



European Regulators Group for Audiovisual Media Services (ERGA)

REPORT ON THE PROTECTION OF MINORS IN A CONVERGED ENVIRONMENT

Extract

Key recommendations

1. To revise the regulatory distinction made between linear and non-linear content.
2. To further explore to level protections across linear and non-linear content:
 - a. A revised Directive could level protections across linear and non-linear for the protection of minors, which would recognize both the different ways of controlling a minors' access to audiovisual content and the harmfulness of content. In this approach, content that 'might seriously impair' will be subject to the strongest content access control mechanisms, while content that is 'likely to impair' requires less strict protection mechanisms.
 - b. Consider setting default restrictions for content that 'might seriously impair', across all services. The rapid take-up of recommendation 4 is essential in this respect. If this cannot be ensured in the short term, a transitional period could be considered.
3. To harmonise key definitions and concepts:
 - a. A reference to Article 1 of UNCRC to define a minor as below the age of 18.
 - b. There would be value in establishing at EU-level (if necessary with ERGA's input) an indicative, non-exhaustive list of common characteristics associated with content that is 'likely to impair' or content that 'might seriously impair'. The key elements ERGA-members found common ground upon could be taken into account.
 - c. To indicate (in a non-exhaustive manner) "pornography" and "gratuitous violence" as examples of content that 'might seriously impair' the development of minors.
 - d. Explore creating universal content categories¹ that can be matched to national age classifications.²
4. In order to encourage the development of modern and consistent protection measures and technical controls to support parents to protect minors, further research, exploration and collaboration with stakeholders is deemed to be necessary, especially in the areas of:
 - a. The development of a common technical interface to work with standards of categorisation and classification.
 - b. The evolution and distribution of technical tools that meet the requirements of being efficient, easy and affordable.
 - c. The establishment of a universal technical content categorisation to work with such tools (as above).
 - d. Safeguarding the rights of minors according to the Articles 13 and 17 of UNCRC.
5. Encourage effective enforcement, shared responsibilities, self- and co-regulation by:
 - a. Maintaining the important role of state regulation to ensure that content that 'might seriously impair' is restricted to minors on linear and non-linear AV.
 - b. Encouraging effective co-regulation³ (backed by statute) where appropriate, while letting individual Member States adapt systems appropriate to their circumstances.

¹ Content categorization means objectively determining the presence of certain elements in content, such as violence, sex, discrimination, offensive language etc.

² Age classification is the general process of categorizing content into classes according to its harmfulness or suitability for age groups, such as 12+, 16+ etc.

³ Media co-regulation is defined by the EU institutions as the mechanism whereby a Community legislative act entrust the attainment of the objectives defined by the legislative authority to parties which are recognized in the field (such as economic operators, the social partners, non-governmental organizations, or associations). There is not one official definition of co-regulation and in practice many

- c. Asking for more responsibility from industry in the field of content categorization, age classification and technical protection measures.
 - d. Gaining a better understanding of the main players in the traditional TV value chain and the online value chain of content distribution by conducting research (with input from relevant stakeholders) in view of informing the AVMS Directive review.⁴
6. Continue to support media literacy to empower citizens by:
- a. Developing national strategies to encourage various ways to promote and achieve media literacy, and include education and schools among relevant stakeholders within these strategies.
 - b. Creating EU-level action plans to promote sharing of best practice, lessons learned and research in this area.

(gradual) differences between possible systems can occur. Characteristic in any case however are the shared responsibilities between the industry and the state, in which the state component is usually represented by an independent supervisory authority that carries out meta-supervision and retains some backstop powers.

⁴ For instance we could make use of the outcomes of the studies and contributions to the EC consultation on platforms.