

Self-regulatory Code of Conduct for Public Mobile Electronic Communications
Operators concerning Safer Mobile Use by Younger Teenagers and Children

1. GENERAL PROVISIONS

1.1 Introductory provisions

- For the majority of Slovenians, mobile technology is part of everyday life as they can hardly imagine life without mobile phones. Rapid technological development provides the customer with a wide array of additional services which, despite their added value, also bring many possibilities for abuse. Because of their youth and naivety, younger users of mobile telephony, in particular, are often the target of such abuse.
- This Self-regulatory Code of Conduct (hereinafter: “the Code”) is an enhancement of the European Framework for Safer Mobile Use by Younger Teenagers and Children which was signed by 15 European operators, members of the GSM Association, on 6 February 2007 in Brussels.
- European operators and content providers have developed national and business initiatives in order to ensure safer mobile use by younger teenagers in the EU member states.
- The Code has been tailored to the needs of the Slovenian mobile electronic telecommunications market and complies with applicable European and national legislation.
- The commitments undertaken in this Code constitute minimum protective measures for ensuring safer mobile use by children and the under-18s in the majority of the EU member states. However, the signatories have also undertaken to adopt other appropriate measures to achieve the same end.
- The signatories of this Code are aware that, in order to achieve the objectives of the Code, they must cooperate with government and non-governmental institutions, users, parents, guardians and other child protection organisations.

1.2 Scope of protective measures taken under the Code

- As operators are the only ones who can control their own content, they take full responsibility for it. Operators, the signatories of this Code, shall make every effort to ensure that their own content does not run counter to any guidelines adopted under the Code and that it does not contain any element of discrimination whatsoever.
- As operators do not provide all of the content accessible to their customers, they shall be deemed to be only indirectly responsible for any content owned by third parties with whom they have a contractual relationship. Operators undertake to familiarise any content providers with whom they have a contractual relationship with the content of this Code, and to invite them to sign and consistently abide by the Code.
- The Code signatories state that they are socially responsible entities which recognise the need to protect children and the under-18s against any harmful content which might harm their physical, emotional or moral development.
- The Code signatories recognise the need to support parents and other guardians in order to ensure safer mobile use by children and the under-18s.

2. DEFINITIONS

2.1 “The Code” means a self-regulatory document which has been drawn up and developed by the signatories in order to:

- improve the protection of children and the under-18s against any harmful content which might harm their physical, emotional or moral development,
- provide an appropriate and good-quality environment for children’s development by offering support to parents and other guardians,
- ensure safer mobile use by children and the under-18s.

2.2 “The customer” means a user of pre-paid or post-paid services offered by operators of public mobile electronic communications services.

2.3 “Own content” means any content offered by an operator to customers on mobile and internet portals and any content managed as such.

2.4. “Third-party content” means any mobile content offered by a service provider to customers via the mobile phone, in any form and by any means.

2.5 “Mobile content” means any content accessible through the mobile phone in any form and offered by any means.

2.6 “Harmful content” means any content of a violent, gambling, erotic and/or sexual nature which may, on account of its specifics, be potentially harmful to children or the under-18s in ways which might harm their physical, emotional or moral development.

2.7 “The signatories” means operators or any other party joining the Code by virtue of signing it.

2.8 “Content provider” means any physical or legal entity which has a contractual relationship with an operator and which provides mobile content under a jointly signed agreement.

2.9 “The content provider’s content” means any content offered by a content provider under an agreement concluded with an operator.

2.10 “The operator” means any physical or legal entity registered with the Post and Electronic Communications Agency of the Republic of Slovenia which offers to its customers public mobile electronic communications services via its public electronic communications network or via a public electronic communications network of another operator.

3. OWN CONTENT

3.1 Classification of own content

3.1.1 Determination of general criteria for the classification of own content

Each signatory to this Code which manages content shall independently classify its own content in accordance with any general rules and standards used for classifying own content which are consistent with the relevant Slovenian legislation and with any generally accepted social or moral norms.

