertakings to flourish;

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can damage the mental health, safety and economic interests of consumers and thus, adversely affect the set-up of a favourable environment for promoting and respecting ethical standards;

⁽¹⁾ OJ C 048, 13.2.1998, p. 8

(Amendment 4)
Recital 2a (new)

(2a) Whereas illegal and harmful content on the Internet can relate to a very wide range of issues: national security, the protection of minors, protection of human dignity, financial security, data protection and the protection of privacy, reputation, public health and intellectual property;

(Amendment 5)
Recital 3

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet, in particular for offences against children;

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet, in particular for offences against children and trafficking in human beings;

(Amendment 6)
Recital 16

(16) Whereas co-operation from the industry and a full functioning system of self-regulation are essential to limiting the flow of illegal content on the Internet;

(16) Whereas cooperation from the industry in setting up voluntary and full functioning systems of self-regulation and the existence of effective mutual notification systems between the competent authorities concerning the contents of the Internet are essential to limiting the flow of illegal content on the Internet;

(Amendment 7)
Recital 18

(18) Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it; whereas it is inevitable to this effect to have at least common European, if not global standards, given that the Internet is by its nature cross-national, as underlined by the Ministerial declaration adopted during the Bonn Conference (par. 41 et seq.);

(18) Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it or distribute it deliberately; whereas it is indispensable to this effect to have common European standards compatible with global standards, given that the Internet is by its nature cross-national, as underlined by the Ministerial declaration adopted during the Bonn Conference (par. 41 et seq.);

(Amendment 8)
Recital 27a (new)

(27a) Having regard to the code of conduct drawn up between Parliament and the Commission on information and the presence of European Parliament representatives at the proceedings of Commission committees, as set out in Parliament's resolution of 24 October 1996⁽¹⁾

¹ OJ C 347, 18.11.1996, p. 111

(Amendment 9)
Article 1(1)

1. The Multiannual Community Action Plan on promoting safe use of the Internet ('The Action Plan'), as described in Annex I to this decision, is adopted.

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(Amendment 10)

Article 2

The action plan has the objective of encouraging an environment favourable to the development of the Internet industry by promoting safe use of the Internet.

The action plan has the objective of encouraging, at European level, an environment favourable to the development of the Internet industry by promoting safe use of the Internet as a supplement to other actions financed by the Community budget in response to the impact of new technologies on the general public.

(Amendment 11)

Article 3, first indent

- promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, racism and anti-semitism),

- promotion of industry self-regulation and the implementation of schemes to monitor and combat illegal and harmful content on the Internet which may jeopardize national security, the protection of minors, protection of human dignity, financial security, data protection and protection of privacy, reputation, public health and intellectual property (especially dealing with content such as child pornography, inciting or inducing trafficking in people and sexual abuse, homophobia, racism and anti-semitism),

(Amendment 12)

Article 3, fourth indent

- support actions such as assessment of legal implications,

- support actions such as assessment of legal implications, and adopt guidelines regarding the responsibility of each body involved for the content of the Internet and combating harmful and illegal content,

(Amendment 13)
Article 3, sixth indent a (new)

= supporting initiatives, including websites for information and assistance, by organizations that are active in the protection of human and citizens' rights, and in counteracting violence and the abuse of women and children;

(Amendment 14)
Article 5

- | | |
|---|---|
| <p>1. The Commission shall be assisted by a committee of an advisory <u>nature</u> composed of <u>the representatives of the Member States</u> and chaired by the representative of the Commission.</p> <p>2. The Commission representative shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.</p> <p>3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask <u>to have its position recorded</u> in the minutes.</p> <p>4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which <u>its opinion has been taken</u> into account.</p> | <p>1. The Commission shall be assisted by a committee of an advisory <u>character</u> composed of <u>one representative per Member State</u> and chaired by the representative of the Commission.</p> <p>2. The Commission representative shall submit to the committee a draft of measures <u>of a general nature</u> to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.</p> <p>3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask <u>for its position to be included</u> in the minutes.</p> <p>4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which <u>it has taken that opinion</u> into account.</p> |
|---|---|

(Amendment 15)

Article 6(4)

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Article 2. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the action plan.

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Annex I. Reference shall also be made to general findings applicable to all categories of illegal content. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the Action Plan.

(Amendment 16)

Annex I, fourth indent

- foster co-operation and exchange of experiences and best practices,

- foster co-operation and exchange of experiences and best practices at European and international levels,

(Amendment 17)
ANNEX I, section 1.2, third paragraph

Under this action line, it is foreseen to develop guidelines at European level for codes of conduct, to build consensus for their application, and support their implementation. This action will be carried out through a call for tender to select organizations that can assist self-regulatory bodies to develop and implement codes of conduct. Measures will be taken to carefully monitor progress. This will be done in close coordination with the promotion of common guidelines for the implementation, at national level, of a self-regulation framework as advocated by the Council Recommendation on Protection of Minors and Human Dignity.

Under this action line, it is foreseen to develop guidelines at European level for codes of conduct, to build consensus for their application, and support their implementation. This action will be carried out through a call for tender to select organizations that can assist self-regulatory bodies to develop and implement codes of conduct. In connection with the adoption of these rules, a European quality labelling system will also be worked out for suppliers of Internet services that comply with these rules. Measures will be taken to carefully monitor progress. This will be done in close coordination with the promotion of common guidelines for the implementation, at national level, of a self-regulation framework as advocated by the Council Recommendation on Protection of Minors and Human Dignity.

(Amendment 18)
ANNEX I, section 2, second paragraph

The measures under this action line will focus on demonstrating the potential and the limitations of filtering and rating systems in a real world environment, with the objective of encouraging establishment of European systems and familiarizing users with their use. Filtering and rating schemes must be internationally compatible and interoperable and developed with full cooperation of representatives of industry, consumers and users.

