

**Dz.U.2013.209**

**REGULATION  
OF THE NATIONAL BROADCASTING COUNCIL**

of 5 February 2013

**concerning detailed rules of protecting minors in on-demand  
audiovisual media services**

(official journal "Dz. U." of 13 February 2013)

Pursuant to Article 47e paragraph 4 of the Broadcasting Act of 29 December 1992 (official journal "Dz. U." of 2011 No. 43, item 226, as subsequently amended<sup>1)</sup>), the following is hereby ordered:

**§ 1.**

The Regulation determines the characteristic features and specific conditions of qualifying and marking of programmes and other broadcasts as well as appropriate graphic symbols, taking into account the degree of harmfulness of programmes and other broadcasts to minors in different age groups as well as the specific features of on-demand audiovisual media services.

**§ 2.**

1. The provider of an on-demand audiovisual media service shall mark programmes and other broadcasts provided to the general public by means of a visible graphic symbol indicating the designation of a programme or other broadcast for a given age group of the public during their presentation in the catalogue and throughout their duration, or shall enable the general public, by means of appropriate technical measures, to see the symbol during the presentation of a programme or other broadcast in the catalogue and throughout their duration.
2. Programmes and other broadcasts provided to the general public qualified to an age group referred to in § 3 subparagraph 2 point 1 shall not require to be marked with a graphic symbol.

**§ 3.**

1. The provider of an on-demand audiovisual media service shall

qualify programmes and other broadcasts to an appropriate age group using the criteria set forth in Appendix No. 1 hereto.

2. The following age groups are hereby established:

- 1) Age group I - no age restrictions;
- 2) Age group II – viewers aged 12 and older;
- 3) Age group III – viewers aged 16 and older;
- 4) Age group IV – viewers aged 18 and older.

#### **§ 4.**

Graphic symbols are determined in Appendix No. 2 hereto.

#### **§ 5.**

The Regulation shall enter into force as of 28 February 2013.

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<sup>1)</sup> Amendments to the consolidated text of the Act were promulgated in the official journal "Dz.U." of 2011 No. 85, item 459, No. 112, item 654, No. 153, item 903 and No. 160, item 963; as well as of 2012, items 1209 and 1315.

## **APPENDIXES**

### **APPENDIX NO. 1.**

#### **1 Criteria for qualifying programmes and other broadcasts**

Appendix No. 1 to the Regulation sets forth characteristic features of respective age groups and describes programmes or other broadcasts from the point of view of four elements that are significant for the development of minors:

- 1) presented view of the world;
- 2) moral appraisal;
- 3) evoked emotions;
- 4) patterns of behaviour.

#### **2. Characteristic features and specific conditions of qualifying programmes or other broadcasts**

##### **1) Age group I - no age restrictions**

The age group I comprises programmes or other broadcasts that may be watched by all viewers, including children and young people. These programmes present in principle a positive (or

neutrally described) view of the world, in a mild emotional climate; demonstrate prosocial attitudes and friendly approach towards people, are imbued with positive emotions such as joy, delight, happiness, kindness. They may show rivalry in the spirit of sportsmanship, with defined rules (with the exclusion of drastic scenes) and positive patterns of love (for example romantic, caring or friendly love) without sexual images.

However, it should be taken into consideration that children under 12 years of age think in a schematic way, their emotionality is unstable and their nervous system gets overcharged easily. During this period, children develop their basic approach towards the world, their critical skills are low, while the tendency to give in to suggestions as well as imitate persons around and fictitious characters very strong. Therefore, minors under the age of 12 should not watch programmes or other broadcasts that:

- a) present the image of the world arousing fear or disgust and negative attitude towards others and the environment, such as destruction, abuse, violence, humiliation, ignoring the pain, justification of evil, even if they are presented in animated films, in an unrealistic manner or are humorous in nature;
- b) present content that requires inquisitiveness and differentiation of reasons, intentions and motivation to morally appraise the behaviour of characters, which minors in this age group are not capable of doing, as well as programmes and other broadcasts that show images of a sexual nature (nudity, sexual gestures, etc.) the essence of which minors are too young to understand;
- c) arouse strong, especially negative, emotions like anxiety, fear, fright, anger, disgust, indifference to the suffering of others, etc., which gives rise to an emotional distress, hyperactivity (resulting from the overload of the nervous system) in minors; contain an accumulation of negative facts and events such as violence, vulgar behaviour; create a view of a hostile and threatening world; and depict interpersonal contacts as struggle and competition;
- d) show scenes of violence and sex incorporated in the film to illustrate an idea that a child is not capable of understanding because, instead of perceiving the overall message, he/she sees individual scenes of aggression, sex and vulgarity;
- e) cause strong agitation associated with images of violence and

dangerous activities, arouse interest in sex, i.e. images of nudity and intimate contacts, especially those that depict sex in isolation from higher feelings and represent distorted patterns of sexual behaviour;

f) include contents listed in the age groups II, III and IV.

