



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 189 b (2) of the EC-Treaty

ON THE COMMON POSITION OF THE COUNCIL

**on the MODIFIED PROPOSAL FOR A EUROPEAN PARLIAMENT AND COUNCIL DECISION
ADOPTING A MULTIANNUAL COMMUNITY ACTION PLAN ON PROMOTING SAFER USE OF
THE INTERNET**

1. BACKGROUND

On 26 November 1997, the Commission adopted its proposal for a Council Decision adopting a Multiannual Community Action Plan on promoting safe use of the Internet¹, which was formally transmitted to the European Parliament and the Council on 26th January 1998². This was made on the basis of Article 130(3) of the EC Treaty, which entails a decision of the Council after consultation of the European Parliament and the Economic and Social Committee.

The Economic and Social Committee gave its opinion on 29 April 1998 and the Committee of the Regions gave its opinion on 14 May 1998.

The European Parliament adopted its opinion in first reading on 2 July 1998, and proposed 23 amendments to the Commission proposal³. The Parliament proposed a change in the legal basis to Article 129a(2) of the EC Treaty. This entails a co-decision procedure.

The Commission adopted an amended proposal⁴ incorporating most amendments of the European Parliament; this amended proposal was transmitted to the Council on 11 September 1998.

The Council, acting in accordance with Article 189 b(2) of the Treaty, formally adopted a Common Position on 24 September 1998. The Council agreed to the change in the legal basis.

2. PURPOSE OF THE ORIGINAL COMMISSION PROPOSAL FOR A DECISION

The aim of the Commission proposal is to ensure implementation of the various European Union initiatives on how to deal with illegal and harmful content on the Internet. The proposal is a financial plan designed to support non-regulatory initiatives for content control. It is important to emphasise that the vast majority of content poses absolutely no problem. However the Internet can be used for illegal activities and distribution of illegal content. Parents and teachers are concerned at the availability of content, which could be harmful for children. If the consumers and industry of Europe are to take full advantage of the opportunities offered by the Information society, these issues must be addressed.

The Action Plan has **four action lines**:

- (1) **Creating a safer environment** - including creation of a European network of hot lines and support for self-regulation
- (2) **Demonstrating and application of effective filtering and rating systems**, taking account of Europe's cultural and linguistic diversity
- (3) **Encouraging awareness actions**

¹ COM(97) 552 final (OJ C48, 13.2.1998 p. 8).

² [TRA]

³ European Parliament Doc. A4-0234/98

⁴ [COM 98] final

(4) Support measures

Each of the Action Lines aims at reaching certain main objectives:

- to empower the user to select the content he/she wishes to receive thus protecting himself and his family from undesirable – harmful – material,
- to strengthen reporting mechanisms for illegal material to be dealt with by existing legislation,
- meet the needs of different users and take account of Europe's cultural and linguistic diversity,
- to build trust in the new environment so the consumer can benefit from the new services, and so the industry can use the opportunities of electronic media.

3. COMMENTS ON THE COMMON POSITION OF THE COUNCIL

3.1. General observations on common position

The Council has adopted a favourable stand towards the proposal of the Commission and the majority of the amendments of the European Parliament accepted by the Commission.

The Commission can accept the Common Position of the Council, subject to its observations on the financial framework and on Council's desire for a regulatory rather than an advisory committee.

3.2. Amendments submitted by European Parliament in first reading

In its first reading, the European Parliament proposed 23 amendments to the Commission's proposal. The Commission accepted 20 in full, in part or in principle, while rejecting three.

More information is provided in the Commission's explanatory memorandum to the amended proposal indicating how the amendments submitted by the European Parliament in first reading were taken into account by the Commission.

The approach adopted by the Council in its Common Position generally meets the substance of the amendments presented by the European Parliament in first reading, although a number of amendments were also rejected.

Table 2 in annex sets out

- Amendments not accepted by the Commission
- Amendments accepted by the Commission and integrated by the Council in its Common Position
- Amendments accepted by the Commission but not integrated by the Council in the Common Position.

3.3. New provisions introduced by Council compared to Commission's original proposal

The Council also made a significant number of changes not proposed by the European Parliament or by the Commission – see Table 1 in annex.