The measures under this action line will focus on demonstrating the potential and the limitations of filtering and rating systems in a real world environment, with the objective of encouraging establishment of internationally compatible systems and familiarizing users with their use. Filtering and rating schemes must be internationally compatible and interoperable and developed with full cooperation of representatives of industry, consumers and users.

(Amendment 19)
ANNEX I, section 2.1, first paragraph

Rating systems will be stimulated which are relevant to European requirements and which ensure that filtering and rating is implemented in a way which provides workable options in practice for users, parents and teachers. In order to build critical mass, a wide coverage of sites should be obtained. Action will therefore be taken to stimulate use of rating by content providers. Rating carried out by independent third parties ensures a standard approach to content rating and deals with cases where the content provider fails to rate properly. There is a need to meet specific requirements of business, institutional or educational users as well as those of end users not met by the content provider's rating system.

Rating systems will be stimulated which are internationally compatible, relevant to European requirements and which ensure that filtering and rating is implemented in a way which provides workable options in practice for users, parents and teachers. In order to build critical mass, a wide coverage of sites should be obtained. Action will therefore be taken to stimulate use of rating by content providers. Rating carried out by independent third parties ensures a standard approach to content rating and deals with cases where the content provider fails to rate properly. There is a need to meet specific requirements of business, institutional or educational users as well as those of end users not met by the content provider's rating system.

(Amendment 20)
Annex I(2.1), second paragraph

Following a call for proposals, projects will be selected to validate rating systems in relation to European content, to encourage integration of rating into the content creation process and to demonstrate the benefits of these technical solutions. Emphasis will be placed on usefulness and practicality in 'real-world' situations involving a large cross-section of typical users.

Following a call for proposals, projects will be selected to validate rating systems in relation to European content, to encourage integration of rating into the content creation process and to demonstrate the benefits of these technical solutions. Emphasis will be placed on usefulness and practicality in 'real-world' situations involving a large cross-section of typical users. This also includes tests as to the secureness of filtering software against attempts to bypass or deactivate it.

(Amendment 21)
Annex I(3), fifth paragraph

Electronic distribution of material should be supplemented by more widespread traditional packages for use in schools and libraries. The awareness initiatives will take advantage of the awareness actions carried out under other programmes, in particular the MIDAS-NET established under INFO2000.

The awareness initiatives will take advantage of the awareness actions carried out under other programmes, in particular the MIDAS-NET established under INFO2000.

(Amendment 22)
ANNEX I, section 3.2, third paragraph

Actions aimed at teachers will include seminars and workshops and preparation and distribution of specific printed and multimedia material to a large cross-section of members of the profession. Special netdays - a series of special events aimed at increasing user awareness - will be organized in collaboration with the *Learning in the Information Society Action Plan*, which has wide support from industry. Typical actions aimed at the general public would include: creation of Web Sites, distribution of information material in schools, through access providers and through shops and other outlets selling computers, distribution of CD-ROMs on computer magazines. More specific information would be given when targeting families already owning a computer. Traditional media (press, television) would also be used to stimulate awareness through publicity campaigns and information packs for journalists. Using the platform of the European Network of Schools, which is being set up with the support of the education ministries of Member States, special web-pages will be created and maintained.

Actions aimed at teachers will include preparation and distribution of specific information and multimedia material to a large cross-section of members of the profession. Special netdays - a series of special events aimed at increasing user awareness - will be organized in collaboration with the *Learning in the Information Society Action Plan*, which has wide support from industry. Typical actions aimed at the general public would include: distribution of information material in schools, through shops and other outlets selling computers, distribution of CD-ROMs on computer magazines. Traditional media (press, television) would also be used to stimulate awareness through information packs for journalists. Using the platform of the European Data Network of Schools, which is being set up with the support of the education ministries of Member States, special web-pages will be created and maintained.

(Amendment 23)
Annex I(4.1), second paragraph a (new)

This examination should also focus on:

- which legal instruments are required to be able to classify each provider of content in the Internet (author and provider) and each sender of an e-mail as a natural or a legal person;

- which substantive provisions of criminal law in the Member States and in the framework of international agreements ought to be approximated in qualitative terms (e.g. child protection age, definition of content which is subject to prosecution, liability to prosecution in respect of links to offerings whose content is subject to prosecution);

- how quickly formal requests for judicial assistance need to be processed, given the nature of the Internet, for effective international law enforcement;

- the extent to which changes are needed to police law in Member States in order to allow preventive action in relation to Internet content which is subject to prosecution.

Police officers' experience should also be included in these examinations.

(Amendment 24)
Financial statement, point 3

3. LEGAL BASIS

Treaty establishing the European Community and in particular Article 130(3).

3. LEGAL BASIS

Treaty establishing the European Community and in particular Article 129a(2).

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution embodying Parliament's opinion on the Commission proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS))

(Consultation procedure: first reading)

The European Parliament,

- having regard to the Commission proposal, COM(97)0582 - 97/0377(CNS)⁽¹⁾,
 - having been consulted by the Council pursuant to Article 130(3) of the Treaty on European Union (C4-0042/98),
 - having regard to Rule 58 of its Rules of Procédure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Budgets, the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Culture, Youth, Education and the Media and the Committee on Women's Rights and the opinion of the Committee on Legal Affairs and Citizens' Rights approving the change in the legal basis to Article 129a(2) of the EC Treaty (A4-0234/98),
1. Approves the Commission proposal, subject to Parliament's amendments;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 5. Instructs its President to forward this resolution to the Council and Commission.

