CODE OF CONDUCT FOR PREMIUM SERVICES AND THE PROTECTION OF MINORS

Whereas:

1. Mobile communications operators recognise the importance of informing their customers in a transparent and updated manner regarding the economic conditions and ways of utilising the premium services offered;
2. It is important to guarantee that the utilisation of premium services through mobile terminal devices takes place ensuring the protection of minors and the safeguarding of human dignity;
3. The strictly personal use of the mobile terminal device and the broad dissemination in the mobile sector of prepaid type services by payment, guarantee the protection of the consumer both in the correct keeping of the terminal and in the use of the services;
4. The mobile communications operators that are signatories of this Code are already provided with internal systems and procedures governing the use of premium services through mobile terminals;
5. The mobile communications operators have, in any case, decided to adopt a Code of Conduct regulating the utilisation of these services;
6. This Code of Conduct is designed for the self-regulation and general protection of minors in the context of the safe use of services.

Having stated all this:
- Considering Law 14 November 1995, N. 481, concerning regulations for competition and the regulations of services useful to the public, and setting up of regulatory authorities;
- Considering Law 31 July 1997, N. 249, concerning the setting up of the “Autorità per le Garanzie nelle Comunicazioni” (Italian Communications Authority) and provisions for telecommunications, radio and television broadcasting;
- Considering Resolution n. 9/03/CIR of the Italian Communications Authority regarding the national numbering plan in the telecommunications sector and implementation norms;
- Considering Legislative Decree 1 August 2003, N. 259 containing the new “Code for Electronic Communications”;
- Considering Legislative Decree 30 June 2003, N. 196, containing the new "Code for the protection of personal data" and subsequent amendments;
- Considering the Decree of the Minister of Communications 2 March 2006, N. 145, "Regulation containing the norms for premium services";

Considering that:
- The right of minors to balanced development is recognised in the domestic and International legal system;
- The educational functions, assigned in any case to the family, may be supported by a correct use and exhaustive information on the availability of instruments suited for allowing or inhibiting the utilisation of services with sensitive contents on electronic communications networks;
- It is necessary to balance the various fundamental rights which may be in contrast with one another such as the protection of minors, the right to information and the freedom of expression and manifestation of thought;

The mobile communications operators adopt this Code of Conduct for self-regulation and the protection of minors therefore mutually agree to respect it, update it to the evolution of the services and to undertake any activity necessary to guarantee compliance with the principles contained therein.

Article 1
Definitions

For the purposes of this Code the following definitions are made
2. Mobile communications operator: an enterprise authorised to supply a public mobile communications network.
3. Premium services: services supplied through an electronics communications network by the use of specific number allowing access by users to information or services by payment as defined in Resolution 9/03/CIR containing the national number plan in the communications sector.
4. Children's services: services which by the nature of their contents are addressed to a non-adult public. The services coming within this definition are listed below:
   - Cartoons for children;
   - Songs for children;
   - Games for children.
5. Services with sensitive contents: these are services stated to have erotic/sexual contents, or services susceptible to harming the mental and moral integrity of minors or representing a threat, also indirect, to their safety and growth or likely to lead them into error by ambiguity and exploitation of their natural credulity.
6. Third parties: the real or legal person that, with the use of appropriate equipment, allows the final user to access information or services distributed by electronic communications. Third parties can operate directly as suppliers of information or services or through other parties.

Article 2
Purposes and object
1. The purpose of the Code is to govern the providing of premium services and the protection of minors. This code in particular contains provisions on:
   - The type and contents of the services offered
   - Instruments for the protection of minors
   - Obligations of signatories
   - Relations between the mobile operator and third parties
   - Guarantee for the application of the code
   - Self-regulatory measures

Article 3
Obligations of signatories
1. The signatories:
   a) Adopt, within 6 months from the signature of this code, the measures necessary for the application of the provisions contained in it, and promptly inform the Ministry of Communications in this regard;
   b) Quote the provisions of this Code of Conduct in their own Charter of Services;
   c) Publish on their institutional website, or with other suitable means, a reference to this Code of Conduct with references to the website pages containing information on the procedures for use of the instruments provided for utilizing the premium services;
   d) Provide their customers with all the information useful for advancing any complaints and exercising their rights.