3.4 Position of the Commission on changes made by the Council

The Commission could accept these changes by the Council as they do not substantially change the implementation of the plan. There are, however, two exceptions:

- (1) **Budget:** The Council set the financial framework at 25 mio ECU. The Commission considers that 30 mio ECU is needed to reach the objectives of the Action Plan.
- (2) The original Commission proposal was for an advisory committee. The Council has amended the relevant passages (article 5) to provide for a regulatory committee (type IIIA). The Commission maintains its proposal for an advisory committee.

Other changes are drafting changes intended to clarify the scope and implementation of the Action Plan and do not give rise to questions of principle. The Commission's approach is to adhere to the changes accepted in the Modified Proposal (after first reading in the European Parliament) and where possible accept the changes proposed by the Council. Most drafting changes do not affect the Commission's ability to implement the Action Plan. Therefore, except for the two points mentioned above, the changes by the Council to the Commission's modified proposal would be acceptable, even where these constitute a rejection of amendments by the European Parliament which the Commission accepted and included in its amended proposal.

4. CONCLUSIONS AND GENERAL REMARKS

The Commission does not accept the setting of the financial framework at 25 mio ECU, or the use of a regulatory committee rather than an advisory committee.

The remaining modifications made to the Commission's original proposal by the Council in its Common Position either reflect the amendments of the European Parliament as accepted by the Commission, or make the text more precise or complete in conformity with the main objectives of the original proposal of the Commission, or incorporate standard provisions used in decisions of the same type. Therefore, although the Commission prefers to adhere to the text of the modified proposal, it can accept the modifications in the Common Position reached by the Council.

ANNEX
to the Communication from the Commission to the Parliament pursuant to Article 189 B(2) of the Treaty
on the common position of the Council on the modified proposal for a European Parliament and Council Decision
adopting a Multiannual Community Action Plan on promoting safer use of the Internet

TABLE I

Recital/Article	Modifications by Council compared to original proposal (changes not suggested by Parliament or Commission)	Position of Commission
Title	Add the words "by combating illegal and harmful content on global networks". See also Parliament amendment no 1	Commission agrees.
Rec.1	Deletion of the words "by developing into an industry offering services to the general public", substitute "consumers" for "citizens" and addition of the words "in their Resolution on illegal and harmful content"	Commission agrees. Deleted words are not essential.
Rec.3	Substitute "that consumers make full use of the Internet" for "the full potential of the Internet industry", add "or for the dissemination of racist or xenophobic ideas"	Commission agrees with the addition of the reference to consumers as this reflects the change in legal basis (see Parliament amendment no 2). However, the reference to Industry should be kept to emphasise that although the legal basis has changed, the development (and co-operation) of industry is still important. "that consumers make full use of the Internet and to realise the full potential of the Internet industry..."

		Commission agrees. Illegal and harmful content covers a wider range than offences against children
New Rec 4	Insert new recital "Whereas consumers should be afforded a high level of protection; whereas the Community should contribute thereto by specific action which supports and supplements the policy pursued by the Member States regarding information for consumers on the safer use of the Internet"	Commission agrees. Reflects the change in legal basis (see Parliament amendment no 2).
old Rec. 6, 7, 8, 9	delete	Commission agrees. Deleted recitals are not essential.
Rec 9 (old 12)	After "Resolution of 24 April 1997", insert "on the Commission communication on illegal and harmful content" Delete "to define a minimum number of common rules in their criminal law and", delete "and to submit proposals for a common regulation of liability for Internet content"	Commission agrees. The shorter text is more appropriate in view of the scope of the Action Plan.
Rec. 11 (old 14)	Text updated to reflect full title of Council Recommendation on protection of minors and human dignity, as finally adopted.	Commission agrees. These changes clarify the recital without changing its meaning (hereafter "clarification")
Old Rec 15	delete	Commission agrees. Deleted recital is not essential.
Rec. 12 (old 16)	After "Whereas co-operation from the industry" add "in setting up voluntary", substitute "systems" for "and a full functioning system" substitute "can efficiently help to limit" for "are essential to limiting";	Commission agrees. This corresponds to the change in the title of the Action (see Parliament amendment no 1)
Rec 13 (old 17)	Move "Whereas European co-ordination of representative and self-regulating bodies is essential for the Europe-wide effectiveness of such systems" to beginning of paragraph. Substitute "if necessary" for "possibly"; substitute "which allow users to	Commission agrees. Clarification.