⁽¹⁾ OJ C 048, 13.2.1998, p. 8

B EXPLANATORY STATEMENT

1. Basic stance on the draft action plan

In addition to the details of the proposed action plan on promoting safer use of the Internet, what first has had to be verified is whether an action plan is needed at all. In its communication COM(96)487 on illegal and harmful content on the Internet, the Commission set out what action is needed. On the basis of a report by Mr Pradier, A4-0098/97, the European Parliament commented on this in detail and proposed measures in its resolution of 24 April 1997⁽¹⁾, which to a large extent have been taken on board by the Commission. A further debate on the fundamentals of the action plan is therefore unnecessary.

The Internet has become an important element in social, culture and educational fields, lowering the barriers to the creation and distribution of content and offering comprehensive access to ever richer sources of digital information. The vast majority of Internet content is intended for information purposes for totally legitimate business or private usage. However, the Internet also contains a limited amount of harmful or illegal content or can also be used for criminal activities in the same way as traditional modes of communication. The benefits of the Internet far outweigh any drawbacks, but the risks need to be addressed.

The proposed action plan is chiefly intended as a tool for combating undesirable content on the Internet, i.e. content which is allowed but whose distribution should be restricted to adults or might offend certain users, though its publication is not restricted because of the principle of freedom of expression. Measures are proposed for which European Union financial support makes sense. They are based on the political direction given by the European Parliament and the Council when addressing these issues and, in the case of undesirable content, lead to solutions based on industry self-regulation, filtering and raising users' awareness. They complement and reinforce measures carried out or in preparation in the Member States.

Because the EU lacks criminal law and law enforcement powers, the action plan addresses illegal content only in terms of encouraging the preparation of necessary national legislation and international agreements (studies) and promoting voluntary cooperation by the industry and users. Illegal content relates to a wide variety of issues:

- *national security* (instructions on bomb-making, illegal drug production, terrorist activities);
- *protection of minors* (abusive forms of advertising, violence, pornography);
- *protection of human dignity* (incitement to racial hatred or racial discrimination);
- *economic security* (fraud, instructions on cheque card fraud);
- *information security* (unauthorized hacking);
- *protection of privacy* (unauthorized communication of personal data, electronic harassment);
- *protection of reputation* (libel, unlawful comparative advertising);
- *intellectual property* (unauthorized distribution of copyrighted works, e.g. software or music).

⁽¹⁾ OJ C 150, 19.5.1997, p. 38.

Illegal content must be combated at source by law enforcement agencies; their activities are covered by provisions of national law and agreements on judicial cooperation. However, the industry can lend an important hand by restricting the circulation of illegal content through properly functioning systems of self-regulation. This can be reinforced by promoting special reporting centres (hotlines) for network users' observations.

2. Description of the action plan

The action plan specifically addresses measures where financial support from the Community is necessary. It aims to:

- prompt the actors involved (industry, users) to develop and implement appropriate systems of self-regulation;
- pump-prime developments by supporting demonstrations and stimulating the application of technical solutions;
- alert and inform parents and teachers, in particular through their relevant associations;
- foster cooperation and pooling of experience and best practices;
- promote coordination across Europe between the actors concerned;
- ensure that the approaches taken in Europe and elsewhere are mutually compatible.

Four action lines are proposed:

Action line 1: Creating a safe environment

The first action line is designed to restrict the circulation of illegal and harmful content and to encourage the development of self-regulation by the industry, with a view to achieving a high level of protection and addressing questions of traceability. To this end, provision is made for specific support measures for content-monitoring procedures such as, for example, a European network of hotlines, development of common approaches throughout Europe and the transfer of expertise and best practices. In addition, steps are to be taken for information exchange, both electronically and at regular meetings, between self-regulatory bodies and industry on codes of conduct and best practices in connection with both illegal and harmful content.

Action line 2: Development of filtering and rating systems

Technical solutions such as filtering and rating systems are available which prevent undesirable content from reaching persons for whom it is not suitable or who do not wish to receive it. The level of technical sophistication is still low, and furthermore too little account is taken of Europe's cultural and linguistic diversity. Demonstration projects are to be put out to tender in which the various Internet industry players (content providers, software industry, service providers) and users such as parents, teachers and consumers' associations are intended to participate. The results of these projects are to be widely disseminated.

Action line 3: Encouraging awareness actions

Awareness of the potential of the Internet and of its dangers is still relatively low in Europe. Awareness actions to promote the safe use of the Internet, targeted at specific groups, such as parents, teachers and children, can help to overcome this shortcoming. Awareness is also necessary to complement action lines 1 and 2, since industry action to introduce self-regulation, filtering and rating can only be successful if users and potential users are aware of them. The first step will be to plan and prepare the projected measures, defining the information resources and how to adapt them to linguistic and cultural requirements. The second step will consist in carrying out awareness measures throughout Europe.

Action line 4: Support actions

Contrary to what is often thought, the Internet does not exist in a legal vacuum. However, its unique characteristics and, in particular, its global nature raise questions as to, for example, the applicable law and liability for criminal offences. These issues are being discussed in a host of forums. Special laws are being developed in many countries. These developments require close monitoring and continuous assessment. It must also be ensured that the European measures taken under the action plan are appropriately coordinated with similar measures elsewhere.

3. Grounds for the amendments

Amendment 1: Through its title, the action plan claims to ensure safe use of the Internet. It may perhaps be a factor in this; but it cannot achieve it itself. Furthermore, the term fosters the erroneous view that parents would no longer have to bother about their children and that, rather, they could leave the protection of minors to technical systems. On both of these grounds, the term 'safer use' ought to be used throughout the text of the action plan.

Amendment 2: Filtering software for Internet users' computers will be of no practical benefit unless it is straightforward to operate without considerable background knowledge, unless rating systems are suitable and unless filters cannot be bypassed and deactivated by youngsters with, as is often the case, very extensive knowledge of software and operating systems. When filtering software and rating systems are being validated, then, an amount should be used for an invitation to tender, open also to young people (school classes, computer clubs), to examine the extent to which filtering software is sabotage-proof.