Article 4
The offer of premium services
1. The signatories shall provide their customers with complete, clear, transparent, prompt and easily accessible information on the services offered and particular on the economic conditions and contents offered, also with the use of an introductory information message on the price of the services
2. The Premium services shall not praise any form of physical and moral violence, not offend or exploit the moral, religious and civil convictions of the public, favour crimes and/or violations of the law, or contain subliminal messages.
3. The offer of premium services shall take place in the respect of human dignity and the rejection of any form of discrimination referring to origin or membership, real or presumed, of ethnic, social, religious or sexual type, or to the state of health or ideas professed.

4. While each participant of chat lines remains liable for the free manifestation of their own thought, the signatories shall provide suitable means to prevent the improper use of the chat services, such as moderators or lists of black words.

Article 5
Instruments for the protection of minors

1. In the context of its offer of premium services, each signatory shall identify the services with sensitive contents and ensure that these are transparent to their customers.
2. The services with sensitive contents are identified with the instruments technically available to make them recognisable.
3. Access to these services shall take place only after information has been provided as to the nature of the service.
4. The signatories agree to supply parents and guardians with instruments to protect minors from the utilisation of services with sensitive contents. These instruments must provide for at least one of the following control systems:
   a. Permanent inhibition to the utilisation of the services, at least for the sensitive contents, upon express request by parents, guardians, or the persons who may legitimately make such requests;
   b. The opening of access to the services upon express request by parents, guardians, or the persons who may legitimately make such requests;

Furthermore, the signatories may offer - also by payment - access to the services with procedures controlled by the user, through the use of a personal code (PIN) made available only to parents and guardians, or the persons who may legitimately make such requests.

5. The control instruments stated in point 4 refer to series of telephone numbers and/or on the level of categories of services with similar contents and/or with reference to the single services offered. They must be adequately made known to customers and be easily understandable and, with reference to letter a) and b) of paragraph 4, be accessed free of charge.

6. The signatories agree to guarantee, upon express request by parents, guardians, or the persons who may legitimately make such requests, the inhibition of access to chat line services, with the procedures stated in paragraphs 4 and 5.

7. The signatories may utilise systems for the identification of the age of the customer upon a condition that, in respecting the norms on the handling of personal data, the maximum confidentiality, security and dignity of the persons is ensured.

8. In case of services targeting exclusively minors (children’s services), the signatories agree not to interrupt these with advertising or promotional spots.

Article 6
Relationships between the mobile operator and third parties

1. The signatories agree to attach this Code of Conduct to the contracts stipulated with third parties for the offer of premium services on their own network. These contracts shall provide for the respect of the Code of Conduct by third parties, failing which the services shall be suspended.

2. Upon request by the authorities having jurisdiction, the signatories may undertake any suitable control activities on the contents and/or services offered by third parties and made available on their own networks.

3. The third parties declare to the access operator the nature of the premium service and whether it has sensitive contents or children’s services.
4. The signatories likewise agree to make this Code known to third parties also by the undertaking of training activity.

Article 7
Protection of personal data and protection of privacy

1. In offering premium services, the operators agree, each one for the aspects within their competence, to respect the regulations in force on the protection of personal data and minimum security measures, and to comply with the provisions in force on the protection of private life in the sector of electronic communications, including any amendments and/or additions.

2. With particular reference to the personal data of customers, the operators agree to utilise them exclusively for purposes strictly connected with the supply of the services concerned in this code, or for the uses allowed by the law.

Article 8
Guarantee Board

1. The operators shall set up, with their own representatives, a Guarantee Board for the coordination of the activity of updating and revising this Code of Conduct, as might prove necessary, also in relation to the technological development of the services. Representatives of the Ministry of Communications and the Fondazione Ugo Bordoni, shall also participate on the Board, and one of the latter shall be appointed Chairman.

2. The Guarantee Board shall convene upon initiative of at least two members or on the basis of reports received from consumer associations, and in any case at least once a year.

3. The Guarantee Board shall evaluate any problems emerging over the application of this Code and identify possible solutions.

4. The Guarantee Board shall draw up an annual report containing the updated list of information regarding third parties, the premium services offered, any services exclusively for children and the specific procedures of application of the measures set forth in the Code.

Article 9
Self-Regulatory Measures

1. Anyone who justifiably holds that a violation has occurred in the obligations set forth in this Code of Conduct may report this violation to the individual operator concerned, sending an electronic message to the address stated in the website of each operator.

2. The operator agrees to respond to the reports submitted and to comply with what has been reasonably requested in accordance with their Charter Service.

Article 10
Signature

Any mobile operators intending to comply with the obligations set forth herein may sign this Code of Conduct.