



Entertainment and Leisure Software Publishers Association

Video Games Classification

Submission to the DCMS consultation

The Entertainment and Leisure Software Publishers Association

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1. The views of the UK games industry

About ELSPA

The Entertainment and Leisure Software Publishers Association (ELSPA) was founded in 1989 to establish a specific and collective identity for the British computer and video games industry. Today, ELSPA represents the majority of companies concerned with the publishing and distribution of interactive leisure and entertainment software in the UK. For more about ELSPA, please visit www.elspa.com. A list of full members of ELSPA, all of whom support the contents of this submission, is given at [Appendix A](#).

The UK games industry

The UK is one of the world's leading countries for video games. The majority of global industry players – developers and publishers, software and hardware companies – have their main European or worldwide base in the UK. Around 35% of software sold in Europe comes from UK studios and our industry employs directly around 22,000 people here. There is about one games console for every three people in the UK and some 335 million units of games software have been sold in the last decade. 21.6 million people play video games at least once a week – between six and ten times as many as regularly attend UK cinemas. A recent Verdict Research report suggests that UK games sales will outstrip music and video for the first time in 2008.

UK games ratings

For many years, ELSPA has led the video games sector's response across Europe to content related issues. We have supported a precautionary approach, using clear age ratings and straightforward content descriptors to explain which games contain unsuitable content for children. In 1993, we established the first content ratings system for video games in the UK.

By 2003, an expanded version of this system became the original Pan European Games Information (PEGI) age ratings system and PEGI ratings now extend to 29 European countries and are supported by every reputable games publisher. PEGI has rated 6,227 games in the UK, including 1,380 in the last full year (to 30 September 2008) as the market for games continues to expand. Overall, PEGI has rated 10,055 games across all gaming platforms across Europe.

Since its creation, PEGI has been designed to apply to games published online as well as on disc, making it more advanced than the BBFC rating system or any other system for game rating within Europe. The

PEGI process for submission and review is structured to accommodate the massively-increasing number of online games and games elements now being created.

With co-funding from the European Commission under the Safer Internet Programme, the PEGI Online system was launched by EU Commissioner Viviane Reding in June 2007. The PEGI Online system is also unique. It ensures that members commit to a set of minimum standards making it safer for consumers to play games online, including standards relating to privacy and user-generated content. The PEGI Online Safety Code, to which all PEGI Online members are bound by contract, is attached as [Appendix C](#). Together, PEGI ratings and PEGI Online give the strongest child protection possible across all 29 countries.

ELSPA is also active on behalf of the UK games industry in promoting age ratings to game players, parents and children. We maintain a comprehensive educational website – www.askaboutgames.com – which is supported by the industry and gives clear information about ways to play safe and how to operate built-in parental controls.

Online games and gameplay

It is important to understand the nature of the online space since this is rapidly increasing. Dr Byron correctly identified that any “future proof” rating system would need to be able to deal with this challenge effectively, quickly and in a way that consumers can understand. “Online” games could mean any games whether distributed by electronic download, purchased as physical product in stores or bought over the internet from online shops which:

- offers competitive and/or cooperative online functionality;
- offers passive online functionality, perhaps uploading a high score to a leader board;
- offers limited multiplayer activity such as turn-based play;
- has no online functionality other than, perhaps, to register the product and receive updates; and/or
- can only be played online, perhaps in a multiplayer environment or “virtual world”, or perhaps on a promotional or chat-based website.

There are also situations where a game can either receive or broadcast data that is not connected to the actual act of gameplay but may be viewable and/or received by other users and other devices. New definitions and categories of games emerge regularly to supplement this list as the industry innovates and user-generated content increases.

ComScore estimated in 2007 that there were 217 million online game players worldwide. There are already more than 16 million subscribers worldwide to Massively-Multiplayer Online Role-Playing Games

(MMORPGs). Games Investor suggests that, by 2012, online gaming in the UK will increase by at least 20%.

There are many new routes to market. Increasingly, games are being published over the internet via a number of hardware devices; PC, static and handheld game consoles and mobile phones. The internet makes it easy to distribute many more games, as online publishing is not subject to the constraints and costs which apply to the development, production and publishing of disc-based products. The business models are changing as they have for music and film. Many online games and game-related items are provided for free. Some games are published simultaneously on disc and online giving the consumer the freedom to choose their preferred medium.

There is also a thriving market in casual and mobile games. PEGI has rated 147 games in mobile formats so far, with this number likely to increase significantly. The casual games market on PCs, game systems and handhelds, played online and offline, generates about US\$2.25 billion annually, according to the Casual Games Association, with as many as one third of people aged 6 to 44 having played online casual games. According to Information Solutions Group, 89% of casual gamers are 30 or older, 72% are female, and 53% are married with children.

The rise of “game elements” is an important consideration in developing policies for online rating. The internet also makes it easy to supplement a game, whether published on disc or online, by the addition of new characters, vehicles, scenery, music and even completely new levels made available for download for use in connection with the original game. This can prolong the “life” of the original game – games typically have a short shelf-life – giving both the publisher and the consumer a better return on investment.

The Byron Review

ELSPA has played an active role in the discussions and debate started by Dr Tanya Byron's Review. The video games industry has accepted the majority of Dr Byron's findings and we have been actively making changes to our processes to meet as many of her recommendations as we can:

- ELSPA has established an education working group which is currently implementing an interim update of the Ask About Games (www.askaboutgames.com) website. A longer term structural and content redevelopment of this site to act as a hub for awareness and advice is being planned. ELSPA is in discussions with BECTA about developing and implementing a teachers/parents/children awareness programme in schools.
- An ELSPA advertising working group is reviewing the advertising codes of practice. It will be producing a briefing for ELSPA members on advertising processes and is intending to organise a conference in early 2009 to consult on and improve advertising processes. New guidance on

advertising of products with ratings is pending and the industry is talking to stakeholders about the monitoring of advertising codes compliance.

- A new online security working group is undertaking a review of legal liability in the area of international availability of online games and content. It is investigating the available age verification systems in conjunction with the European publishers' body ISFE and is discussing ways to enable effective takedown procedures with developers' body TIGA. This issue will also be discussed through the new UKCCIS.
- A retail working group is commissioning research to investigate patterns of consumer awareness, attitudes and behaviour. ELSPA is consulting with retailers to find out what resources are available and utilised in staff training and customer awareness programmes to disseminate best practice guidance.

Most importantly, the UK games industry has taken the lead in a Europe-wide process within PEGI to further strengthen, clarify and update the age rating system.

PEGI and PEGI enhancements

The PEGI rating system is designed and implemented to ensure that information concerning the appropriateness of the content of video games is clearly and consistently communicated to consumers prior to purchase. PEGI signatories observe detailed obligations which extend not just to rating and labelling games but to their marketing and advertising.

PEGI is a very strict system:

- PEGI has a 16 rating for games aimed at older teenagers rather than 15 which is the equivalent BBFC rating.
- All game packaging displays the PEGI age icons (front and back) and descriptors (back only) using artwork, and following the detailed labelling rules, stipulated by the PEGI Guidelines (a copy of the Guidelines is attached as [Appendix D](#)). These stipulate the precise size, colour and position of PEGI age icons and descriptors on both packaged and online games as well as on hardware packaging where games are bundled with consoles. These detailed labelling rules ensure clear and consistent labelling so as to facilitate recognition by those buying games.
- Each PEGI rating is accompanied by one or more of the seven PEGI descriptors so that consumers can immediately understand the type of content contained in the game and make their choice based on their personal preferences and sensitivities or those of their children. Given the pan-European scope of PEGI, these were created in the form of pictograms taking account the national sensitivities of the PEGI member countries, including the UK. Nevertheless, the industry is taking this opportunity to improve the PEGI descriptors.

- Each age rating icon is displayed on all products and game advertising with the PEGI URL so that consumers immediately know where to go for further information. For ratings displayed online, the URL is hyperlinked to the PEGI website.
- Under the PEGI Code of Conduct (attached as [Appendix E](#)), to which all PEGI signatories are bound by contract, publishers are subject to detailed rules about marketing games which address, amongst other things, prohibitions on marketing 16 and 18 games to those too young to play them and bundling games with non-game products, services or events which are not appropriate for the group for which the game is rated (Article 8).
- Unlike the BBFC rating system, PEGI has detailed rules for labelling game advertising requiring (amongst other things):
 - all game advertising (whether print, outdoor, POS, audiovisual or online) to display the rating for the relevant game, again stipulating size and positioning (and timing for audiovisual advertising) and the inclusion of the PEGI URL;
 - all advertising for unrated games to display the anticipated rating of the relevant game;
 - demo versions of games to display the rating for the related game even if the demo contains material which, if rated in isolation, would attract a lower rating than the game. In other words, PEGI does not permit “toned-down” demos (Section III, PEGI Guidelines, Annex 5). It is a breach of PEGI rules to market games to those who are too young to play them;
 - PEGI offers a complaints system open to the public via the pegi.info website.
- Sanctions, such as fines, are imposed for non-compliance. A signatory to the PEGI Codes can be excluded from the PEGI and PEGI Online systems altogether for the most serious breaches. Since the three major console-holders do not permit any games to be published for their consoles without a rating, a publisher excluded from PEGI would not be able to sell any console-based games.