Amendments 3 and 4: When awareness measures are being carried out, the utmost value should be attached to cost-effectiveness to ensure that a large-scale impact can be achieved with what are, for a Europe-wide action, very meagre resources. Right from the outset, seminars, workshops, traditional advertising campaigns and printed matter ought therefore to be ruled out, on cost grounds, as information vehicles. Instead of giving information to families which already own a computer - how, in practical terms, is that supposed to be done? - it should be given, in collaboration with the industry, when a modem or ISDN card is purchased.

Amendment 5: Combating Internet content which is subject to prosecution is a matter for the Member States. In practice, it is made considerably more difficult by the fact that not even in the European Union are there identical or at least comparable legal standards governing important issues. Prosecution in the case of child pornography is difficult if 'child' is defined on the basis of differing age limits. It is also difficult if a pointer to an offering with content which is subject to

prosecution - a 'link' in the World Wide Web - is not itself subject to prosecution. Law enforcement also becomes impossible if servers can be operated anonymously and electronic mail sent anonymously. In addition to legal aspects, examinations should also incorporate in particular the practical experience gained by police officers of Internet criminal offences.

OPINION

(Rule 147 of the Rules of Procedure)

for the Committee on Civil Liberties and Internal Affairs

on the proposal for a Council Decision adopting a multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 final - C4-0042/98 - 97/0337(CNS) (report by Mr G. Schmid)

Committee on Budgets

Letter from the committee chairman to Mrs d'Ancona, chairman of the Committee on Civil Liberties and Internal Affairs

Brussels, 3 June 1998

Dear Madam Chairman,

The Committee on Budgets considered the above communication at its meeting of 3 and 4 June 1998.

1. It noted that the objective was to launch a multiannual action plan (1998-2001) based on the four actions lines below for the purpose of strengthening the European position with a view to initiating longer-term actions at national level:
 - Action 1: Creating a safe environment
Cost: ECU 5.6m
 - Action 2: Developing filtering and rating systems
Cost: ECU 13.0m
 - Action 3 Encouraging awareness actions
Cost: ECU 9.4m
 - Action 4 Support measures
Cost: ECU 2.0m.
2. The intention is to provide a legal basis (Article 130 of the Treaty) for actions operated hitherto under pilot projects for which the budgetary authority had entered ECU 1m in the 1998 budget; the Commission has entered ECU 7m in the 1999 preliminary draft budget (PDB).
3. Although it had welcomed the principle of using Community support to coordinate checks on the use of the Internet, the Committee on Budgets felt obliged to draw attention to an inconsistency in the Commission's choice of priorities in that the programme's financing does not correspond to the decisions drawn up under the PDB for 1999.
4. As regards budgetary aspects, the Committee on Budgets noted that total financing for the action amounted to ECU 30m over four years at the rates of ECU 7m for each of the first two years and ECU 8m for the second two.

On the basis of the breakdown of the cost of the action set out in the financial statement, the committee drew attention to the need to allow for flexibility as between different actions within the multiannual programme in order not to narrow the scope of financial allocations at the expense of the adaptability called for by the nature of the programme.

5. It raised, in general terms, the question of the synergies capable of being developed between this programme and other operations financed by the Community budget under the first pillar (B5-3) or the third pillar (B5-8), having both a technical impact in terms of the market in information and a legal one as regards the interests and rights of users, whether as individuals or enterprises.

Specific actions - Chapters B5-3 and B5-8

Item	Description	1997 Budget	1998 Budget	1999 PDB
B5-330	Info 2000	19.9	15.0	10.0
B5-331	Information society	10.0	10.0	6.0
B5-332	Impact (development of an information-services market)	--	--	--
B5-336	Action on unlawful and harmful Internet content	--	1.0	7.0
B5-800	Cooperation on justice and home affairs	te	8.0	12.0
B5-801	Eurodac	--		te
B5-805	Schengen			te
TOTAL		29.9	34.0	35.0

6. Finally, this type of action always includes the prior establishment of an identification framework for the situation in the area concerned, which generates repeat administrative expenditure. Such expenditure could be rationalized by using common resources or data-processing information networks such as IDA, and would enable economies of scale to be achieved, thereby increasing the amounts released as operating appropriations.

The Committee on Budgets has delivered a favourable opinion on the proposal while asking the Committee on Civil Liberties and Internal Affairs to take the above comments into account and to incorporate the following amendments.

(Closing formula and signature)

Detlev SAMLAND

Present at the vote: Tillich (acting chairman), Giansily (vice-chairman), Böge, Dankert, Dührkop, Dührkop, Elles, Fabre-Aubrespy, Kelleth-Bowman (for Bardong), Laignel, McCartin, Miranda, Mulder (for Brinkhorst), Müller, Seppänen, Tappin, Tomlinson, Waidelich, Willockx and Wynn.

**Proposal for a Council Decision
adopting a Multiannual Community Action Plan
on promoting safe use of the Internet**

Text proposed by the Commission

Amendments by Parliament

(Amendment 1)
Recital 27a (new)

(27a) Having regard to the code of conduct drawn up between Parliament and the Commission on information and the presence of European Parliament representatives at the proceedings of Commission committees, as set out in Parliament's resolution of 24 October 1996⁽¹⁾

¹ OJ C 347, 18.11.1996, p. 111

(Amendment 2)
Article 2

The action plan has the objective of encouraging an environment favourable to the development of the Internet industry by promoting safe use of the Internet.

The action plan has the objective of encouraging, at European level, an environment favourable to the development of the Internet industry by promoting safe use of the Internet as a supplement to other actions financed by the Community budget in response to the impact of new technologies on the general public.

