



## Mobile Entertainment Forum (MEF) response to the consultation on Child safety and mobile phone services

### **Introduction to MEF**

Founded in 2001, MEF is a global trade association representing all participants in the mobile entertainment value chain. Our members are interested in driving the mobile entertainment industry's evolution and commercial potential through collaboration, consultation and promotional activities. We are committed to reducing the barriers to entry into the innovative mobile entertainment market, thereby encouraging entry by new businesses and increasing competition and growth to the benefit of all industry players and consumers. Our global membership is composed of the best thought leaders and mobile entertainment players throughout Europe, the Americas and Asia and we currently have over 120 members<sup>1</sup>.

### **Consultation response – A summary**

This response contains answers to the questions posed by the consultation and a broad introduction to the MEF as well as a summary of some of the initiatives we are undertaking. We have ongoing projects<sup>2</sup> dealing specifically with issues such as user generated content and the importance of moderation. Given the new mobile phone capabilities, we would like to be closely involved with the development of any plans involving the protection of children and other vulnerable peoples. We believe that our members are in the perfect position to contribute in a positive way in helping the European Commission understand how online digital content, such as films, music, games and mobile television can be accessed in an appropriate and child friendly environment. MEF is keen to encourage the development of innovative, sustainable business models and to promote the cross-border delivery of diverse online content services. We would welcome meetings with the European Commission to ensure the continued success of mobile entertainment services in the EU.

The increase of mobile phone usage and increased access to content provides significant opportunity for EU citizens to participate in our vision of Information Society services. Mobile phone technology has now advanced far enough to make online services which depend on graphical interfaces not just feasible but attractive. We believe that there is a need for more in depth research to be conducted that is both quantitative and qualitative to assess issues the mobile entertainment industry, in partnership with regulators, need to concentrate on. We believe it is important to look at the benefits that these services can provide while, at the same time, ensuring adequate protections are put in place to protect children.

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<sup>1</sup> A full list of our members and an industry map (so you can see how the various parties interact) can be found at <http://www.m-e-f.org/clusters-public.html>.

<sup>2</sup> A full list of our initiatives can be viewed at: <http://www.m-e-f.org/activities-initiatives.html#11>

## Consultation response – Specific questions

### Risks

1) Can you provide the Commission's services with figures and examples on risks raised by the use of mobile phones by children and young people?

Our members provide a huge range of content and services online using the mobile phone as the device providing access. The content and the range of services provided by our members include:

- the provision of ringtones, wallpapers, animations and logos
- music/films/sports/news clips/TV programmes/streaming content
- video content
- facilitation of user generated content
- off-hand set purchase of content (where the service or product is consumed away from the handset but purchased using the mobile handset such as e-tickets)
- chat/dating services
- publishing services
- software solutions/enabling technologies and billing platforms

The potential risks raised by the use of mobile phones by children have to be considered in light of the plethora of services provided. We do not believe that there is one single solution to protecting children from inappropriate content, contact or cost. Services can operate in very different ways and require different approaches to protect children. Attempting to harmonise acceptable standards is also difficult given the cultural differences from one Member State to another. For example, there is currently significant inconsistency in what is considered appropriate and the age limits for what children should be allowed to view vary. This occurs especially in the teen markets. The MEF would like to propose joint consumer research with the European Commission and other interested parties to determine the different approaches taken by each Member State in order to try and facilitate a more uniform and consistent approach to protecting minors. In order to do this we believe considerable quantitative and qualitative analysis across the EU needs to be done in order to identify measures to prevent such dangers from arising in the first place. We welcome further discussion on these points.

2) Do you see specific risks associated with the use of pre-paid cards, which ones?

No. As recognised in the consultation document most network operators require the same/similar level of information as required from post-pay (contract) clients. These also provide good value for consumers.

### Regulatory framework

3) Please identify which of the above risks are not covered by the current national regulatory, co-and self-regulatory frameworks.

We believe the identified risks are covered. There are, throughout the EU, a considerable number of different measures in place to protect children. These range from Codes of Practice put in place by regulators, mobile network operator Codes of Practice, age verification schemes and self regulatory frameworks. In addition to these co-and self-regulatory frameworks, a considerable number of institutions provide information and guidance to parents, people in a position of authority and to children to help educate them about the potential risks from certain types of services. However, we believe more can be done in terms of ensuring that there is greater co-ordination of measures within the Member States to ensure that the protections afforded are consistent and targeted.

#### 4) Do you think the current balance between regulation/co-regulation and self-regulation is the right one?

Co-and self-regulation play a vital role in the audiovisual media sector. As the consultation document recognises, there have been huge advances in technology and the services that can be provided. Statutory regulation may fail to deal proportionately or adequately with any potential harms that may arise from any emerging new services. There needs to be the flexibility in regulation to ensure that children can be adequately protected while innovative industries can continue to develop new services. This can only be successful under co-and self-regulatory regimes. These regimes can provide flexibility, harmonisation, simplification, speed and the legal certainty. An EU wide study of the services available and the identification of any specific risks will also help to develop better self regulation policy. Overall, we believe that the current balance is the right one. However, we also believe that more can be done to provide for more goal based rules or ideals that could be applied throughout Europe.