PEGI is a very adaptable system which has demonstrated that it is able to change as the industry develops. New questions are added to the online application form as new types of content emerge or existing questions require reworking, for example, to account for technological developments, such as increased realism. New rules concerning sponsorship and product placement have been added to the PEGI Codes of Conduct as this feature of games increased. PEGI Bye-Laws which set out the rules relating to complaints and enforcement have recently been updated.

Dr Byron’s review of research on child development concluded the 12 threshold represented the right point for statutory underpinning of the ratings system. At the lower age ratings, below the proposed statutory threshold, PEGI has also demonstrated additional adaptability within this precautionary approach to child safety. For example, in Portugal 3 and 7 ratings are replaced with 4 and 6 to meet national preference whilst the higher categories maintain the pan-European consistency.

The industry welcomes the Byron Review for highlighting the importance of child safety and the industry's responsible approach in this area. We welcome the opportunity the Report has given to further enhance the child protection already offered by PEGI and PEGI Online. Since the summer, PEGI has been in discussion with stakeholders to further enhance the ratings system. The enhancements, listed below, improve public understanding, introduce new and stricter sanctions and controls and, together with amended rating processes, provide improved future-proofing for the system as the games market continues to grow.

(i) Age rating labels have been made clearer

- PEGI has changed the style of its age-rating logos to remove the “+” after the age symbol, simplifying the message this gives about the age suitability of a game
- PEGI has decided to introduce a more direct “traffic light” colour-coding, similar to that used in the food industry, with the lowest rated games getting green symbols and the highest having a red logo, giving a stronger signal about content:
 - 3: green
 - 7: green
 - 12: orange
 - 16: orange
 - 18: red

The old and new symbols and descriptors are shown at [Appendix F](#) for information.

(ii) Descriptors have been simplified

- Plain language explanations of content sit along side the symbolic content descriptors, giving two clear indications for consumers of all ages as to the content of the game.
- A new content descriptor has been designed to indicate that a game is online playable.
- Written ‘consumer advice’ may be used to supplement the descriptors where necessary.

(iii) PEGI Administrator reviews all games prior to release

- All full games will be checked by the PEGI Administrator prior to release, adding a new level of assurance on game content rating. Previously only 12, 16 and 18 games were reviewed prior to release, with 3 and 7 games sample tested post release.

(iv) Updated codes of conduct for PEGI (enforcement and sanctions)

- The sanctions for breaches of the PEGI Code of Conduct have been clarified and strengthened. They now include fines of up to €500,000, plus other penalties.
- PEGI retains the power to refuse PEGI rating for the entire output of a video games publisher guilty of the most serious of breaches.

(v) Additional future proofing

- As part of the re-assessment of PEGI, the ratings process has evolved to include internet style casual games and other technical developments such as downloaded ‘add-ons’.

(vi) PEGI will become a standalone organisation

- PEGI’s status is moving from being a ratings system to a ratings organisation.
- The new, not-for-profit PEGI organisation gives a less prominent role to the European games industry association, ISFE, so that PEGI gains management autonomy.

The “nine essential elements” tests

The video games industry is moving very rapidly and there is a vast expansion in online gaming. We believe that bold moves are needed to secure additional, long-lasting and workable improvements in child protection. The nine “**essential elements of a new classification system**” given at paragraph 1.22 of the consultation document offer a clear direction for video games ratings and we support them. We have used these tests in developing our response to the consultation and in driving changes to PEGI and PEGI Online.

The PEGI system has also been subject to an additional **six “character tests”** which we have used to ensure that it fully meets the aspirations set out in Dr Byron’s Review and in the consultation document. These six character tests are that the PEGI and PEGI Online systems must deliver:

- i) rigour;
- ii) profile;
- iii) trustworthiness;
- iv) speed and efficiency;
- v) proper sanctions; and,
- vi) protection for children and confidence for consumers.

PEGI and PEGI Online pass all six character tests and eight of the nine essential elements tests. In our detailed answers to the consultation questions, below, we demonstrate how and where these tests are met.

With regard to the ninth element, the pan-European nature of the system means that PEGI would not be able to hold a power to “ban” a single game in one country. The UK industry accepts the Government’s wish to retain such a power and we identify several potential UK authorities capable of doing this. We agree with the consultation document proposal that this power might rest with the Video Standards Council (VSC), with whom we have a strong and productive working relationship. We agree with Dr

Byron's view that the power to ban could be "reviewed when parents become more confident about using the rating system".

UK games industry chooses Option 3 – the enhanced PEGI system

The UK video games industry believes that the updated PEGI and PEGI Online meet the needs of the UK Government for a "new classification system for video games" as outlined in the consultation document. We therefore support Option 3 – the enhanced PEGI system. In doing so, we actively reject all other options.

None of the other options, nor any "fifth option" that we can conceive, delivers the strong child protection available through PEGI and PEGI Online. It is securing this protection that drove the UK industry in creating the original ELSPA ratings system in the UK, in establishing the original PEGI system and, now, in improving PEGI by taking onboard the work of the Byron Review and the increasing importance of the online space.

Furthermore, we have approached this issue from the standpoint that child protection is not a cost but an integral part of our product offer. Naturally, we are concerned to ensure that regulation in any marketplace is not burdensome, bureaucratic or unnecessarily costly. However, we do not want the cost of child protection to be a factor in the decisions triggered made by this consultation.

Our six character tests for a rating system state that child protection measures should be rigorous, well understood, trustworthy, quick and efficient, contain proper sanctions and give confidence to consumers. PEGI and PEGI Online meet these criteria at manageable cost. All the options contain costs, including Option 3. However, where the consultation suggests changes which create costs without any additional increase in child protection and game safety, or reduce the competitive position of the UK games industry, we state this clearly in our answers to the detailed questions posed in the consultation.

Making the changes work

The UK video games industry is committed to delivering the increased child protection measures represented by PEGI and PEGI Online. We recognise that the successful implementation of Option 3 will require strong new collaboration with the UK Government to educate and inform parents and guardians,

children, retailers and the wider public. The industry is ready to work with Government to provide such new education and awareness resources to all of these groups.

2. Responses to the consultation questions.

Option 1 – Hybrid classification system

Q1: What is your overall assessment of whether this option would work and why?

Clear and consistent labelling is critical to a system which is designed to convey important information to parents and carers. This option is therefore unworkable. Dr Byron correctly identified that the existing hybrid system is flawed. Replacing it with another version of a hybrid offers no improvements in child protection.

Displaying two ratings on the packaging for a game, as Dr Byron suggests, will still be confusing for customers particularly if the ratings are different. PEGI and BBFC have fundamentally different approaches to rating a game. PEGI has expertise in games, understands that the interactive nature of games delivers a different experience from the linear process of watching a film. It fully assesses every aspect of the game relevant to the rating. BBFC tests only parts of games, viewing them as linear media and this can lead to two, different, ratings on the same box.

Under the current hybrid system, 50 games rated 18 by PEGI in 2007 were submitted for re-rating to BBFC. Significantly, BBFC chose to give 20 of these games a lower 15 rating and a further two PEGI 18 games were reduced to BBFC 12. As ever more physical product sold in stores can be played online, lower BBFC ratings on UK products risk exposing children to contact over the internet with adults playing games rated 18 in their countries. This is unacceptable to PEGI members in the UK games industry.

Option 1 is also unclear on how the hybrid labelling system would work effectively for consumers for downloadable games or in-game advertising. PEGI members would continue to display PEGI ratings on all UK game advertising in all media, in accordance with PEGI advertising rules (this is not something currently required for games rateable under the Video Recordings Act). This could lead to consumers being even more confused. In addition, the display of two ratings in respect of a single product would be difficult in practice, and would adversely affect user experience, on smaller gaming devices where space is at a premium.

The “more integrated approach” for BBFC and PEGI suggested in this option is unrealistic. We discuss below the considerable differences in approach and methodology and we believe it unlikely that either body would be willing to lend its ratings to games rated by the other.

The hybrid system fails essential test A, on uniformity and clarity of labelling.

Q2: What are the key flaws with this option and how could it be adapted to overcome them?