(Amendment 3)
Article 5

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.
 2. The Commission representative shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.
 3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
 4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.
1. The Commission shall be assisted by a committee of an advisory character composed of one representative per Member State and chaired by the representative of the Commission.
 2. The Commission representative shall submit to the committee a draft of measures of a general nature to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.
 3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask for its position to be included in the minutes.
 4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which it has taken that opinion into account.

20 May 1998

OPINION

(Rule 147)

for the Committee on Civil Liberties and Internal Affairs

on the proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS)) (report by Mr Schmid)

Committee on Economic and Monetary Affairs and Industrial Policy

Draftsman: Mr Stelios Argyros

PROCEDURE

At its meeting of 16 February 1998 the Committee on Economic and Monetary Affairs and Industrial Policy appointed Mr Stelios Argyros draftsman.

It considered the draft opinion at its meetings of 23 March, 15 April and 20 May 1998.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: von Wogau, chairman; Katiforis and Secchi, vice-chairmen; Argyros, draftsman; Areitio Toledo, Arroni, Camisón Asensio (de Brémond d'Ars), Carlsson, Cassidy (for Friedrich), Castagnède, Caudron, Christodoulou, Cunningham (for Billingham), Donnelly, Elliott (for Berès), Fourçans, Gasòliba i Böhm, Harrison, Hendrick, Herman, Hoppenstedt, Kuckelkorn, Langen, de Lassus (for Scarbonchi), Lulling, Metten, Mezzaroma, Murphy, Paasilinna, Peijs, Pérez Royo, Randzio-Plath, Rapkay, Read, de Rose, Rübzig, Sisó Cruellas (for Ilaskivi), Soltwedel-Schäfer, Tappin (for Fayot), Theonas (for Ribeiro), Thyssen, Torres Marques, Väyrynen (for Cox), Wibe and Wolf (for Hautala).

I. GENERAL COMMENTS

The Commission published its proposal for a decision for an Action Plan on promoting safe use of the Internet on 26 November 1997. This is a follow-up to its communication on illegal and harmful content on the Internet⁽¹⁾ and the Green Paper on the protection of minors and human dignity in audiovisual and information services⁽²⁾. This proposal must be considered in the light of the proposal for a Council recommendation⁽³⁾ which followed concerning the protection of minors and human dignity in audiovisual and information services which puts forward common guidelines for the implementation at national level of a framework for self-regulation.

⁽¹⁾ Communication to the European Parliament, the Council and the Economic and Social Committee and the Committee of the Regions, COM(96)0487, 16 October 1996.

⁽²⁾ COM(96)0483, 16 October 1996.

⁽³⁾ COM(97)0570, 19 November 1997.

The Action Plan on promoting safe use of the Internet put forward by the Commission covers a four-year period (from 1 January 1998 to 31 December 2001) and is endowed with a total budget of ECU 30 million. It includes the following:

- actions in the technical sphere (self-regulatory systems, the establishment of telephone hotlines, measures to encourage the use of filtering and rating systems),
- actions in the social sphere (promotion of awareness actions to show the public the potential of the technical systems) and
- actions to coordinate national initiatives and to evaluate the results of the Action Plan.

The proposed actions are based on cooperation between industry, users and governments at European level, and allow a degree of flexibility in addressing new challenges. The Commission has an active role to play in mobilizing a process of cooperation and coordination between the Member States.

II. ASSESSMENT OF THE PROPOSAL FOR A DECISION

The Committee on Economic and Monetary Affairs and Industrial Policy has considered the consequences of the Action Plan for the operation of the market and the competitiveness of industries and undertakings involved in the Information Society. It has also taken into account the potential offered by the Internet for developing new, or changing the nature of, entrepreneurial activities and providing a truly global source of information.

Field of application of the action lines

The actions proposed by the Commission which refer to illegal content are basically intended to protect minors (from pornography) and to combat racism and anti-Semitism. Your draftsman fully agrees that priority should be given to these matters and especially to the sensitive issue of child pornography which has recently spread in an alarming manner. He would recall, however, that, as the Commission rightly states, the term 'illegal content' also applies to the protection of private life, personal data and reputation and matters relating to financial security. Unless Internet users (individuals and undertakings) are aware of, and trust, the Internet, many entrepreneurial applications and activities, such as teleshopping, which depend on the use of world information and communications networks, will find it difficult to develop.

For this reason, and bearing in mind that the Commission has launched other initiatives to curb fraud in the Information Society (encryption, digital signatures, protection of intellectual property rights, ...), your draftsman proposes that the action lines should adopt a broader approach and we should ask to what extent the results of the implementation of the action lines can be extended to other spheres with an 'illegal content' which directly involve economic and entrepreneurial activities. The Internet must become a 'friendly' and 'safe' medium for communicating and accessing information and thus constitute a valuable 'source' of knowledge and a useful 'tool' for entrepreneurial activities.

Principles governing the monitoring of the content of the Internet

The Internet industry must be supported in its attempt to develop and implement self-regulation systems and technological tools for monitoring the content of the Internet and effectively protecting its users. The self-regulation systems must be developed by the market and be voluntary. State intervention must consist principally in cooperation with the state authorities and the adoption of

suitable national legislation to support actions taken by the industry. Your draftsman also points out that the adjustment of legislation to cover the new electronic communications media must not lead to excessive regulation; on the contrary, legislation must be flexible and tailored to technological developments.

For the development of the Internet industry, a clear division of roles and responsibilities is needed, within the framework of the self-regulation systems and the codes of practice, for each actor involved in the creation and distribution of material on the Internet (authors of material, software companies, telecommunications bodies, access providers, service providers, etc...).

