**MINUTES OF THE 1ST MEETING
OF THE SPECIAL GROUP ON THE EU CODE OF CONDUCT ON AGE-APPROPRIATE DESIGN (BIK+ CODE)**

Brussels, 13 July 2023

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1. INTRODUCTION

The objectives of this first meeting of the Special Group were to set the scene, introduce the members to each other, and gather initial input from the members on potential topics and scope, working methods and timeline of the Code.

DG CONNECT Deputy Director-General (DDG2) attended and chaired the morning session, and Head of Unit CONNECT G.3 chaired the afternoon session.

The DDG2's opening speech welcomed the Special Group and outlined the strategic importance of the task ahead for this Special Group, with the Digital Services Act (DSA) providing a 'new digital rulebook', moving away from a period of self-regulation to hard law.

The protection of rights of all children is a key priority within Europe, and the EU Code of conduct on age-appropriate design (BIK+ Code) will support this priority by building on and supporting the implementation of the DSA, contributing to the implementation of the Audiovisual Media Services Directive (AVMSD) whilst being in line with the General Data Protection Regulation (GDPR).

It is important to note that this new Code cannot be used to circumvent the provisions of the DSA or any other EU legislation but is rather a tool to help build on the existing laws. The code might help illustrate practical application and key indicators.

Information on the mandate of the Special Group (including its Terms of Reference), is available on a dedicated European Commission website. A press release on the first meeting of the Special Group was published on 13 July, with the membership list. The Special Group will follow the same rules on transparency as those applying to an Expert group. The members of the Special Group agreed explicitly that their names and email addresses can be shared with one another by the Commission and its contractor EUN to facilitate the group's interaction.

2. SCENE SETTER

2.1. Presentation on risks and main concerns (by EUN)

European Schoolnet (EUN), Commission's lead contractor under the Better Internet for Kids platform contract, set the scene as to why the Code is needed.

A short newsreel illustrated key issues impacting life online, drawn from submissions by BIK Youth representatives and EU Safer Internet Centres. EUN shared key challenges for parents and teachers, presenting Insafe helpline's data and related research. They furthermore presented the BIK Youth programme, i.e. the work and activities of BIK Youth Ambassadors and their views on online risks.

The slides from the presentation including the newsreel are attached.

2.2. Presentation of the legal framework (by the EC)

The European Commission's Digital Services Act team (CNECT.F.2) gave a presentation on the DSA, which provides a 'rule book' framing the responsibilities of online platforms.

The DSA contains specific provisions regarding the protection of minors and related obligations targeting online platforms, in particular very large online platforms (VLOPs) and very large online search engines (VLOSEs).

The slides from the presentation are attached.

2.3. Presentation of the links with the BIK+ strategy (by the EC)

CNECT.G3 Head of Unit gave an overview of the new Better Internet for Kids strategy (BIK+). Adopted in May 2022, the vision of the BIK+ strategy is to 'have every child in Europe protected, respected and empowered online'. The Code is one of the key actions under Pillar 1 "safe digital experiences".

The slides from the presentation are attached.

2.4. Questions and Answers

Following the presentations, a short Q&A session took place to allow members of the Special Group to raise any comments or concerns regarding the work of the group.

Topics raised were diverse, but mainly pointed to the importance of the scoping exercise in the creation of the Code. Issues and points raised included:

- Setting clear expectations on the scope of the Code from the outset;
- Signatories of the Code which could be potentially wider than the DSA to cover all type of digital services used by or targeting children.
- Identifying relevant services and platforms that under-18s use and ensuring that these are age-appropriate for different age groups;
- The scope of the Code in terms of covering platforms and tools used to produce and/or disseminate child sexual abuse material and non-consensual intimate image abuse (NCIIA).
- Being innovative in the development of the Code;
- Ensuring that the implementation/monitoring of the Code is feasible;

- A holistic approach as to what is meant by risk and harms, and seeking to break down silos within company structures (for example, between developers and consumer protection departments);
- The impact of dark patterns and how they are covered by the DSA and the Unfair Commercial Practices Directive (UCPD);
- The role of national Digital Services Coordinators (DSCs) in the Code's implementation;
- The crucial importance of involving children and young people in the development and implementation of the Code.

The Commission explained why VLOPs/VLOSEs are not members of the special group: considering the first wave of designation under the DSA on 25th April, the Commission would like to offer all the relevant designated services the opportunity to contribute to the BIK+ Code. However, to keep the process manageable, it is impossible to invite all the 19 individual companies to be part of the group. Therefore, the Commission will work directly with trade associations in the group, who will channel and represent the input from their members including relevant VLOPs and VLOSEs.