Dr Byron clearly highlighted the failings of a “dual” rating system. Option 1 would further exacerbate the potential problems with confusion and uncertainty that the existing system displays. This confusion cannot be overcome and the risk to children playing online highlighted in the answer above remains unaddressed.

BBFC lacks experience of interactive content and its stated projections substantially underestimate the amount of games it would have to process under this option. The BBFC’s linear-focussed system simply does not have the capacity to rate all games and new game elements at age 12 and above. Nor does it have systems and methodology suitable for the rating of games with online multiplayer functionality.

The inclusion of a major role for BBFC in any future games ratings system is a serious cause for concern. Please see the answers to the Option 2 questions for a further critique of the BBFC’s unsuitability to rate games.

The hybrid system fails essential test E because it is not flexible and future proof.

Q3: What are the key advantages with this option and why?

The consultation suggests at paragraph 2.3 that BBFC labels are “currently more widely recognised in the UK”. ELSPA tested the importance of this presumed advantage by commissioning research from polling company YouGov. We invented a UK ratings body – the “UKRB” – gave it a hexagonal, blue age-rating logo and asked a series of awareness and understanding questions. There was almost identical public understanding of the invented logo as there was of the established BBFC symbol. Details of this research are given at [Appendix B](#).

Q4: How do you think this system would work for the following key stakeholders:

- (i) the consumer?**
- (ii) the games industry?**
- (iii) the retail industry?**

The hybrid option would simply enshrine into law the dual system confusion that already concerns policy makers:

- (i) Consumers do not get greater clarity by extending hybridisation.
- (ii) The games industry cannot ensure the stronger child protections offered online through PEGI since BBFC can rate lower on physical product and online consistency will be impossible to maintain.

- (iii) Retailers have no additional support in a setting where they may face a larger number of consumers with point-of-sale questions about the dual-rating of games.

The hybrid system fails essential test F because it doesn't work for industry and it fails test G because it does not offer support to retailers.

Q5: What suggestions do you have to improve the system for any of the key stakeholders?

None: it is fundamentally flawed.

Q6: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?

The industry fully supports extending the statutory rating system to all games rated 12 years and above. However, the limited attraction of having a UK-specific system is somewhat undermined by the fact that this exposes children to additional and unnecessary risk. Extending BBFC rating downwards to 12+ increases the number of games which will be inaccurately rated in the UK. Historically, the BBFC's linear ratings system has given lower age ratings than PEGI's system, which is based on fully assessing and understanding the interactive nature of games. Children in the UK will be accessing content which is restricted to higher age groups elsewhere and may come into internet contact with older gamers and experiences designed for older audiences. Option 1 therefore creates more potential risk for children rather than lessening the potential for harm.

The hybrid system fails essential test H, on reflecting evidence on potential harm

Q7: How do you think this system will last into the future?

It has no future. Option 1 represents a very short-term view of the video games industry and is not consistent with the growth of the online space. Since the market is expanding, particularly in the online space, it is likely that the Government would need to consider further changes, perhaps as soon as within a year of a decision on this consultation.

The hybrid system fails essential test E because it is not flexible and future proof.

Q8: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

(ii) If not, what would be the problems and do you have any solutions?

The games industry believes that it will be confusing for consumers to see two ratings when playing or buying game content online if this option were extended to downloadable product. It is also unclear whether BBFC understands the nature of the online environment. BBFC.online does not address even the realities of today's online environment and is not fit for the future of games. Unlike PEGI Online, BBFC.online does not impose any standards aimed at making online interaction safer for consumers.

Even since the Byron Review was first commissioned in September 2007, there has been a major increase in the number of games playable online. The rate of growth in this market is expected to increase significantly and the UK-only rating of physical product represented by option 1 is already looking virtually obsolete. Any solution with a major role for BBFC will fail in the online space since UK-only regulation cannot keep pace with internet-based activity.

The hybrid system fails essential test E because it is not flexible and future proof and it fails test J because it cannot effectively translate into online gaming.

Q9: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

The UK video games industry does not want monetary concerns to be the deciding factor in this consultation. Our industry rates the proper protection of children more highly than the costs of any chosen ratings system.

On the issue of unnecessary costs, however, the solution suggested at paragraph 2.5 of the consultation of having the PEGI rating on the disc label would not be particularly effective in maintaining an awareness of the PEGI system amongst the UK public and would involve the industry in considerable extra cost. Displaying a game rating on the disc itself is not a current requirement under PEGI. As discussed, an effective rating system must convey information to consumers *before* the product can be bought or downloaded. The consumer will have already bought the product by the time that they see the disc.

The hybrid system fails essential test F because it doesn't work for industry.

Q10: Do you think having different age classifications on the front and back of the box is a significant problem? If so, do you think the solution offered here is the right one or can you suggest an alternative?

Dual rating and front-and-back markings create confusion and are unnecessary. Strong, detailed content assessment and clear labels which are simple to understand are the most important aspects of a ratings

system. The industry believes that PEGI is the most effective content rating system. The wrong signal is given by placing the PEGI logo on the back of the box since this may signify to consumers that it is of secondary importance.

The hybrid system fails essential test A, on uniformity and clarity of labelling.

Q11: Do you think this option would be more or less costly to the games industry and if so what evidence do you have of this?

More costly. The UK games industry remains committed to PEGI, which is the only system in 28 other European countries. This option therefore creates an extra cost for the industry by requiring more games (ie all those rated 12 and over) to be rated to the BBFC. Each game submitted would generate additional costs in paying application fees to the BBFC.

Apart from application costs, there would be additional administrative costs for developers and publishers in creating UK-specific product versions, including packaging. There are production cost implications for issuing separate game versions. Stock management and logistics costs increase when holding separate versions of a game, and controlling the correct distribution of these versions to different markets. These costs will also be seen in the retail sector and some may be passed directly to customers. It is likely that there will be additional training costs for publishers, developers and retailers with this option.

The hybrid system fails essential test F because it doesn't work for industry.

Q12: What are the likely implications (including costs) for games producers of having a classification system that does not automatically translate across to some other European countries?

Some games are developed for a target consumer age group and publishers have to ensure that the game will be rated at a level appropriate for that audience. There is an increasing trend by publishers to widen the appeal of games by designing them for specific audiences, including "social" gamers and families. Games have to be developed with the relevant criteria in mind and the more rating systems there are the more complicated the process, particularly where the age categories and rating criteria diverge. Under the current system, with a BBFC/PEGI hybrid, this already happens to some extent. If more games have to go to the BBFC for rating, this will place a greater burden on developers.

The result of continued BBFC rating may be that UK-specific games are required. Such products would make the sales and buying strategies of retailers operating in more than one country more complex and costly. Many games are published on a pan-European basis. Some games publishing would not be sustainable if publishers focussed only on the UK.

Given the pace of publishing and the increasing amount of games, the rating application process has to be easy to follow and efficient. It should also be accessible to the increasing number of organisations and individuals who are not game publishers in the traditional sense, but who may wish to join the ratings system. A UK-specific solution on ratings represents a barrier to entry for this group. Since it is becoming easier to publish games online, an expensive and cumbersome UK rating system could encourage new developers to avoid rating in the UK. PEGI is already involved in initiatives (started before the consultation) to make membership more accessible to newer organisations, as well as to make PEGI more cost-effective. BBFC is unlikely to be able to provide similar options for new developers and publishers.

The hybrid system fails essential test F because it doesn't work for industry and it fails test G because it does not support retailers.

Q13: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.

The more ratings systems there are, the more complicated it is to publish games which, in today's market, are rarely published only in one country. If the regulatory burden becomes too great, it would be easy for a publisher or distributor of online games to publish those games outside of the UK, thereby avoiding UK regulation altogether. There would be nothing to stop consumers from accessing websites established outside the UK which would, of course, expose them to games which are not rated under the UK system.

Q14: What do you think should be the determining factors or characteristics in deciding whether a game becomes subject to statutory classification at 12+?

Industry supports the criteria established by PEGI for all age ratings, including the 12 category. PEGI age ratings provide a reliable indication of the suitability of the game content in terms of protection for children. The rating for a "12" game is given on the context of the full range of ratings available. These are:

PEGI 3 - The content of games given this rating is considered suitable for all age groups. Some violence in a comical context (typically "cartoon-like" forms of violence) is acceptable. The child should not be able to associate the character on the screen with real life characters, they should be totally fantasy. The game should not contain any sounds or pictures that are likely to scare or frighten young children. No bad language should be heard and there should be no scenes containing nudity or any referring to sexual activity.

PEGI 7 - Any game that would normally be rated at 3 but contains some possibly frightening scenes or sounds may be considered suitable in this category. Some scenes of partial nudity may be permitted but never in a sexual context.