As far as the mechanisms for filtering and rating the contents of the Internet are concerned, it is important to respect the linguistic and cultural diversity of Europe and to meet the different needs of users. Moreover, what constitutes harmful material will differ from person to person depending on personal principles and values.

Finally, your draftsman wishes to recall that the fifth programme for research and development may have a role to play in developing the technological means for monitoring the content of the Internet, while respecting the linguistic and cultural diversity of Europe, and in ensuring their interoperability at global level.

Coordination at global level

The cross-border nature of the Internet means that substantive cooperation and coordination of actions concerning the content of the Internet are needed at global level. This cooperation constitutes a precondition for the maximum effectiveness of actions taken at European level.

In future discussions at international level, the European Union must push for a recognition of the special characteristics of its market and industry when global principles and models are adopted. Your draftsman would also recall that the dialogue within the framework of the Transatlantic Policy Network (TPN) may make a decisive contribution in negotiations between the EU and the USA and in establishing joint guidelines.

III. CONCLUSIONS

The Committee on Economic and Monetary Affairs and Industrial Policy calls on the Committee on Civil Liberties and Internal Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission

Amendments by Parliament

(Amendment 1)

Recital 2

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can seriously hamper the development of the emerging Internet industry and thus, adversely affect the set-up of the necessary favourable environment for initiatives and undertakings to flourish;

(2) Whereas, however, the amount of harmful and illegal content carried over the Internet, while limited, can seriously hamper the development of the emerging Internet industry and thus adversely affect the set-up of the necessary favourable environment for initiatives to flourish and the establishment of undertakings in the sector of the Information Society and, indirectly, the creation of new jobs;

(Amendment 2)

Recital 2a (new)

(2a) Whereas illegal and harmful content on the Internet can relate to a very wide range of issues: national security, the protection of minors, protection of human dignity, financial security, data protection and the protection of privacy, reputation, public health and intellectual property;

(Amendment 3)
Recital 15

(15) Whereas special attention continue to be paid by the Commission and Member States to coordination of the efforts of groups working in all the relevant fields;

(15) Whereas special attention continues to be paid by the Commission, Member States and industry to coordination at European and international level of the efforts of the bodies involved in monitoring and curbing the flow of illegal and harmful content on the Internet;

(Amendment 4)
Recital 16

(16) Whereas co-operation from the industry and a full functioning system of self-regulation are essential to limiting the flow of illegal content on the Internet;

(16) Whereas cooperation from the industry in setting up voluntary and full functioning systems of self-regulation and the existence of effective mutual notification systems between the competent authorities concerning the contents of the Internet are essential to limiting the flow of illegal content on the Internet;

(Amendment 5)
Recital 18

(18) Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it; whereas it is inevitable to this effect to have at least common European, if not global standards, given that the Internet is by its nature cross-national, as underlined by the Ministerial declaration adopted during the Bonn Conference (par. 41 et seq.);

(18) Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it or distribute it deliberately; whereas it is indispensable to this effect to have common European standards compatible with global standards, given that the Internet is by its nature cross-national, as underlined by the Ministerial declaration adopted during the Bonn Conference (par. 41 et seq.);

(Amendment 6)

Recital 21

(21) Whereas it is essential to engage in international cooperation activities with international organisations and third countries for the purpose of implementing this action plan and extending its reach beyond the European Union, given the global character of the problems encountered in the Internet, requiring global solutions;

(21) Whereas it is essential to engage in international cooperation activities with international organisations and third countries for the purpose of implementing this action plan and extending its reach beyond the European Union, given the global character of the problems encountered in the Internet, requiring global solutions; whereas the EU must play an active and leading role in the process of adopting principles and standards that can be applied world-wide;

(Amendment 7)

Article 2

This amendment does not apply to the English version.

(Amendments 8 & 9 combined)

Article 3, first indent

- promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, racism and anti-Semitism),

- promotion of industry self-regulation and the implementation of schemes to monitor and combat illegal and harmful content on the Internet which may jeopardise national security, the protection of minors, protection of human dignity, financial security, data protection and protection of privacy, reputation, public health and intellectual property (especially dealing with content such as child pornography, racism and anti-Semitism, and contents which hamper the development of entrepreneurial activities) and the establishment of telephone hotlines and common standards for national codes of good practice, so as to ensure a safe, friendly and reliable environment for using the Internet,

(Amendment 10)
Article 3, second indent

- encouraging industry to provide filtering tools and rating mechanisms, which allow parents or teachers to select content appropriate for children in their care while allowing adults to decide what legal content they wish to access, and take account of linguistic and cultural diversity,

- encouraging the creation and adoption by industry of operational and internationally compatible filtering tools and rating mechanisms, which allow parents or teachers to select content appropriate for children in their care while allowing adults to decide what legal content they wish to access, protect entrepreneurial activity and take account of linguistic and cultural diversity,

(Amendment 11)
Article 3, fourth indent

- support actions such as assessment of legal implications,

- support actions such as assessment of legal implications, and adopt guidelines regarding the responsibility of each body involved for the content of the Internet and combating harmful and illegal content,

(Amendment 12)
Article 5(1)

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of all the bodies involved of the Member States and chaired by the representative of the Commission.

(Amendment 13)

Article 6(4)

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Article 2. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the action plan.

4. At the end of two years and at the end of the Action Plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Annex I. Reference shall also be made to general findings applicable to all categories of illegal content. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the Action Plan.

(Amendment 14)

Annex I, fourth indent

- foster co-operation and exchange of experiences and best practices,

- foster co-operation and exchange of experiences and best practices at European and international levels,

(Amendment 15)

Annex I, paragraph 4.1, first subparagraph

The Internet operates on a global basis. The law operates on a territorial basis - national or in the case of Community law, covering the European Union. It will contribute to the effectiveness of the other action lines to consider legal questions not dealt with by other Community initiatives, in particular including questions of applicable law and procedure.