New Rec 14	report content which they consider illegal" for "available to the public" insert "Whereas any hot-line reporting mechanisms should support and promote measures taken by the Member States; whereas duplication of work should be avoided; whereas possible hot-line reporting mechanisms could be established in co-operation with the law-enforcement authorities of the Member States; whereas the responsibility for prosecuting and punishing those responsible for illegal content should remain with the national law-enforcement authorities.	Commission agrees. This text reflects the role envisaged for hotlines.
Rec 15 (old 19)	Delete "as emphasised by the Bonn Declaration (par. 55 et seq.)" substitute "consumers" for "users"	Commission agrees. Reflects change in legal basis, although it regrets taking out the reference to the political agreement reached at the Bonn Conference.
Rec 16 (old 20)	Insert after awareness activities "which are performed in the Member States and which should have an additional European value"	Commission agrees. Clarification.
Old Rec 22	Recital deleted	Commission agrees. Simplification.
Old Rec 25	Recital deleted	Commission agrees. Simplification.
Rec 22 (old 28)	Substitute "Whereas this Action Plan should be of four years duration in order to allow sufficient time for actions to be implemented to achieve the objectives set " for "Whereas it is necessary to fix the duration of the Action Plan"	Commission agrees. Clarification.
New Rec 23	insert "Whereas this Decision lays down, for the entire duration of the Action Plan, a financial framework constituting the principal point of reference, within the meaning of point 1 of the Declaration of the European Parliament, the Council and Commission of 6 March 1995 ⁽⁵⁾ , for the budgetary authority during the annual budgetary procedure"	Commission agrees. Standard phrasing in financing decisions.

(5) OJ C 102, 4.4.1996, p. 4.

Art 1 New para: 3	<p>insert "The financial framework for the implementation of the current Action Plan for the period from 1 January 1998 to 31 December 2001 is hereby set at ECU 25 million.</p> <p>The annual appropriation shall be authorised by the Budgetary Authority within the limits of the financial perspective.</p> <p>An indicative breakdown of expenditure is given in Annexe II"</p>	Commission considers 30 mio ECU to be fully justified.
Art 2	<p>Substitute "promoting safer use of the Internet and encouraging an environment favourable to the development of the Internet industry" for "encouraging an environment favourable to the development of the Internet industry by promoting safe use of the Internet.</p> <p>See also Parliament amendment no 2, below</p>	Commission agrees. This corresponds to the change in the title of the Action (see Parliament amendment no 1) and change in legal basis (see Parliament amendment no 2).
Art 3	<p>Insert after actions "supporting and promoting measures to be taken in the Member States"</p> <p>First bullet point : see Parliament amendment no 11 below</p>	Commission agrees. Clarification.
Art. 4	<p>In para 2 insert after "work programme" in first indent "including any expenditure on activities described in Annex III, point 9"</p> <p>Insert as fourth indent "the assessment of the projects proposed under calls for proposals for Community funding and the estimated amount of the Community contribution where this is equal to or more than ECU 300 000</p> <p>Insert after "international organisations" in seventh (formerly sixth) indent "referred to in Article 7(3)"</p> <p>Insert new eight indent "other actions which could be undertaken under the terms of the last indent of Article 3"</p> <p>In paras 3 and 4 insert after "Committee" "referred to in Article 5"</p>	<p>Commission agrees. Ensures participation of Member States in implementation.</p> <p>Commission agrees Ensures participation of Member States in implementation.</p> <p>Commission agrees. Clarification.</p> <p>Commission agrees. Ensures participation of Member States in implementation.</p> <p>Commission agrees. Clarification.</p>