PEGI 12 – This category includes video games that show violence of a slightly more graphic nature towards fantasy character and/or non graphic violence towards human-looking characters or recognisable animals, as well as games that show nudity of a slightly more graphic nature. Any bad language must be mild and fall short of sexual expletives.

PEGI 16 - This rating is applied once the depiction of violence (or sexual activity) reaches a stage that looks the same as would be expected in real life. More extreme bad language, the concept of the use of tobacco and drugs and the depiction of criminal activities can be content of games that are rated 16.

PEGI 18 - The adult rating is applied when the level of violence reaches a stage where it becomes depictions of gross violence and/or includes elements of specific types of violence. Gross violence is the most difficult to define since in a lot of cases it can be very subjective, but in general terms it can be classed as the depictions of violence that would make the viewer feel a sense of revulsion.

Option 2 – Enhanced BBFC system

Q15: What is your overall assessment of whether this option would work and why?

This option is simply another version of the hybrid system.

Option 2 creates confusion between physical product ratings in the UK and the Europe-wide PEGI and PEGI Online systems. UK consumers shopping overseas or using internet sites elsewhere in Europe will still be seeing – and will still need to understand – the PEGI ratings system. Since the market for games and games themselves are increasingly online, UK-only BBFC ratings will look parochial, outdated and irrelevant and this may, over time, even undermine its strong branding in the film and DVD sector.

Since BBFC is not able to adapt to the changing ways in which games are developed, marketed and played, the “enhanced” system proposed in this option is quite the reverse. Whilst children elsewhere in Europe will benefit from the strong child protection offered by PEGI and PEGI Online, UK game players will not. This has an especially harmful potential in the online space, where BBFC.online is totally inadequate for the ratings challenges posed by online interaction.

BBFC is poorer than PEGI in its rigour, speed and efficiency, sanctions and protection of children, failing the additional character tests set by the UK industry in this consultation. BBFC will increasingly struggle to cope as the amount of games increases and the rise of episodic gaming, game “snacking” and enhanced online interactivity leads to a rapid expansion of the sector and the number of games and game elements requiring rating. Innovation is hindered, and child protection does not additionally benefit, by imposing requirements for BBFC labelling on physical product, rather than only on packaging, thereby disrupting production schedules and release dates. Games developers, publishers and players may choose to turn away from UK-only physical product in the longer term if BBFC continues to have a major role in rating.

The enhanced BBFC option fails essential test E because it is neither flexible nor future proof.

Q16: What are the key flaws with this option and how could it be adapted to overcome them?

Option 2's most significant flaw is that it will fail to deliver any increase in child protection and it may lead to an increase in the potential for children to be exposed to harmful content, especially on the internet. BBFC rates games less cautiously than the PEGI system which applies across 29 European countries. Under option 2, UK children will gain access to games with content deemed unsuitable for them elsewhere in Europe and will be playing these games online in environments dominated by adults who have bought an 18 rated game in their country. This potentially harmful outcome is completely avoidable.

Option 2's main games market flaw is that it is a UK-only solution for a sector which is pan-European in nature. It is unlikely to be sustainable over the longer term, meaning that the UK Government would have to revisit regulation in just a short space of time when the argument in favour of BBFC will be even weaker than it is today.

Gamers want to be able to take part in online play across national boundaries and they will be doing so in greater numbers, for longer times and across a number of different gaming platforms in the future. Publishers do not want separate regulatory regimes in this marketplace since this harms opportunities for product and market development, especially for those companies based in the UK or with major UK commercial footprints. Retailers want to be able to maximise sales by offering the best product available in the fastest time and to control costs through an ability to buy in scale. Separate UK rating under option 2 hinders the development of the video games market – one of the UK's most successful sectors – and reduces the leisure choices of UK consumers.

For both child protection and market development reasons, therefore, the industry rejects Option 2. As we have stated, child protection remains the most important consideration in our approach to rating. Options 1 and 2 may deliver a larger market for some video games by downgrading the PEGI ratings but we do not wish to see the market expanded by this route and we do not believe this is in the best interests of game players of any age.

The enhanced BBFC option fails essential test H because it does not reflect evidence on potential harm. It also fails essential test J because it does not translate into online gaming.

The BBFC system is fundamentally flawed:

There are also a series of process flaws with the BBFC system which it is important to understand since this affects the industry's views on why the BBFC options fail essential tests E, on future-proofing, and F, on working for the games industry.

When applying for an age rating to either the BBFC or PEGI, the publisher currently supplies the following materials for each game:

PEGI

All games rated 12+ and above are pre-checked by PEGI. For examination, publishers provide:

- Captured gameplay footage of parts which are relevant to the rating. This would include all parts of the game which give rise to a "yes" answer on the PEGI application form;
- Footage of all non-interactive content which is relevant to the rating, such as weapons or incidents of swearing.

Optional:

- Saved game files (these enable you to start play at different points in the game);
- Cheat codes and shortcuts;
- A walkthrough (explains the plot and how to play the game), storyline and draft game manual.
- Gameplay examples/walkthroughs captured on DVD.

BBFC

For all games, publishers are required to submit:

- The full game;
- Captured gameplay footage of parts which are relevant to the rating;
- Cheat codes and shortcuts or saved games;
- A DVD of all linear footage or a list identifying where it occurs in the game; and
- Written details of all linear aspects of the game.

Optional:

- A walkthrough and draft game manual.

The BBFC focuses heavily on non-interactive content in a game and insists on footage or a list of every piece of such content (this refers to the review of non-interactive content which is integral to the game and contributes to the narrative drive, rather than non-interactive content, such as a trailer, which is contained, along with a game, on a game disc). This includes every instance where control is taken away from the player.

To date, many games have included non-interactive footage which has typically been dropped between gameplay sequences (“cut-scenes”). These can easily be provided to the BBFC (and PEGI) as separate movie files. However, the distinction between cut-scenes and gameplay is going to be increasingly blurred as this console generation moves on, where the experience will switch constantly and seamlessly from interactive gameplay to non-interactive footage and back again, with everything of the same visual quality. The non-interactive parts are not cut-scenes in the traditional sense - they are not separate movie files that are dropped in between gameplay sequences that can be easily exported and supplied to the BBFC. Increasingly, games contain “scripted events” included as part of the game code rather than as pre-rendered video.

In order to view each non-interactive part of such a game, the publisher would be required to undertake a huge amount of video capture which would be time-consuming and expensive. Otherwise, the publisher would either need to capture an entire play-through of the game (which for games offering typically offering at least 6-7 hours gameplay would also be very labour-intensive) or the BBFC would need to play

through near-enough the whole game themselves, potentially several times, as there would be no other easy way to show them. Many games have multiple paths through the story, and many scenes and set-pieces would not be viewed during a single play-through, adding to the time-consuming and expensive process of information provision which is required to meet BBFC processes.

This methodology is unwarranted as far as consumer protection is concerned. The interactive part of a game, which clearly makes up by far the majority of its content, can represent as many problems for rating as the non-interactive aspects, yet no rating authority could, nor would expect to, review every bit of gameplay. The BBFC approach illustrates their failure to appreciate the nature of an interactive video game. By failing to do so, their requirements are unrealistic and result in additional and unnecessary burden on industry.

With only a relatively small number of games going to the BBFC for rating under the current regime, this laborious approach does not currently have a significant administrative impact on publishers. However, if all games published in the UK had to be BBFC rated – including all online games (which currently do not have to go to the BBFC) – providing the materials required by the BBFC as part of their rating process under current methodology would impose a significant cost and administrative burden on publishers whilst doing nothing to increase consumer protection or child safety online. Insisting on this methodology is only likely to lengthen the rating process as games become more sophisticated; this is simply not viable for the industry as the number of games increases.

Q17: What are the key advantages with this option and why?

The consultation suggests at paragraph 2.3 that BBFC labels are “currently more widely recognised in the UK”. ELSPA tested the importance of this presumed advantage by commissioning research from polling company YouGov. We invented a UK ratings body – the “UKRB” – gave it a hexagonal, blue age-rating logo and asked a series of awareness and understanding questions. There was almost identical public understanding of the invented logo as there was of the established BBFC symbol. Details of this research are given at [Appendix B](#).

Q18: How do you think this system would work for the following key stakeholders:

(i) the consumer?

(ii) the games industry?

(iii) the retail industry?