The Internet operates on a global basis. The law operates on a territorial basis - national or in the case of Community law, covering the European Union. It will contribute to the creation of a favourable climate for the development of the Internet and the effectiveness of the other action lines to consider legal questions not dealt with by other Community initiatives, in particular including questions of applicable law and procedure and determining the role and responsibilities of each body involved in the content of the Internet and in combating harmful and illegal material.

EUROPEAN PARLIAMENT

OPINION

(Rule 147 of the Rules of Procedure)

for the Committee on Civil Liberties and Internal Affairs

on the proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS)) (report by Mr Schmid)

Committee on Women's Rights

Letter from the committee chairperson to Mrs d'Ancona, chairman of the Committee on Civil Liberties and Internal Affairs

Brussels, 2 June 1998

Dear Mrs d'Ancona,

The Committee on Women's Rights considered the above subject at its meetings of 19 May 1998 and 2 June 1998.

At the latter meeting it adopted the following conclusions unanimously⁽¹⁾.

The proposal for an action plan on promoting safe use of the Internet is a logical consequence of the Commission's communication on illegal and harmful content on the Internet, COM(96)487, and supplements the communication on the follow-up to the Green Paper on the protection of minors and human dignity in audiovisual and information services, including a proposal for a Council recommendation, COM(97)0570.

In the Commission's view the two documents complement one another; they must be implemented in close conjunction and coordinated with other action. Parliament has produced two reports on the subject, on the Internet (A4-0098/97) and the Green Paper (A4-0227). The Committee on Women's Rights would like to raise one or two points that fall within its terms of reference. A thorough examination of the action plan is a matter for the committee responsible.

The action plan's purpose is to deal with illegal and harmful content on the Internet, to encourage safe use as a way of ensuring the full development of the Internet's potential. The aim is to establish a safe environment in legal terms, and encourage confidence, whilst taking account of democratic principles such as freedom of expression and the protection of privacy, as enshrined in Articles 10 and 8 of the European Convention on the Protection of Human Rights.

⁽¹⁾ The following took part in the vote: van Dijk, chairperson; Bennasar Tous, vice-chairperson; Colombo Svevo, Crawley, García Arias (for Frutos Gama), Ghilardotti, Gröner, Hautala, Larive, Lulling, Marinucci and Somosa Martínez.

The first point to make is that the Commission rightly distinguishes between illegal and harmful content, since they are two separate problems requiring separate treatment. Illegal content must be eradicated by the police and courts at national level, with self-regulation playing a valuable supporting role. However, harmful though not necessarily illegal content requires technological solutions that individual users can apply themselves.

The action plan contains four action points:

1. Creating a safe environment: limiting the spread of illegal and harmful content, and encouraging self-regulation by industry (European network of hotlines, exchange and transfer of expertise and optimum working methods).
2. Developing filtering and assessment systems.
3. Encouraging awareness campaigns to promote the safe use of the Internet (target groups for such campaigns being parents and teachers, and 'information multipliers').
4. Back-up measures.

The proposals in the action plan also take account of the intensive activity in this area at the national, Community and international level over the past two years. The Committee on Women's Rights notes that they incorporate a number of ideas which Parliament has put forward for creating a consistent legal framework to protect human dignity and prevent inappropriate use of the new media.

The Commission gives preference to a self-regulation system in the form of codes of conduct to which the industry subscribes and which the national government supports; the stimulation of international cooperation and the development of software or filtering out and screening content. It is worth noting that market and competitive mechanisms have already resulted in the industry's development of self-regulating systems and ways of effectively filtering content so that it can be used responsibly.

Some people may regard this pragmatic approach as insufficient, but it does have the advantage of being realistic and practicable. European legislation to control the content of the Internet is obviously difficult to bring about, in view of technical difficulties and the Internet's worldwide nature.

Nor should we forget that only a small part of all the information disseminated on the Internet is illegal or harmful, and that most websites are bona fide. Censorship at source may curtail the Internet's development and limit citizens' opportunities for exchanging information and communications. Our preference is for flexible solutions, not least because the Internet is still in full development and this could be hampered by tough legislation.

After these general comments, let us turn our attention to a failing in the Commission document. Not a word is mentioned on the problem of trafficking in women. Such trafficking is, as in the traditional media, often hidden behind information on adoption, advertising for employment (domestic staff) and the like. This problem requires special attention in the development of self-regulation.

Technical problems, such as the difficulty of tracing people who are responsible for offences using the networks, make it necessary for the national authorities to come to an agreement defining illegal content and thus making it a criminal offence whatever the residence of the provider. It would also be desirable to compile easily accessible 'national' catalogues of illegal content and illegal transactions via the Internet.

Finally, the Committee on Women's Rights agrees that emphasis should be placed on consciousness-raising, because this is essential to bring the opportunities of the Internet to the general public's attention and ensure that it is used sensibly and responsibly.

The committee calls for general information campaigns, but also for special campaigns targeted at women. Information on its dangers must be tailored to special risk groups, such as women and young people. In the context of the EU's general policy for counteracting trafficking in human beings, websites could be created for information and perhaps also assistance.

An important part should be reserved here for NGOs which specialize in dealing with violence against women and trafficking in humans. They should be involved in the action taken, along with the 'multiplier organizations', and in pilot projects.

