

Consultation on GEO-BLOCKING AND OTHER GEOGRAPHICALLY-BASED RESTRICTIONS WHEN SHOPPING AND ACCESSING INFORMATION IN THE EU



Brussels, November 2015

About eNACSO

The European NGO Alliance for Child Safety Online – eNACSO - is a European **Children’s Rights NGO** network, funded by the European Commission, with a focus on children’s and young people’s safety online. The network was established in 2008 and currently has 28 members from across Europe (www.enacso.eu). The Secretariat of eNACSO is based in Italy however; we are active in all EU Member States through our membership.

Transparency Register Id No: 68951559498-60 (Registered since 24/9-2012)

eNACSO monitors and analyses emerging trends in the digital environment in order to identify opportunities, concerns and priorities in relation to children’s rights and child protection online, including issues in relation to the EU Digital Single Market. We provide the following statement in response to the open consultation on geo-blocking. The bulk of the questionnaire goes beyond our focus and mandate as a children’s rights organisation.

Our contribution may be published under eNACSO’s name.

eNACSO Statement on child protection and geo-blocking

eNACSO recognises that geo-blocking can have a negative impact on children’s access to online content and that it is an important concern when geo-blocking creates or sustains artificially high prices of for example children’s games or items of importance to children and their families.

However, in the context of child protection, eNACSO would like to emphasize that it is important to acknowledge that there are sound reasons why geo-blocking should continue to be recognised and accepted as a legitimate instrument of policy.

In our work, we often see how online business practices fail to respect the best interests of the child. Many of the rules and practices established in the physical world to protect children and young people from unfair commercial practices, e.g. deceptive and aggressive advertising, or barring access to legally proscribed areas or age sensitive materials, have not been translated into the virtual space.

Thus in the absence of EU-wide rules on, for example, the sale or provision of pornographic materials, alcohol, tobacco, fireworks, weapons, games and a range of other items that are the subject to a legally defined age limit or self-regulatory code within a given jurisdiction, **geo-blocking can and should be used to underpin or reinforce laws or codes that protect children in that jurisdiction.**

If geo-blocking is not deployed it may well in some cases lead to a given country’s rules being undermined or rendered completely ineffective. In this context we need to be mindful of the EU’s continued efforts to promote greater transnational trade or exchanges between EU Member States.

Take the example of the sale of fireworks. Country A says a person must be at least 18 to buy them online or offline. Country B stipulates 14. It should not be possible for an under 18 in country A to

get them delivered to their home from a supplier in Country B just because they can access a web site in country B. Geo-blocking could help ensure that did not happen.

From the perspective of child protection, eNACSO would favour extending the use of geo-blocking to non-EU Member States where similar issues or concerns arise.