BBFC does not understand the complexity of games and is incapable of dealing with the coming explosion in numbers of games and game elements. BBFC cannot adapt to the fast-moving needs of gamers and

publishers to release titles to market in a timely and impactful way. A UK-only system could therefore change stakeholder behaviour significantly:

- (i) Consumers may choose to shop in different countries for titles that have been released earlier after full PEGI approval.
- (ii) Some publishers, faced with the difficulty and cost of a separate rating systems in a single country may choose to limit the release of new games in the UK. It is possible that, if the UK “goes it alone”, other countries might choose separate ratings systems, further reducing the possibilities for smaller UK publishers to compete or trade in these countries.
- (iii) Retailers face loss of trade if faster-rated PEGI games are available elsewhere, especially online or by download. It has been notable in recent months that games have helped significantly to contribute to high street stability through increased sales and this UK benefit should not be put at risk.

As we have already said, we do not want cost concerns to be the deciding factor in the decisions made by this consultation. If the sales channels for video games begin to diversify heavily as a result of disjointed ratings regulation, the ability of Government to oversee suitable ratings systems diminishes and child protection is at risk. We do not want this to happen.

The enhanced BBFC option fails test F because it doesn't work for industry. It fails test G because it does not support retailers. The enhanced BBFC option fails essential test J because it does not translate into online gaming.

Q19: What suggestions do you have to improve the system for any of the key stakeholders?

None: it is fundamentally flawed because the BBFC's methodology for games rating, as described in detail above, is wrong.

Q20: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?

Absolutely not. The BBFC-only option risks exposing children to additional and unnecessary potential to come to harm, especially on the internet where the majority of games will increasingly be played. BBFC adopts lower age ratings than the PEGI system. Children in the UK will be accessing content which is restricted to higher age groups elsewhere and may come into internet contact with older gamers and experiences designed for older audiences. Older gamers' behaviour will be governed by the rating on the title they purchased in their own country and they will not expect to be playing with children. UK children's

and parents' expectations will be that other, non-UK, children have access to the same game whereas they will be playing solely with adults outside the UK. PEGI and PEGI Online prevent this situation from occurring; BBFC facilitates it.

The enhanced BBFC option fails essential test H because it does not reflect evidence on potential harm. It fails essential test J because it does not translate into online gaming.

Q21: How do you think this system will last into the future?

It has no future. Option 2 represents a very short-term view of the video games industry and is not consistent with the growth of the online space. Since the market is expanding, particularly in the online space, it is likely that the Government would need to consider further changes, perhaps within a year of a decision on this consultation.

The enhanced BBFC option fails essential test E because it is neither flexible nor future proof.

Q22: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

(ii) If not, what would be the problems and do you have any solutions?

It cannot function effectively in the online space where games are increasingly available and played. "BBFC.online", which has been touted as a solution to rating in the UK online space, does not address the systemic flaws in BBFC's rating system. Rather, BBFC.online appears to have been created to address the host of new ways in which *films* are now delivered to the consumer, such as video on demand and video streaming. Whilst this may be a positive move for film consumer safety, it provides no additional child protections in the games rating.

In addition to being geared up to rate films not games, BBFC.online is a UK-based system which is only open to those established in the UK. It imposes general and unspecified rules as to gate-keeping and age verification. It does not permit the game rating to be used on online game demos. This means that separate rating applications have to be made for games demos, which leads to unnecessary cost and administration, none of which is warranted as far as consumer protection or child safety online is concerned.

The most important flaw in BBFC.online is that it does not address online gameplay. Rating content is only one of the measures required to make online games safer for consumers. It is also critical to address the potential risks of online interaction with other players and user-generated content which Dr Byron usefully identified as the risks relating to "content", "contact" and "conduct" (para 8.6). As the consultation document points out, BBFC.online does not address any of the potential risks of online gaming. PEGI

Online does precisely this. PEGI Online and PEGI ratings together provide the best protection for consumers buying and playing games online.

As the consultation points out, with this option, UK consumers would have little exposure to PEGI leaving them confused when buying games outside the UK.

The enhanced BBFC option fails essential test J because it does not translate into online gaming.

Q23: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

The initial impact assessment suggested that the industry might save money by simply converting the BBFC rating to a PEGI rating, therefore avoiding or reducing the cost of a PEGI application on top of the BBFC application. Since the industry across Europe is committed to retaining and developing the superior PEGI ratings system, however, this “saving” would not arise. A UK BBFC-only solution, therefore, is an additional cost to industry without any additional child protection benefits.

Q24: Do you think this option would be more or less costly to the games industry than both the current system and the hybrid system and if so what evidence do you have of this?

More costly. There are a number of costs involved in having to rate more games with the BBFC, which would be greater under this option as *all* games published in the UK would need to be rated by the BBFC as well as under PEGI.

The UK games industry remains committed to PEGI, which is the only system in 28 other European countries. This option therefore creates an extra cost for the industry by requiring more games (ie all those rated 12 and over) to be rated to the BBFC. Each game submitted would generate additional costs in paying application fees to the BBFC.

Apart from application costs, there would be additional administrative costs for developers and publishers in creating UK-specific product versions, including packaging. There are production cost implications for issuing separate game versions. Stock management and logistics costs increase when holding separate versions of a game, and controlling the correct distribution of these versions to different markets. These costs will also be seen in the retail sector and some may be passed directly to customers. It is likely that there will be additional training costs for publishers, developers and retailers with this option.

The hybrid system fails essential test F because it doesn't work for industry.

Q25: Which of the following options do you think would work best in the online environment and why?

(i) BBFC symbols recognised as part of PEGI Online; or

(ii) BBFC.online (separate from the PEGI system)

Neither. PEGI Online is a separate system which is distinctive, rigorous, strongly protective of children and provides effective sanctions for code infringements. It is well understood and trusted in 29 countries. BBFC symbols – and the lower standards that these represent – would dilute PEGI Online and open a gateway to reduced child protection.

This option would also increase consumer confusion and could reduce protection. Members of PEGI Online display the PEGI Online logo as a descriptor for any game which has online multiplayer functionality. The PEGI Online logo is as important, and possibly more important, as the other PEGI descriptors. Under PEGI rules, it must appear, with the www.pegionline.eu URL (which provides safety tips for parents and children), with other relevant descriptors on game packaging and online before a game can be played or downloaded, in the authorised arrangements stipulated by the PEGI Guidelines. This ensures that purchasers are aware of the online functionality of the game before they buy it, just as they are made aware of the type of content which the game contains. This is a clear way of communicating important safety information to consumers. Having to display the PEGI Online logo alongside or separately from the BBFC rating and consumer information may reduce its impact and it runs the risk of consumers failing to notice or appreciate its significance.

A stand-alone BBFC.online system would have little international credibility and lacks attractiveness both for gamers and publishers. Unlike PEGI Online, BBFC.online does not impose any standards aimed at making online interaction safer for consumers. BBFC.online appears mainly to be a labelling system rather than a coherent, enforceable code of practice with real penalties like PEGI Online.

The enhanced BBFC option fails essential test A because it does not provide a trustworthy uniform and clear set of symbols for the UK consumer.

Q26: What are the likely implications (including costs) for games producers of having a classification system that does not automatically translate across to some other European countries?

Some games are developed for a target consumer age group and publishers have to ensure that the game will be rated at a level appropriate for that audience. There is an increasing trend by publishers to widen the appeal of games by designing them for specific audiences, including “social” gamers and families. Games have to be developed with the relevant criteria in mind and the more rating systems there are the more complicated the process, particularly where the age categories and rating criteria

diverge. Under the current system, with a BBFC/PEGI hybrid, this already happens to some extent. If more games have to go to the BBFC for rating, this will place a greater burden on developers.

The result of continued BBFC rating may be that UK-specific games are required. Such products would make the sales and buying strategies of retailers operating in more than one country more complex and costly. Many games are published on a pan-European basis. Some games publishing would not be sustainable if publishers focussed only on the UK.

Given the pace of publishing and the increasing amount of games, the rating application process has to be easy to follow and efficient. It should also be accessible to the increasing number of organisations and individuals who are not game publishers in the traditional sense, but who may wish to join the ratings system. A UK-specific solution on ratings represents a barrier to entry for this group. Since it is becoming easier to publish games online, an expensive and cumbersome UK rating system could encourage new developers to avoid rating in the UK. PEGI is already involved in initiatives (started before the consultation) to make membership more accessible to newer organisations, as well as to make PEGI more cost-effective. BBFC is unlikely to be able to provide similar options for new developers and publishers.

The hybrid system fails essential test F because it does not work for industry and it fails essential test G because it does not support retailers.

Q27: This option could be complicated by differences across Europe if games are purchased elsewhere. We are interested to know whether there is evidence that might support or disprove this. (Please refer to Paragraph 2.16)

UK consumers will be confused when purchasing games outside the UK or, potentially, from online retailers or by download since they may not be sufficiently aware and informed about PEGI. Furthermore, damaging PEGI's pan-European coverage by implementing a single-country solution for the UK may risk the survival of PEGI as a whole. Country-by-country rating would obviously add considerable cost to game publishing and may create patterns of "shopping for lower ratings" by some consumers. Even with systems to replace PEGI, the problems caused by consumers playing the same game online against players in other countries, bearing ratings from different ratings authorities, as highlighted throughout this submission, would be even greater.