The Committee on Women's Rights calls on the committee responsible to take the following amendments into account in its report:

(Amendment 1)
Third recital

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet in particular for offences against children;

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet, in particular for offences against children and trafficking in human beings;

(Amendment 2)
Article 3, first indent

– promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, racism and anti-Semitism),

– promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, inciting or inducing trafficking in people and sexual abuse, homophobia, racism and anti-Semitism),

(Amendment 3)
Article 3, sixth indent a (new)

= promotion of women's participation on the Internet by informing them of the opportunities the Internet provides and opportunities for identifying undesirable messages;

(Amendment 4)

Article 3, sixth indent b (new)

= supporting initiatives, including websites for information and assistance, by organizations that are active in the protection of human and citizens' rights, and in counteracting violence and the abuse of women and children;

Yours sincerely,

Nel van Dijk

OPINION

(Rule 147 of the Rules of Procedure)

for the Committee on Civil Liberties and Internal Affairs

on the proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS)) (report by Mr Schmid)

Committee on Culture, Youth, Education and the Media

Letter from the committee chairman to Mrs Hedy d'Ancona, chairman of the Committee on Civil Liberties and Internal Affairs

Brussels, 20 May 1998

Dear Mrs d'Ancona,

The Committee on Culture, Youth, Education and the Media considered the above subject at its meeting of 20 May 1998.

At that meeting it adopted the following conclusions:⁽¹⁾

1. The Committee on Culture, Youth, Education and the Media considers it essential to launch a Multiannual Community Action Plan to eradicate illegal and harmful content on the Internet by means of self-regulation by the industry, filtering and rating of content, and awareness campaigns aimed at parents, teachers, and media professionals. The ultimate purpose of the Action Plan, along with the proposal for a Council recommendation concerning the protection of minors and human dignity in audiovisual and information services, endorsed by Parliament on 12 May 1998,⁽²⁾ is to make the Internet safer to use, as is necessary to enable its potential to be exploited to the full.

2. Parliament supports self-regulation, sustained and supplemented by government policies, involving the relevant industries and users, the appropriate effective control systems such as hot lines to enable the public to report illegal content, and codes of conduct ⁽³⁾. Parliament also

⁽¹⁾ The following took part in the vote: Pex, president; Hawlicek, vice-president; Berend (for Banotti), Elchlepp (for Evans), Ewing (for Leperre-Verrier), Günther (for Mouskouri), Heinisch, Kerr, Monfils, Perry, Ryyänen, Voggenhuber.

⁽²⁾ Report by Mr Whitehead (A4-0153/98) on the proposal for a Council recommendation concerning the protection of minors and human dignity in audiovisual and information services (follow-up to the Green Paper) (COM(97)0570 - C4-0679/97 - 97/0329(CNS)).

⁽³⁾ OJ C 150, 19.5.1997, p. 38.

supports the Commission's role in co-ordinating and monitoring the effectiveness of action across the Community.

3. The extent to which the Internet can be made safer to use by means of technical filtering systems depends on the simplicity of operation of those systems. Research and their technological development, still very much in its infancy, consequently requires determined support, taking into account the specific problems such as cultural and linguistic diversity with which the Union has to contend. Regarding the classification of content, enforcement of the different systems needs to be coordinated at international level. Content industries have to work together, and classification systems should be brought via the media to wide notice among users and in schools in particular.

4. Union action is essential to alert parents, teachers, and media professionals to the potential and dangers of the Internet, disseminate experience, demonstration projects, and achievements of Member States, and establish Europe-wide law enforcement coordination and cooperation with non-member countries. Since the Internet is an open system, effective measures to combat illegal and criminal content will have to be pursued through harmonization of legislation in the Member States and international criminal prosecution.

Yours sincerely,

(sgd) Peter Pex

OPINION

(Rule 147 of the Rules of Procedure)

for the Committee on Civil Liberties and Internal Affairs

on the proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet (COM(97)0582 - C4-0042/98 - 97/0377(CNS)) (report by Mr Schmid)

Committee on Legal Affairs and Citizens' Rights

Letter from the committee chairman to Mrs Hedy d'Ancona, chairman of the Committee on Civil Liberties and Internal Affairs

Brussels, 3 June 1998

Dear Mrs d'Ancona,

At its meeting of 18 and 19 May 1998 the Committee on Legal Affairs and Citizens' Rights decided, pursuant to Rule 53(3) of the Rules of Procedure, to examine the legal basis of the above proposal, a decision of which you were notified by letter of 19 May 1998.

The proposal was based on Article 130(3) of the EC Treaty. However, the committee wondered whether the principal subject of the proposal was not consumer protection (Article 129a of the Treaty) rather than promoting the conditions necessary for the competitiveness of the Community's industry (Article 130(3) of the Treaty).

At its meeting of 2 and 3 June 1998, and after having heard the conclusions of Mr Janssen van Raay, the member responsible for legal basis issues, it decided that:

- the immediate subject of the proposal was protecting the health and safety of certain consumers (in the broad sense, including respect for their ethical needs and mental health) and of the general public. At the same time, the measures covered by the proposal guaranteed consumers adequate information and means of preventing illegal or damaging content carried on the Internet from reaching them;
- although the implementation of the measures described in the proposal would contribute to greater development and use of the Internet, and help to promote better economic and competitive conditions for the relevant industry, this was purely a subordinate objective in relation to the immediate object of the proposal, which was to protect consumers.

The Committee on Legal Affairs and Citizens' Rights accordingly decided unanimously⁽¹⁾ that the appropriate legal basis for the proposal was Article 129a(2) of the EC Treaty rather than Article 130(3) of the EC Treaty.

Yours sincerely,

(sgd) Ana Palacio Vallelersundi
Acting chairman

⁽¹⁾ The following were present for the vote: Palacio Vallelersundi, acting chairman; Janssen van Raay, member responsible; Añoveros Trias de Bes, Barzanti, Berger, Fontaine, Gebhardt, McIntosh, Medina Ortega, Mosiek-Urbahn, Oddy, Thors, Ullmann, Wijzenbeek and Zimmermann.