#### Technical solutions

#### 5) What measures do you recommend in the different areas described below, and why? By whom should they be implemented?

##### 5a) Classification of commercial content.

Classification is a well established and effective tool in protecting children from accessing inappropriate content. For example, in January 2004, the mobile operators in the UK published a Code of Practice for the self-regulation of new forms of content on mobiles. The independent body established by the operators to provide a framework for classifying commercial content that is unsuitable for customers under the age of 18 is called the Independent Mobile Classification Body (IMCB)<sup>3</sup>. The IMCB is a subsidiary of ICSTIS<sup>4</sup>, the independent regulator for premium rate services in the UK. IMCB's remit is to determine a Classification Framework for Commercial Content against which Content Providers can self-classify their own content (whether provided directly or indirectly) as 18 where appropriate. Such content will be placed behind Access Controls so that, when combined with age verification arrangements, it is only available to those identified as 18 or over. The critical point to note is that the mobile networks, content providers and the regulator are working together to provide adequate protections for persons under the age of 18. As identified in the consultation document, in other countries such as the Netherlands, the classification is developed by NICAM, whose objective is to inform in a uniform way (through pictograms), consumers and especially parents on the possible harmful effects of audiovisual products: TV programmes, cinema films, DVDs and content available via mobile phones.

The question that needs to be debated is whether these differences of approach matter in protecting children. We would welcome further discussion on this point.

##### 5b) Opt-in /opt out. Should the Opt-in (where the user has to explicitly request access to adult content rather by accessing it by default) approach be applied in all EU countries?

The opt-in approach, where the user has to explicitly request access, is applied by all six mobile operators in the UK and by law in Germany for 18+ content. At this stage, we are not in a position to make a recommendation as to whether the opt-in should be applied in all EU countries. We believe that discussions need to take place to determine whether this is required. We are happy to collate the views of our members in the EU Member states.

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<sup>3</sup> More information on the IMCB can be found at: <http://www.imcb.org.uk>.

<sup>4</sup> More information on ICSTIS can be found at: [www.icstis.org.uk](http://www.icstis.org.uk)

**5c) Age verification: should Mobile network operators implement face to face identity check to determine the age of the user? Should this process also be applied when a customer buys a pre-paid card?**

Any policy making process needs to be confident of delivering the policies fit for the challenge of the twenty-first century. Those changes will involve:

- designing policies around outcomes
- making sure policies are inclusive, fair and evidence-based
- avoiding unnecessary burdens on businesses
- learning from experience.

Before commenting on this specific issue, we would like to see more evidence-based analysis of the potential benefits and the regulatory cost implications for businesses.

**5d) Filtering and blocking systems. Should filtering systems be installed by default when the subscription allows Internet access?**

We believe that further discussions need to take place to determine whether filtering systems should be installed by default when the subscription allows internet access. This would be different to the Internet model on personal computers. However, given the highly personal nature of the mobile device, it would seem to be an effective added safeguard. Any filtering and blocking systems could also be activated at the point of sale.

**5e) Chat rooms. Should chat rooms accessible by children be moderated (in an automatic way or by a person)?**

Chat and dating services are some of the most popular services accessed on the mobile telephone. MEF brings together industry leaders via a programme of initiatives to collectively progress industry opportunities, track trends and tackle industry challenges. MEF currently has an ongoing 'community initiative'. The purpose of the initiative is to raise visibility of community applications within the sphere of mobile entertainment. The initiative see communities in two broad camps: either as end-user generated such as blogs or chat services, or content centric such as artist sites. We are in the process of issuing a members 'white paper' with Informa Telecoms and Media which highlights the issue of moderation for chat services. We believe that moderation is paramount for maintaining consumer confidence in the services and ensuring the protection of children. Discussions on what form moderation should take and how it should take place are currently ongoing. The industry has already undertaken efforts at self-regulation through moderated services. We would welcome further discussions with the European Commission on moderation.

**5f) Raising awareness among parents and children**

Raising awareness among parents and children is important. It has proven difficult as most people do not take an interest in an issue unless they have a problem with a service. However, common actions between MNOs, child safety organisations and regulators seem to have had good results. There should continue to be education programs targeted at schools, teachers and parents to help them better understand technological advances. This has to be done on an ongoing basis. There are a number of organisations that provide help, advice and assistance to parents, teachers and children. We see no reason why they should not continue.

**5g) Dedicated mobile phone packs for children, for which age group?**

As the consultation document recognised, some countries have produced mobile phone packs designed specifically for children. We would support further discussion on this proposal.

**Contact**

We would welcome meetings with the European Commission to ensure the continued success of mobile entertainment services in the European Union. To arrange a meeting or if you need more information about this response, please contact:

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