The enhanced BBFC option fails essential test H because it does not reflect evidence on potential harm.

Q28: We would be interested in evidence to demonstrate whether this option creates additional burdens to online games developers and whether this could be confusing to parents. (Please refer to Paragraph 2.25)

The burden on game developers is greater if they have more rating systems to consider when developing a game. With all games published in the UK having to go to the BBFC for rating, this burden will only increase. Moreover, this would clearly risk being more confusing to parents and guardians.

Q29: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.

The more ratings systems there are, the more complicated it is to publish games which, in today's market, are rarely published only in one country. If the regulatory burden becomes too great, it would be easy for a publisher or distributor of online games to publish those games outside of the UK, thereby avoiding UK regulation. There would be nothing to stop consumers from accessing websites established outside the UK which would, of course, expose them to games which are not rated under the UK system.

Option 3 – Enhanced PEGI system

Q30: What is your overall assessment of whether this option would work and why?

This is the option chosen by the UK video games industry. Establishing PEGI and PEGI Online as the sole rating system for video games in the UK meets eight of the nine tests set by this consultation document and satisfies the further six character tests which the industry has adopted during this consultation.

Option 3 is the only one which addresses the online space effectively and this is an important benefit not found in the other options.

Q31: What are the key flaws with this option and how could it be adapted to overcome them?

The UK games industry recognises the Government’s desire to retain the power to “ban” a single game in the UK. If option 3 is chosen, we are certain that a mechanism can be developed to facilitate an outside body to “ban” a game in the UK which has a PEGI rating. The industry is willing to work with Government on delivering this objective as part of the option 3 implementation.

It should be recognised, however, that although all titles published can receive a certification under PEGI, this does not mean that the system cannot prevent titles from being supplied in the UK. PEGI holds the ultimate sanction of the power to ban from certification the entire output of a publisher for serious breaches of the PEGI Codes. If the PEGI system were to be put on a statutory basis in the UK, this would deliver a *de facto* “banning” ability, although not in the form currently being considered. Also, a UK ban would not necessarily be able to prevent a title being available online.

Q32: What are the key advantages with this option and why?

The PEGI ratings system is the industry “gold standard” for games ratings and it is fully supported by the games industry.

Comprehensive coverage

The system rates all games sold in 29 European countries, all game elements, all add-ons and extensions to existing games and all online content in all game formats. It has recently been updated to conform extremely closely to the nine “essential elements” of this consultation and the additional six “character tests” which the industry has adopted for a robust ratings system.

Profile, understanding and awareness

The industry has recognised that, as game playing increases, especially on the internet, it is helpful to have the clearest set of ratings information possible. This is reflected in recent changes to PEGI:

- the “+” signs on age ratings have been abolished;
- in line with other product warnings such as on food, the ratings label has adopted a ‘traffic light’ colouring system to reflect the level of potentially harmful content in a game;
- in addition to picture style descriptors there will also be written words highlighting game content, for example, “contains bad language”.

The PEGI system, supported by the games industry throughout Europe, is also committed to increasing public education and awareness efforts. Gamers already have access to an explanation of the PEGI system, which is contained within boxed products and is available online. Consumers and parents can access information about safe play on the Ask About Games (www.askaboutgames.com) website as well as on websites operated by game publishers and partner charities and media organisations. The industry advertises PEGI ratings widely including on television and, if option 3 is chosen, we will increase this education opportunity.

Consumer education

The industry is committed via PEGI to educating parents children and teachers about games content, PEGI labelling, the new statutory basis for PEGI (if approved) and the nature of interactive video games. A video game is a strongly interactive entertainment medium and requires a different approach to content rating than linear media like films. As the network functionality of games increases, it is likely that consumers will attach ever more importance to a PEGI rating, which fully assesses this aspect of online gameplay. The industry has already started discussions with the Government agency, BECTA, to better understand educational strategies to ensure that children and parents alike are aware of games content and functionality and what to look for when buying and playing a game.

PEGI is future proof

Better internet connectivity is one of the main driving forces behind the move online of many games and game formats. The industry expects that there will be major changes in the gaming experience in the next few years. The PEGI and PEGI Online systems have been developed and enhanced to track this technological leap very closely. They are ready for this rapid expansion in requirements for ratings.

Rigorous assessment

The PEGI process is designed and implemented specifically for the rating of interactive content, which is fully assessed under the ratings system. The initial questionnaire-based process for games publishers, supported by expert examination of answers and detailed game viewing in higher-rated cases, is very

easily scalable to cope with increased demand for ratings and a changing model of game publishing. In particular, as the model of a single, relatively high cost, one-off game purchase is replaced by episodic games, game “snacking”, and the release of smaller game elements, accessories and new skills and tools, PEGI can ensure that all these methods of getting games to market can be rated rigorously, quickly and efficiently and without burdensome costs.

Adaptability

Games content itself is changing with the advent of technology and increase in User Generated Content (UGC) and Artificial Intelligence (AI). Old-style “watch and play” rating methods, such as those employed by BBFC, lack an understanding of the interactive nature of the technology. PEGI is the only system proven to have specialist knowledge and understanding of games and games content and its processes are designed to adapt to deal with technological change without in any way risking child protection.

Good for retailers and parents

Placing PEGI on a statutory basis in the UK benefits customers, who will quickly become aware of the law as they buy and play games, especially since the industry is committed to a new education campaign in support of the change to option 3. PEGI supports parents by clearly signposting potentially unsuitable content and by carrying the ratings through from physical product to online activity and advertising, giving the same assurance of age suitability and protection from exposure to harmful content in both offline and online situations. PEGI benefits retailers, who will have the force of law to restrict sales of games rated higher than the consumer’s age and which may include unsuitable content.

Good for consumers and industry

The games industry is not like the movie industry, where a film can take years to make and set a release date far in advance. Therefore it requires a different ratings system – one that can keep pace with the sheer speed of development. An inefficient, costly or slow ratings system may cause delay and increased expense, harming the market and reducing opportunities for development, to the detriment of UK consumers and business. Increased ratings costs in the UK with BBFC may lead to increased prices for UK customers. However, the PEGI ratings system benefits customers and industry, which can develop and publish games across Europe to a single ratings standard and with clearer expectations of ratings approval timetables and controlled costs.

Closer co-operation, backed by strong penalties

Under the PEGI system the initial self-certification of a game enables the publisher to share with the ratings body the content of a game and how games are changing before the game is assessed for final rating, allowing the ratings system to better understand ongoing changes in the industry. Any publisher withholding information from PEGI risks being fined up to €500,000, expelled from the PEGI system, and therefore prevented from publishing any of their games across all 29 PEGI-system countries.

Q33: How do you think this system would work for the following key stakeholders:

(i) the consumer?

(ii) the games industry?

(iii) the retail industry?

- (i) Consumers will have absolute certainty that the game they buy, download or play online contains content which has been rated cautiously and accurately with the protection of children at the forefront of ratings consideration.
- (ii) The industry will have a uniform system across the majority of Europe which will serve both to facilitate the development of games, speed their release to market and encourage new markets to join the PEGI system, thereby further increasing child protection.
- (iii) Retailers have the certainty of a single system backed by statute which is clear, adaptable, and supported by their suppliers.

Q34: What suggestions do you have to improve the system for any of the key stakeholders?

Education and awareness raising, further training for retailers, and increased advertising are part of the commitment the industry has to support the roll-out of a statutory PEGI system.

Q35: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?

Yes. The industry fully supports extending the statutory rating system to all games rated 12 years and above provided that PEGI is the games rating system used:

- The PEGI ratings system was designed for games. It is not a film rating regime which tries to adapt itself to interactive media. As such, PEGI ratings are the safest and most efficient way to rate video games and offer the best opportunity to reduce the risk of children accessing unsuitable content.
- It is a strict system as demonstrated by the detailed requirements to label products and game advertising and by the fact that it often gives higher ratings than those given by the BBFC for the same game.
- PEGI ratings are clear and are displayed consistently on game packaging and online *before* a game can be played or downloaded, offering strong protection for game purchasers and players.
- PEGI rules apply equally to online games as to packaged products and, together with PEGI Online, make the online gameplay experience safer for all consumers.
- The PEGI rating process is perfectly suited to the rating of interactive content and was designed from the outset in anticipation of the explosion of online games. It is scalable and is able to keep up with the pace of online publishing demanded by today's consumer.

