



CODE OF CONDUCT FOR MOBILE OPERATORS DESIGNED TO ENCOURAGE RESPONSIBLE USE BY UNDERAGE PERSONS OF ELECTRONIC CONTENT SERVICES SUPPLIED VIA MOBILE TELEPHONE NETWORKS IN SPAIN

Introduction

The use of mobile phones has become generalised in Spain in recent years, to a point where practically 100% of the population now has a mobile at their disposal. The services offered by the operators have likewise evolved very rapidly in order to adapt to changes in the market. What began as person-to-person voice communications, with a strong similarity to those provided by fixed-line networks, now includes content and multimedia features that offer users a wide range of leisure and entertainment services.

However, and in a similar way to what has occurred with the Internet, these features – which are also available to underage users – may not be suitable for the young, may be used for purposes other than those initially intended, or may be irregular, fraudulent or even illicit.

For this reason, and in order to fulfil their role as organisations committed to corporate social responsibility, the mobile telephone companies who are signatories to this code of conduct (hereinafter referred to as “mobile operators”), have agreed to a common set of initiatives designed to encourage the responsible use of new services and mobile content by the underage persons who possibly constitute one of the most vulnerable sectors of society.

It is important to note that the characteristics of this issue automatically give it a global dimension, making it necessary to approach it from various angles, including the necessarily close involvement of parents, carers, educators, child-protection agencies, public administrations, official security organisations and police forces.

With the above in mind, the mobile operators who are signatories to this document undertake to meet the commitments detailed below.

Scope of application

This code of conduct, along with the stipulations and obligations contained in it, is designed to promote and encourage the safe and responsible use, by underage persons,

of mobile telecommunications and of the content transmitted via mobile networks, with specific reference to illicit content.

The provisions of this code of conduct are aimed at prepaid and contract customers equally, and are intended to apply to mobile networks, virtual mobile operators and suppliers of mobile communication services who have subscribed to the code.

The services covered by the code include all content offered by mobile operators under their own brand and also those marketed by third parties with whom the mobile operator has entered into a contractual agreement, including services where delivery depends on knowing the customer's location.

The obligations contained in this code of conduct that apply to content marketed by third parties are covered by clauses in the corresponding agreements made between operators who subscribe to the code and suppliers of content, with the aim of ensuring that the latter bear responsibility for fulfilling such obligations.

The scope of this code of conduct therefore does not include content accessed via the Internet, the monitoring of which lies outside the area of competence of the mobile operators, although they may provide users with tools designed to filter content, on which this Code refers below.

In the same way, this code of content does not cover content exchanged between users on a person-to-person level.

This code of conduct establishes a protective framework, which may be enlarged and extended as required by each signatory. The operators can adopt the commercial and technical initiatives that they see as being best able to help them fulfil the commitments entered into under the terms of this document.

The contents of this code of conduct apply without prejudice to the obligations acquired by operators and suppliers of content under the terms of applicable regulations and legislation.

Access-control mechanisms

Mobile operators undertake not to market under their own brand content that has been classified as being for adult consumption, without first offering adequate means of controlling access to such material.

In the case of adult-only content marketed by a supplier with whom the operator has a commercial agreement, an access-control mechanism should be offered to the extent permitted by numbering and addressing specific resources.

In the same way, the mobile operators undertake to supply parents, guardians and educators with the means to monitor and control access by underage users to material classified as being for adults.

Classification of content. Warning messages

The operators subscribing to this code of conduct undertake to label content classified as not being suitable for persons under the age of 18 in accordance with current Spanish social standards, and to display a message warning of this before offering access to such material.

When classifying material of this type, the operators are to take into account the criteria established by recognised organisations in the field and adapt them to the needs of Spanish society.

The mobile operators subscribing to this code of conduct undertake to do their utmost to identify common criteria when classifying content. Once such criteria have been agreed, they are to be added as an appendix to this document.

The above-mentioned obligations to identify and inform apply not only to content offered by operators under their own brand, but also to material marketed by third parties with whom the operator has a contractual relationship.

For this reason, the operators subscribing to this code of conduct therefore undertake to encourage agreement between suppliers of content with whom they have a commercial relationship, along with associations of operators and content suppliers and other third parties concerned, with a view to adopting the initiatives of the mobile operators with regard to identifying material in order to ensure the correct classification of all content distributed by mobile operators.

Education and awareness-raising

The mobile operators are to offer information on how to use mobile services responsibly, including measures that can be taken by parents, carers and educators to ensure a responsible use by the children and young persons under their supervision. This information is to be accessible via the websites of the operators concerned.

In the same way, the mobile operators are to encourage customers with family responsibilities to advise their children on how best to deal with issues linked to a responsible use of mobile phones.

Mobile operators are to collaborate proactively with centres of education, child-protection agencies and official authorities in distributing information and organising campaigns designed to encourage the responsible use of mobile phones in schools and childcare establishments.

The mobile operators undertake to provide users with channels through which to direct their enquiries and complaints relating to the responsible use of content distributed via mobile phones.

Illicit content

The mobile operators will continue to collaborate with official security organisations and police forces in the fulfilment of their obligations regarding content prohibited under criminal law, with particular reference to content that is likely to have a negative effect on the personal development of children and youths.

The mobile operators undertake to remove hosted content and limit access to material elsewhere that has been declared illegal by the judicial authorities concerned. The removal or blocking of access to illegal content will be carried out within the time established in the court order qualifying the content as illegal under current criminal legislation.

Likewise, and whenever the public authority concerned publishes, as is normal practice in several European countries, a list of web pages offering content considered illegal under current Spanish legislation, the mobile operators undertake to install filters designed to block access to such web pages.

The mobile operators undertake to provide assistance to public authorities and private organisations recognised as being dedicated to combating illicit content, with particular reference to those involved in the fight against child pornography distributed via the Internet, and to collaborate with these bodies in their efforts to detect and block access to such material.

Monitoring of compliance with the code

In order to track the observance and evolution of this code of conduct, a monitoring committee is to be set up with a mission to verify that the code of conduct is being observed, to sign up new operators and to interpret the code's provisions.

The monitoring committee is to be made up of two representatives from each of the operators subscribing to the code.

In order to check and track compliance with the code, the monitoring committee is to draw up an annual report covering the aspects relevant to the application of the code of conduct, while proposing, as and when required, any modifications that it might find recommendable.

The monitoring committee is to hold an ordinary meeting at least once every three months, without prejudice to the possibility of meeting at the request of any of the operators subscribing to this agreement.

The monitoring committee is to adopt specific internal rules and procedures designed to guarantee its correct functioning.

Implementation and application of the code

This document has been subscribed to by the following organisations:
Orange, Telefónica, Vodafone and Yoigo.

Without prejudice to the above, this code of conduct is open to any other mobile operator supplying services in Spain who might wish to subscribe to it.

The mobile operators undertake to implement the provisions of this code of conduct within a period not exceeding nine months from the date of signing.

The signatories to this code of conduct are to revise its contents regularly so as to ensure that it fulfils the objectives established at the moment of its approval. They also undertake, where applicable, to a revise its contents in order to incorporate the current best practice observed in the countries of our region, while adapting its provisions to objectives that are yet to be established.

Each of the operators subscribing to this code of conduct is to post the text on its website.

Madrid, December 12th, 2007.