<p>Art. 5</p>	<p>First para delete "of an advisory nature"</p> <p>Second para, delete "concerned, if necessary by taking a vote." Insert "The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote."</p> <p>Third para, substitute "The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee." for "The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes."</p> <p>Fourth para, substitute "If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority." for "The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account."</p> <p>new fifth para "If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission."</p>	<p>Commission maintains proposal for an advisory Committee</p>
<p>Art 7</p>	<p>Delete "in accordance with the procedure laid down in Article 5", substitute "EFTA States" for "the EFTA countries", insert "European Economic Area" before "EEA", delete "and to European International Organisation", insert "in accordance with the provisions of the Agreement on the EEA."</p> <p>Insert new paras after first sentence "Participation may be opened to legal</p>	<p>Commission agrees. Standard phrasing in summary decisions.</p>

	<p>entities established in associated Central and Eastern European countries in accordance with the conditions, including financial arrangements, agreed to in the additional protocols to the association Agreements including participation in Community programmes.</p> <p>Participation may be opened to legal entities established in Cyprus on the basis of additional appropriations in accordance with the same rules as those applied to the EFTA States that are members of the EEA, in accordance with procedures to be agreed with that country “</p> <p>Former second sentence becomes third para. Delete “and, as a general rule” substitute “other” for “non-EEA” delete “non-European”.</p>	
Annex I	Delete “proposal for a Council” before “Recommendation”. Similar changes in the references in the later text.	Commission agrees. Clarification
Annex I, 1.2 third para	Substitute “guidelines at European level will be developed” for “it is foreseen to develop guidelines at European level”	Commission agrees. Stylistic improvement.
Annex II	<ol style="list-style-type: none"> 1. Creating a safe environment, substitute “26-30%” for “17-21%” 2. Developing filtering and rating systems, substitute “32-38%” for “40-46%” 3. Encouraging awareness actions, substitute “30-36%” for “28-34%” 4. Support actions, substitute “3-5%” for “6-8 %” 	Commission agrees. The increased emphasis on hotlines is justified by recent events.
Annex III, para 2	Insert “The Community’s financial contribution should not exceed the minimum considered necessary for a project, and shall be granted, in principle, only if the project meets financial obstacles which cannot otherwise be overcome. In addition, the Community’s financial contribution shall not normally exceed 50% of the cost of the project, except in duly justified cases.	Commission agrees. Standard phrasing in financing decisions.
Annex III,	Substitute “in accordance with Article 5 of this Decision and” for “through	Commission maintains proposal for an advisory

para 7 the Advisory Committee procedure (type I) and in accordance with Committee

TABLE II

POSITION OF THE COUNCIL ON THE PARLIAMENT'S AMENDMENTS AND COMMENTS BY THE COMMISSION

EP amendment no.	Recital/article of the original proposal	Contents of the EP amendment in first reading	Position of the Commission re. EP's first reading	Position of the Council on EP's amendments	Commission's comments on the position of the Council re. EP's amendments
1	Title	Change "Proposal for a Council Decision adopting a multiannual Community action plan on promoting safe use of the Internet" to "Proposal for a European Parliament and Council Decision adopting a multiannual Community action plan on promoting safer use of the Internet."	Commission agrees. Reflects change in legal basis (see Amendment no. 2) and defines the scope of the plan	Add the words "by combating illegal and harmful content on global networks".	Commission agrees The additional words correctly describe the scope of the Action, although a shorter title would be preferable for the use of the general public.
2	Citations	Change "Having regard to the Treaty establishing the European Community, and in particular Article 130(3)	Commission accepted the change of legal basis, despite the additional delay which this entails, because it agrees with the Parliament on the need	Council agrees	Commission agrees

		<p>thereof” To “Having regard to the Treaty establishing the European Community, and in particular Article 129A thereof”</p>	<p>for protection of the consumer.</p>		
3	Recital 2	<p>Change “Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can <i>seriously hamper the development of the emerging Internet industry</i> and thus, adversely affect the set-up of the necessary favourable environment for initiatives and undertakings to flourish” to “Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can <u>damage the mental health, safety and</u> economic interests of</p>	<p>Commission accepted</p>	<p>Council text “Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, <u>could adversely affect the establishment of the necessary favourable environment for initiatives and undertakings to flourish</u>”. Although the Council agreed with the objective of the Parliament’s text, it preferred on stylistic grounds to keep a simpler text based on the original Commission proposal</p>	<p>Both options are acceptable to the Commission.</p>