3.1.2 Classification of adult content

Any signatory to this Code which manages content undertakes to classify harmful content in accordance with the Manual laying down Guidelines for the Classification of Adult Content, which is appended to the Code and forms a constituent part.

3.1.3 Types of content

Having regard to the generally accepted social and moral norms, as well as to the provisions of the paragraphs above, the signatories to this Code which manage content also undertake to separate, clearly and unambiguously, any content which is suitable for anyone (general content) from that which is harmful for children or the under-18s (harmful content).

In connection with the provision of electronic communications services, the operators which are signatories to this Code undertake to classify all of their content and to appropriately inform their customers of any content which is harmful to children or the under-18s.

3.1.4 Access control

By using appropriate means of access control and by self-regulating own content, operators shall make every effort to offer parents and other guardians the possibility of controlling the type of content which is accessible to children and the under-18s.

In order to enable parents and other guardians to control access to any harmful content, operators shall separate all harmful content from other content by making it clearly recognisable and accessible only by appropriate means of access.

The operators who are signatories to this Code undertake to enable parents and other guardians to use appropriate means of control, or denial, of access to any harmful content for their children or under-18s. Although control mechanisms may vary in terms of the technical solutions provided by operators, they must be consistent with the guidelines and purpose of this Code.

3.2 Raising awareness

Bearing in mind parents' and other guardians' responsibility for their children's upbringing, which is enshrined in the Constitution of the Republic of Slovenia and the relevant applicable legislation, the signatories to this Code undertake to make every effort to raise parents' and other guardians' awareness of any harmful content and any means available to control access to such content.

The signatories to this Code shall provide parents, guardians and the interested public with advice and information concerning the use of mobile content and any measures available for safer use thereof.

Each signatory to this Code also undertakes to publish on its website any useful educational information available to the public.

3.3 Implementation of the Code provisions

The signatories to the Code which manage content shall assume responsibility for its implementation and, furthermore, undertake to carry out any appropriate action necessary to achieve the objectives laid down in the Code, insofar as it is proportional to their capabilities and available resources.

4. ACCESS TO INTERNET CONTENT VIA THE MOBILE PHONE

Operators shall only provide access to the internet and may not exercise control over any internet content, including content which cannot be accessed via the mobile phone. Therefore, operators shall not be required to classify, or restrict access to, any internet content.

5. ILLEGAL CONTENT

As well as carrying out their obligations under applicable Slovenian legislation, in the fight against illegal content, operators shall continue to cooperate with any competent bodies of the Slovenian Government and any non-governmental institutions operating in this field.

6. INITIATIVES AND PROPOSALS CONCERNING IMPLEMENTATION OF THE CODE

Anyone who has reason to believe that a signatory to the Code has breached any provision of this Code may submit to that signatory a written proposal for eliminating any supposed breach.

Operators and those parties who are signatories to this Code must publish an e-mail address to which customers may send their initiatives or proposals concerning implementation of the provisions of this Code.

The signatories to this Code undertake to consider and respond, within a reasonable time, to any initiatives or proposals received.

7. FINAL PROVISIONS

The Code shall come into force once it has been signed by the legal or authorised representatives of the signatories.

The Code adopted herewith shall be subject to amendment at any time in order that it may be brought in line with any new developments. To be valid, any amendments must be approved in writing by all the signatories.

A list of the signatories to the Code is available on the website of the Association for Information Technology and Telecommunications of the Slovenian Chamber of Commerce.

8. THE SIGNATORIES

- The Post and Electronic Communications Agency of the Republic of Slovenia
- Debitel d.d.
- IZI mobil d.d.
- Mobitel d.d.
- Si.mobil d.d.
- Tušmobil d.o.o.
- T-2 d.o.o.
- The Association for Information Technology and Telecommunications of the Slovenian Chamber of Commerce

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