3.   DISCUSSIONS

During the afternoon session, the members of the Special Group brainstormed in groups on the following three key topics:

- **Elements of the BIK+ Code**: What are the specific goals and objectives the group aims to achieve?
- **Governance and organisation of the Special Group**: How will roles and responsibilities be assigned within the group?
- **Timeline and milestones**: What is a realistic timeline for the group's work?

Common ground points discussed in the plenary included:

3.1.   Elements of the BIK+ Code

- The Code could consist of principles, commitments and KPIs for measurement. The Code of practice on disinformation is a useful example of how the final document could be structured.
- The Code could be designed around the key words of DSA Art. 28.1: safety, security and privacy, guided by the principles behind the three BIK+ strategy's pillars (including child empowerment and participation) and the overall guiding principle of the best interest of the child ([1]). Further discussion on the scope will follow.
- The group aims for a code that gives practical guidance on how to implement certain aspects of the DSA. The consequences of principled and practical based approaches have to be considered.
- The Code should be technology neutral and future proof.

([1])   Art. 24 CFR

- The nature of the Code, the obligations stemming from it and consequences of non-compliance should be clear. The Code should be measurable and actionable.

3.2. Governance and organisation

- A documented vademecum agreement/rules of procedure will help the way of working, based on experience of the Code of practice on disinformation;
- Learnings from existing codes, both in the EU and globally, should be taken on board early on – a mapping of existing initiatives and legal framework is needed as preparatory work.
- The legal framework, with similar but distinct tracks / frameworks for guidelines, codes etc. under the GDPR, DSA and AVMSD is complex. However the ultimate aim of the final version of Code is to be an aid for industry to meet legal obligations and ensure safety by design for young users of their products.
- There should be an appropriate channel to include other stakeholders, including children and other experts, in the work of the Code.
- The Special Group would benefit from a project manager/secretariat for more administrative tasks. An honest broker should be considered if needed.
- Online meetings as a rule, with 1-2 face-to-face meetings per year.

3.3. Timeline and milestones

- As a first step, a collaborative space should be set up by the Code Secretariat, which should also help draft the vademecum.
- Discussions on the scope and structure of the code should result in a workplan defining roles and responsibilities, including sub-groups and sub-topics, key priorities and a list of deliverables.
- The drafting to happen mainly through online meetings and exchanges in the collaborative space with the support of the secretariat. If needed, with an honest broker as penholder.
- Signatories should include both VLOPs and other types of members.
- The code will be a living document with a tentative overall timeline until Safer Internet Day 2025 (11 February 2025) could be the potential date for public signature of the comprehensive code, with intermediate milestones such as Safer Internet Day 2024 (6 February 2024), and International Children's Day (20 November 2024).
- Early milestones could be the first direct participation of under-18s in the work of the Special Group; and/or a part of the Code might be ready for publication. In that respect the work on the Code may start with a strand on child-friendly communication channels, including terms and conditions for and with children of different ages.
- NB European Parliamentary elections are in 6-9 June 2024; the new European Commission is expected to take office in November 2024.

4. CONCLUSIONS

The Chair (DG CNECT G3) closed the meeting by thanking the participants for their active participation and summarizing the next steps to be taken:

- EC will organize the secretariat with EUN. Members of the Special Group will be updated on the decision and next steps, including meetings from September onwards.
- A platform for the collaboration of the Special Group will be set up by the secretariat. EC will share relevant material gathered to date.
- With regards to any press enquiries, members of the Special Group can contact the EC team, or can direct enquiries to the [public press release](#) and [membership list](#) as noted before. Members of the Special Group must not discuss the content of group meetings or considerations with the press.
- The minutes of the meeting will be published in line with the EC's transparency policy, but the detailed workings of the Special Group will not be made public.

LIST OF PARTICIPANTS

Name of organisation or individual	Type of presence
Association of Commercial Television and Video on Demand Services in Europe (ACT)	present in person
Borns Vilkar (Children's Welfare)	present in person
Centre for Information Policy Leadership (CIPL)	present in person
CROLL Jutta	present in person
DONOSO Veronica	present in person
Dot.Europe	present in person
ECPAT International	present in person
Eurochild	present in person
European Youth Forum	present in person
FSM	present in person
GARCIA VAN HOOGSTRATEN Catherine	online presence
GSMA	present in person
MILKAITE Ingrida	present in person
PERSSON Jen	present in person
SKETTRUP Christian	present in person
Terre des Hommes Nederland	present in person
The LEGO Group	present in person
Tracking and Society at University of Copenhagen	present in person
University of Leiden	present in person
Video Games Europe	present in person

European Commission

- **DG CNECT / Deputy Director General**

- **DG CNECT / Directorate G / Unit G.3**

- **DG CNECT / Directorate F / Unit F.2**

- **DG CNECT / Directorate I / Unit I.1**

- **DG JUST / Directorate C / Unit C.3**

- **European Schoolnet (contractor of the EC under the BIK platform contract)**