		<u>consumers and thus adversely affect the set-up of the necessary favourable environment for promoting and respecting ethical standards;</u>				
4	Recital 2a (new)	Insert " Whereas illegal and harmful content on the Internet can relate to a very wide range of issues: national security, the protection of minors, protection of human dignity, financial security, data protection and the protection of privacy, reputation, public health and intellectual property;"	Commission agreed	Commission disagrees with Parliament. This addition could create confusion as to the exact scope of the Action Plan	Both options are acceptable to the Commission.	
5	Recital 3	Add a reference to "trafficking in human beings"	Commission agreed.	Council agrees.	Commission agrees.	
6	Recital 16	Insert underlined "Whereas cooperation from the industry in setting up voluntary and full functioning systems of self-regulation and the existence of effective	Commission agreed	Council accepts "voluntary" but disagrees with Parliament on second part of amendment, which does not correspond to the operative part of the decision. Delete "and full functioning"	Both options are acceptable to the Commission. Both options are acceptable to the Commission.	

		<u>mutual notification systems between the competent authorities concerning the contents of the Internet are essential to limiting the flow of illegal content on the Internet;</u>			substitute "can efficiently help limit" for "are essential to limiting";	Commission. This corresponds to the change in the title of the Action (see Title in Table 2)
7	Recital 18	Insert underlined "Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it or distribute it <u>deliberately</u> ; whereas it is indispensable for this purpose to have common European standards compatible with global standards, given that the Internet is by its nature cross-national, as underlined by the Ministerial declaration adopted during the Bonn Conference (point 41 et seq.);	Commission rejected amendment. See amendment 12		Council deleted entire recital "in order to simplify the text"	Commission agrees
8	Recital 27a	Insert "Whereas, as referred to in the European	Commission agreed		Council disagrees with Parliament. It is not a party to this agreement.	

	(new)	<p>Parliament's resolution of 24 October 1996 on the draft general budget of the European Communities for the financial year 1997 - Section III - Commission(1), there is an agreement between Parliament and the Commission on information and the presence of European Parliament representatives at the proceedings of Commission committees"</p>		
9	Art 1	<p>Substitute "safer" for safe (cf. Amendment 1)</p>	Commission agreed	Commission agrees
10	Art 2	<p>Insert underlined "The action plan has the objective of encouraging, at European level," "promoting safer use" "<u>complementing other measures financed by the Community budget in response to the impact of new technologies on the general public.</u>"</p>	Commission agreed	<p>Commission agrees</p> <p>Commission agrees</p> <p>Both options are acceptable to the Commission.</p>

11	Art 3, first indent	<p>Insert underline, delete italics "promotion of industry self-regulation and the implementation of <u>content-monitoring</u> schemes to monitor and combat illegal and harmful content on the Internet which may jeopardize <u>national security</u>, the protection of minors, protection of human <u>dignity</u>, <u>financial security</u>, data protection and protection of <u>privacy</u>, <u>reputation</u>, <u>public health</u> and intellectual property (especially content dealing with or encouraging child pornography, inciting or inducing <u>trafficking in people and sexual abuse</u>, <u>homophobia</u>, racism and anti-semitism);</p>	Commission agreed	<p>Council disagrees with Parliament. See Amendment 4.</p> <p>In Commission's original text substitute "or content which incites hatred on grounds of race, sex, religion, nationality or ethnic origin" for "racism and antisemitism"</p>	Both options are acceptable to the Commission. Amended text is more precise.
12	Art 3, fourth indent	<p>Insert "and adoption of guidelines regarding the responsibility of each body involved for the content of the Internet and for</p>	<p>Commission disagreed. This is a instrument providing financial support and it is inappropriate to seek to deal with issues of responsibility which will be covered by a Commission</p>	<p>Council supports Commission position.</p>	Commission agrees.