- As a pan-European system, PEGI eliminates the burden on publishers of having to rate games on a country-by-country basis and reduces the risk of ratings become misaligned between countries, thereby exposing children to potential harm in the online space.
- PEGI is supported by the games industry and, notwithstanding its voluntary nature, compliance is very strong (see paragraph 7.10 of the Byron Report).

Q36: How do you think this system will last into the future?

PEGI and PEGI Online have been designed to be “future proof”. Please see other answers for a detailed description of the PEGI Online system and how it has been designed to adapt and remain rigorous during the large-scale changes now underway in the format, availability and functionality of games.

Q37: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

(ii) If not, what would be the problems and do you have any solutions?

Yes. PEGI Online has been developed specifically to address the demanding internet environment, the strongly interactive nature of video games and the intensity of experience that this combination can create.

The key provisions of PEGI Online can be found in Paragraph 9 of the PEGI Online Safety Code (attached as [Appendix C](#)) (POSC). In summary, they require signatories to:

- Use best endeavours to keep online gameplay free of content which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or might permanently impair the development of minors.
- Use best endeavours to take down user-generated content which is illegal, offensive, racist, degrading, corrupting, threatening or obscene.
- Ensure reporting mechanisms exist to enable players to report any of the types of content referred to above.
- Protect children from age-inappropriate content introduced by other players in games offering voice or video chat.
- Impose terms prohibiting subscribers from introducing content, or indulging in behaviour, which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or might permanently impair the development of minors.
- Comply with EC and national data protection laws.
- Adhere to stringent standards to ensure the protection of children from unsuitable content and behaviour in the play of any game aimed at children, including warnings about sharing email address and promoting responsible purchasing practices.

- Ensure third parties offering online gameplay services with respect to their games abide by the POSC and/or join PEGI Online.

By integrating so completely with the physical product PEGI age rating system, gamers, children and their parents and guardians have certainty that both the offline and online game contains content suitable for the age rating it possesses. A game bought in any one of the 29 PEGI countries will provide the same protections for minors in all countries and online.

Q38: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

The UK games industry is willing to undertake further steps and provide resource, in addition to the current practice of responsible labelling and advertising of games, to ensure that the PEGI rating features in the buying decision of more UK consumers. However, as stated throughout this submission, the extra cost is not a factor for the industry in deciding which of the options to support under this consultation.

Q39: Who do you think would be the right body to take on the role of statutory classifier of video games and why?

The UK video games industry already has a strong working relationship with the Video Standards Council (VSC) which has been mentioned in the consultation document as a possible designated statutory rating body. VSC already administers the PEGI systems in the UK and would represent continuity in a period of rapid change. Other candidates which would attract industry support include Ofcom, the UK Council for Child Internet Safety (UKCCIS) or a new body unique to video games. In any case, the body will be implementing PEGI systems, already well established, so its additional resource implications do not appear high.

Q40: Do you think the body given in answer to Q39 would be able to set up the systems required to carry out this statutory function and why? But if not, why not?

Yes. The body will be implementing the PEGI ratings system. This is well established and operates strong processes which are both easily replicable and scalable. The chosen body would need to establish an additional process to “ban” a game in the UK, but the industry will work closely with it to ensure that this process meets both the needs of Government and standards of good regulation and fairness.

Q41: Do you think this option would be more or less costly to the games industry than both the current system and the hybrid system and if so what evidence do you have of this?

Industry is already committed to incurring the costs of the PEGI system as part of its ongoing support for stronger child protection measures.

Q42: Do you think the BBFC should continue to rate all content (games and video) of discs which contain film or video content not integral to the game and why? [please refer to footnote 5 in answering this question]

No. The BBFC's responsibility for rating content of discs which contain both film and game content was agreed at a time when such media had a limited and relatively low level of capacity. Any game content on film discs was therefore small and insignificant.

The advent of Blu-ray discs and advances in game technology has enabled distributors to place considerably more content of both films and games on the same disc. This trend is likely to increase. As games become ever-more sophisticated and realistic, it is important that any games content is classified by the designated games body. In our submission, we believe that PEGI should be system to rate such games.

Q43: Do you think PEGI should rate the game content, while the BBFC rates the film/video content and why?

(i) If so, should both symbols be on the box?

(ii) In the event of different age ratings, should only the higher symbol prevail?

Yes, PEGI should rate such games content as stated above.

However, there is an opportunity to be flexible and to apply common sense to the ratings information shown on products which contain both film and game. For example, if disc content is predominately film-based, then the BBFC film logo only should be added to the front of the product packaging. The PEGI logo should appear before the game is played. If the disc content is predominately game-based, then the PEGI logo only should be added to the front of the product packaging. The BBFC logo should appear before the film is watched. Whichever age rating is given to the most prominent content on the disc must not be exceeded by the age rating given to the ancillary content.

Q44: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them. (Please refer to Paragraph 2.36)

The more ratings systems there are, the more complicated it is to publish games which, in today's market, are rarely published only in one country. If the regulatory burden becomes too great, it would be easy for a publisher or distributor of online games to publish those games outside of the UK, thereby avoiding UK

regulation altogether. There would be nothing to stop consumers from accessing websites established outside the UK which would, of course, expose them to games which are not rated under the UK system.

Option 4 – Voluntary Code of Practice

Q45: What is your overall assessment of whether this option would work and why?

There is not a realistic option. The games industry believes that the growth of online gaming and the power of the internet are key drivers in the development of this sector. A UK-only voluntary code of practice does not satisfy the recommendations of the Byron Review. It offers little real additional protections for children playing video games or for their parents or guardians buying games. There are too many avenues to purchase and to play games for this route to be effective.

Option 4's only benefit is that it may, in the short term, increase some protection for consumers and help to contain costs in the industry. However, we have stated throughout this submission that our primary objective is to improve child protection and this benefit is not delivered by option 4.

The industry wants and welcomes the stronger child protections and added consumer certainty offered by statutory backing for the PEGI system. A UK lead on this issue will help to deliver better gaming experiences and safer internet gaming for children throughout the 29 countries using the PEGI system. A single-country voluntary code will not.

APPENDIX A: Full Members of ELSPA supporting this submission

505 Games Ltd
Activision Blizzard
Atari UK
Avanquest Software Publishing Ltd
Capcom Eurosoft Limited
Codemasters Limited
D3Publisher of Europe Ltd
Disney Interactive Studios
Eidos / Sales Curve Interactive Limited
Electronic Arts Limited
Empire Interactive Europe Ltd
Focus Multimedia Ltd
Gamebridge Ltd
Koch Media Ltd
Koei Ltd
Konami Digital Entertainment
Majesco Europe Ltd
Mastertronic
Microsoft Limited
Midas Interactive Entertainment Ltd
Midway Games Ltd
NCSoft Europe Limited
Nintendo UK Ltd
Nordic Games Publishing AB
Oxygen Interactive
Rising Star Games
Roxio Incorporated
Sega Europe Ltd
Sony Computer Entertainment Europe
Square Enix Ltd
Take2 Interactive Software Europe
The Game Factory Ltd
The Stationery Office Ltd
THQ International Ltd
Ubisoft Ltd
Warner Bros Interactive Entertainment Europe
Zenimax Europe Ltd / Bethesda Softworks Europe

APPENDIX B: YouGov ratings labels awareness research

The games industry noted with interest that Dr Byron cited in her report that BBFC should provide the consumer facing element of the hybrid system since it is an established brand in the UK. The UK games industry does not support this as a valid reason. We believe that UK consumers and the general public are intelligent enough to understand what an age rating stands for when they see it on a box or online, regardless of its branding or logo.

To test this, ELSPA commissioned the independent market research company YouGov to survey public understanding of the rating seen on a video game. ELSPA gave YouGov a copy of a game which was not released in the UK and therefore was likely to have little existing recognition among the public. YouGov then conducted two tests, each launched on different days, to entirely different people but to the same demographic – a representation of the UK public.

In the first test, respondents were shown the front of a game and directed to the bottom left hand corner where they saw the roundel for a fictitious ratings board called the UK Ratings Board (UKRB). The roundel was the same size as that used by the BBFC yet blue and hexagonal, as opposed to the BBFC's red and circular logo. Respondents were asked a series of questions to evaluate their understanding of the rating.

A second, identical test was launched on a different day. In this instance the actual BBFC roundel was used. Respondents were asked the same set of questions to evaluate their understanding of the rating.

As you will see from the results below, there is an almost identical recognition and understanding of both the UKRB and the BBFC roundels:

- The UKRB scored 78% recognition as a symbol denoting the legal age for purchasing a game; BBFC scored 81%.
- The UKRB scored 31% understanding as a symbol to denote age suitability of a game; the BBFC scored 32%

The UK games industry believes that when a person sees an age rating symbol on the front of the video game box, they know instantly to what it refers. Contrary to the views of Dr Byron, and indeed subsequently those of the DCMS Select Committee, the British public are more than capable of understanding age ratings without reference to branding.