## **2) Age group II – viewers aged 12 and older**

Adolescent children continue to exhibit high emotional excitability, they are prone to make extreme appraisals and hasty generalizations, behave impulsively and engage in risky activities. They try to demonstrate their adulthood, without a deeper understanding what it is. They are critical of parents and teachers and, at the same time, they look for attractive idols that they emulate uncritically. They are conformist, hence standards of peer groups are more important for them than social standards. Therefore, minors under the age of 16 should not watch programmes or other broadcasts that:

a) show distorted forms of social coexistence (or coexistence of human beings) and restrict the view of the world to violence and eroticism; especially programmes and other broadcasts that depict them in a primitive and brutal manner and show sexual activity in isolation from higher feelings;

b) provide a simplified view of adulthood with undue prominence given to physical strength, use of violence, particularly violence demonstrated in social roles (teachers, parents, etc.);

c) depict morally reprehensible behaviours and attitudes without ethical appraisal as well as moral blaming of a victim for being hurt, and show excessive concentration on possession of money and material goods;

d) arouse intense feelings and emotions related to violence and sex, especially programmes and other broadcasts presenting aggression and cruelty that may provoke morally reprehensible behaviour, by showing persons who are attractive and, at the same time, represent a pattern of negative behaviours, e.g. drinking alcohol, using vulgar expressions and gestures, brutality, using drugs, violence, etc.

## **3) Age group III – viewers aged 16 and older**

Mental functions integrate gradually in minors between 16 and 18 years of age, they develop greater autonomy, tendency to get to know themselves and plan their adult life. However, at this age minors continue to be highly sensitive and emotionally labile, they tend to overestimate the degree of their maturity,

make crucial decisions without understanding their implications and consequences, and resolve complex existential issues in a simplified manner. Minors under the age of 18 should not watch programmes or other broadcasts with scenes or content that:



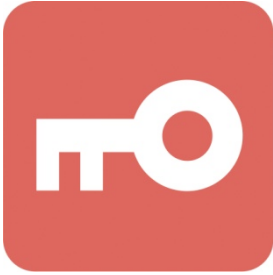
- a) unilaterally show the privileges of adult life while ignoring duties, work, obligations, as well as vital decisions while disregarding their consequences, present social justification for aggression, vulgarity, prejudice and negative social stereotypes, depict sex, aggression and violation of moral norms as a source of success in life;
- b) present a distorted image of the human nature, i.e. looking for selfish pleasures, striving for success at all costs by using other people for own purposes, justify violence, treat sex as a source of domination.

#### **4) Age group IV – viewers aged 18 and older**

This group includes programmes or other broadcasts with sex, presented especially in isolation from emotional needs of a human being, unjustified violence, or programmes that promote behaviour towards other people that is clearly faulty. Content that presents seemingly attractive characters (e.g. in terms of their looks, wealth, success, physical strength, sexual performance) whose behaviour towards others is morally reprehensible, aggressive, dishonest and vulgar, without any assessment as to the inappropriate nature of such behaviour, as well as any rewarding of social pathology, must be qualified to the age group IV that comprises content intended for persons aged 18 and older.

## APPENDIX NO. 2.

### GRAPHIC SYMBOLS FOR PROVIDERS OF ON-DEMAND AUDIOVISUAL MEDIA SERVICES INDICATING THE DESIGNATION OF A PROGRAMME OR OTHER BROADCAST FOR RESPECTIVE AGE GROUPS

Number of the group	Name of the age group	Mark	Description of the mark
II	viewers aged 12 and older		Olive square with digit 12 inside. The colour of the mark shall be: 1) RGB: R:208, G:209, B:84; 2) CMYK: C:22, M:7, Y:83, K:0; 3) PANTONE: 584 C.
III	viewers aged 16 and older		Orange square with digit 16 inside. The colour of the mark shall be: 1) RGB: R:234, G:156, B:48; 2) CMYK: C:6, M:43, Y:94, K:0; 3) PANTONE: 143 C.
IV	viewers aged 18 and older		Red square with a white key inside. The colour of the mark shall be: 1) RGB: R:213, G:78, B:77; 2) CMYK: C:12, M:84, Y:70, K:1; 3) PANTONE: 7418 C.