		proposal for a Directive.		
13	Art 3, sixth indent (new)	combating its harmful and illegal content"	Insert "supporting initiatives, including websites for information and assistance, by organizations that are active in the protection of human and citizens' rights, and in counteracting violence and the abuse of women and children;"	Commission agreed
14	Art 5		In 1. Substitute "composed of one representative per Member State" for "the representatives of the Member States." In 2, insert after Measures "of a general nature" In 3. substitute "for its position to be included" for "to have its position recorded" In 4 substitute "it has taken that opinion" for "in which its opinion has been taken".	Commission disagreed. The text proposed is a direct quotation of Article 2 of the Council decision of 13 July 1987
				Council disagrees with Parliament. This level of detail is inappropriate here. Article 3 sets out briefly the actions which are described in more detail in annexe 1
				Council disagrees with Parliament. The amendments are not relevant, since the Council has chosen a regulatory and not a consultative committee
				Both options are acceptable to the Commission.

	Art 6 (4)	Substitute "Annex I. Reference shall also be made to general findings applicable to all categories of illegal content." for "Article 2"	Commission agreed	Council accepted	Commission agrees
15			Commission agreed	Council accepted	Commission agrees
16	Annex I, 2nd para, fourth indent	Insert "at European and international levels"	Commission agreed	Council accepted	Commission agrees
17	Annex I(1.2), third paragraph	Insert "In connection with the adoption of these rules, a European quality labelling system will also be worked out for suppliers of Internet services that comply with these rules."	Commission disagreed with text as it stands. It may be preferable to work on a system which has international as well as European support.	Council supports Commission position.	Possible new text may be proposed in the light of discussions between Parliament and Commission: "In connection with the establishment of Codes of Conduct, a system with visible "Quality-Site Labels" for Internet Service Providers, will be encouraged to assist users in identifying providers that adhere to Codes of Conduct."
18	Annex I 2, second para	Substitute "internationally compatible" for "European"	Commission agreed.	Council disagrees with Parliament. The original Commission proposal was more balanced, and the Council	Both options are acceptable to the Commission.

					by accepting amendment 19 dealt with the international angle	
19	Annex I 2.1, first para	Insert "internationally compatible and" before systems	Commission agreed	Commission agreed	Council accepted	Commission agrees
20	Annex I 2.1, second para	Insert "the" before "benefits" Add "This also includes tests as to the security of filtering software against attempts to bypass or deactivate it."	Commission agreed	Commission agreed	Council accepted Substitute "This could also include tests as to the security" for "This also includes tests as to the security"	Commission agrees
21	Annex I(3), fifth paragraph	Delete "Electronic distribution of material should be supplemented by more widespread traditional packages for use in schools and libraries."	Commission agreed	Commission agreed	Council disagrees with Parliament. The original Commission proposal was preferable since traditional means of distribution continue to be important	Both options are acceptable to the Commission.
22	Annex I(3.2), third paragraph	Insert underline, delete italics "Actions aimed at teachers will include <i>seminars and workshops</i> and preparation and distribution of specific <i>printed information</i> and <i>multimedia material</i> ." .. "creation of web-sites,	Commission agreed	Commission agreed	Council disagrees with Parliament. The original Commission proposal was preferable	Both options are acceptable to the Commission.

		<p>distribution of information material in schools, <i>through access providers and through shops and other outlets</i>” .. <i>More specific information would be given when targeting families already owning a computer.</i>” ... <i>publicity campaigns and</i>” “European data network of schools.”</p>			
23	<p>Annex I(4.1), second paragraph h a (new)</p>	<p>This assessment should also focus on: - which legal instruments are required to be able to classify each provider of content in the Internet (author and provider) and each sender of an e-mail as a natural or a legal person; - which substantive provisions of criminal law in the Member States and in the framework of international agreements ought to be approximated in qualitative terms (e.g. child protection age,</p>	<p>Commission agreed</p>	<p>Council disagrees with Parliament. These amendments go beyond the scope of the Action Plan</p>	<p>Both options are acceptable to the Commission.</p>

definition of content which is subject to prosecution, liability to prosecution in respect of links to offerings whose content is subject to prosecution);

- how quickly formal requests for judicial assistance need to be processed, given the nature of the Internet, for effective international law enforcement;
- the extent to which changes are needed to police law in Member States in order to allow preventive action in relation to Internet content which is subject to prosecution. Police officers' experience should also be included in this assessment.