5th to 9th June 2008

BASE: All GB adults

Sample size – 1968

We would like you to think about video games (i.e. those games which are played using a games console (Playstation, Xbox, GameCube, Game Boy, Wii, etc.) and/or PC)...

How regularly, if at all, do you play video games?

- At least once a day – 6%
- Six times a week – 2%
- A few times a week -11%
- Twice a week – 4%
- Once a week – 4%
- Once a fortnight – 4%
- Once a month – 5 %
- Less often than once a month – 17%
- Never – 47%

BASE: All GB adults



Please look at the picture of a video game shown.

In the bottom left hand corner of the image there is a number.

What do you think this number refers to?

[Please tick all that apply]

- The legal age for purchasing the game – 78%
- Game suitability – 31%
- Skill level guidance – 1%
- Cost of the game – 0
- None of the above – 1%
- Don't know – 2%

5th to 9th June 2008

BASE: All GB adults

Sample size - 2046

We would like you to think about video games (i.e. those games which are played using a games console (Playstation, Xbox, GameCube, Game Boy, Wii, etc.) and/or PC)...

How regularly, if at all, do you play video games?

- At least once a day – 7%
- Six times a week – 1%
- A few times a week – 11%
- Twice a week – 4%
- Once a week – 5%
- Once a fortnight – 3%
- Once a month – 5%
- Less often than once a month – 15%
- Never – 48%

BASE: All GB adults



Please look at the picture of a video game shown.

In the bottom left hand corner of the image there is a number.

What do you think this number refers to?

[Please tick all that apply]

- The legal age for purchasing the game – 81%
- Game suitability – 32%
- Skill level guidance – 0
- Cost of the game – 0
- None of the above – 0
- Don't know – 2%

APPENDIX C: PEGI ONLINE SAFETY CODE ('POSC'): A CODE OF CONDUCT FOR THE EUROPEAN INTERACTIVE SOFTWARE INDUSTRY

Article 1: SCOPE

The PEGI Online Safety Code, hereinafter referred to as the POSC, shall apply to all online gaming providers who decide to become signatories of the POSC. The term 'online gaming providers' refers to all publishers or website operators to the extent they provide online services through which interactive software products allowing on-line game play (including: videogames, computer games, and education/reference works on CD Roms) are made available or enjoyed.

POSC shall also apply to all associated advertising and promotion of such online services (see Article 10 below).

Article 2: PURPOSE

The POSC is based on a Code of Conduct which was introduced under the PEGI* system which applies to all interactive software including videogames played online. The POSC therefore also reflects the interactive software industry's commitment and concern that information be provided to the public in a responsible manner about the content of interactive software products. The industry's contribution is intended to complement existing national laws, regulations and enforcement mechanisms.

Firstly, the POSC is intended to provide parents and educators with an assurance that online gaming services displaying the PEGI Online label (POL) are operated by publishers and other companies who have signed up to the POSC and therefore committed to abide by its provisions.

Secondly, the POSC is intended to ensure that all advertising, marketing and promotion of online services is consistent with the industry's fundamental aim of informing the public, especially parents, of the content of interactive software products.

Thirdly, the POSC reflects the interactive software industry's commitment not to produce, advertise, distribute or promote any product in breach of human decency.

Article 3: POSC INSTRUMENTS

The European interactive software industry has put in place five different instruments to fulfil the objectives set out in Article 2 above, four of which are common to the POSC and the PEGI Codes and so maintain the consistency of both systems. These instruments are:

A. The PEGI Advisory Board (PAB) which includes representatives from key stakeholders (parents, consumers associations, child psychology experts, academics, media experts and the interactive software industry). This body ensures that the POSC responds to ongoing social, legal and technological developments.

B. The independent PEGI Complaints Board (PCB) which again includes representatives from key stakeholders, and is entrusted with management of the following three matters:

- conflicts between applicants and the PO Administrator. (see E. below)
- complaints about the consistency of advertising, marketing and promotional activities of any POSC signatory with the provisions of the POSC.
- disputes about the implementation of POSC by signatories.

C. The PEGI Enforcement Committee (PEC) charged with implementing the recommendations of the PAB Board and, more generally, of ensuring the enforcement of the provisions of the POSC, including decisions of the PCB.

D. A Legal Committee, also common to the PEGI system, which will ensure the ongoing coherence and consistency of the POSC Licensing System (see E below) with national legal frameworks.

E. A Licensing System operated by ISFE with the assistance of an Administrator, for issue of licenses to use the PEGI Online Label (POL), whereby assurance is given to the public that the licensee has committed to abide by all provisions of the POSC.

Article 4: ISFE'S COMMITMENT TO THE CODE

The ISFE hereby commits to:

a/ operate the POSC in as efficient a manner as possible.

b/ ensure comprehensive, thorough awareness and understanding of the POSC and its purposes by all participants in the interactive software industry, including publishers, developers, website operators, wholesalers, retail, trade media and advertising companies.

c/ implement and maintain the structures necessary to interpret, operate, publicise and update the POSC, whilst also conducting studies and reports on its ongoing application to interactive software.

d/ initiate any additional activity necessary to support the POSC.

Article 5: OBLIGATIONS OF ISFE MEMBERS

The members of ISFE shall:

a/ abide by the POSC in respect of the labelling of online services under their control and also with respect to all related advertising and promotional activities. (see Article 10 below).

b/ abide by all decisions made by the PCB and PEC and provide all appropriate information to the PAB as it oversees the implementation of the POSC.

c/ assist ISFE in delivering on its own commitments as provided in Article 4 above.

d/ The obligations listed above shall enter into force as soon as the POSC is implemented.

Article 6: LEGAL AND REGULATORY ENVIRONMENT

POSC signatories shall ensure that online services comply with existing and future laws and regulations at EU and national level. It is therefore also understood that the obligation to label online gaming websites according to the POSC applies only as far as it does not lead to any infringement of existing or future national mandatory (governmental) rating and labelling systems applicable to interactive software and online gaming services.

Article 7: AGE RATING AND LABELLING

The main features of the POSC are described hereunder. Their implementation shall be subject to contracts to be signed by ISFE with all potential licensors of the POSC, and to guidelines enacted by the PEC.

7.1. applicants to the POSC shall complete an online application form to be sent to the Administrator of PEGI Online (hereinafter “the PO Administrator”).

7.2 the application form will address the main concerns raised by parents and educators concerning online game play, namely;

7.2.1 the online service operated by the applicant will only include game content which has been appropriately rated i.e. under the regular PEGI system or under other recognized European systems such as – but not limited to - those operated by the BBFC in the UK and the USK in Germany.

7.2.2. the PEGI Online label (POL) will provide a direct hyperlink to a dedicated website where appropriate information will be given regarding the risks arising from the fact that content created in the course of game play may be unknown to the original publisher. Alternatively and where appropriate, signatories shall display the url associated with the said dedicated website in a prominent position visible to users of online services.

7.3 Applicants will use their best endeavours to ensure that operators of online services not under the control of the applicant but containing game content published by the applicant abide by the POSC rules and/or subsequently become signatories of the POSC themselves.

Article 8: LICENSING AND LABELLING PROCEDURES

8.1. Following the completion of the online application form (see Article 7.1) the PO Administrator shall evaluate the ability of the applicant to comply with the commitments of the POSC, in light of answers and material provided by the applicant, including possible codes of conduct already enforced by the applicant as far as online games are concerned and the other factors as set out at **Article 9** below.

8.2. If the applicant does not agree with the evaluation of the PO Administrator, it may appeal to the PCB, which will then make a final decision as to the applicant’s eligibility to participate in the POSC.

8.3. If an application is successful, the applicant will be granted by the PO Administrator, on behalf of ISFE, a licence to reproduce the POL and to post it on its online services.. This authorisation will be granted for one year and may be renewable for a longer term depending on the PO Administrator’s subsequent recommendation.

8.4. The POL shall be displayed in a size that permits the message to be clearly visible to, and perfectly legible by, the public, in accordance with templates to be provided by ISFE. The same principles will apply to any making available of interactive software to the public through other means apart from sale, such as rental or loan.

8.5. Licence holders shall ensure that the POL is used only in accordance with national legal requirements and that, in particular, it is not used in countries where the products carried on the online services concerned are prohibited or subject to compulsory legal classification. Should products available on online services carrying the POL be subject to such classification in any country or countries, the use of the POL shall be accompanied by a conspicuous reference to any consequent conditions covering game play on the said services.

Article 9: KEY PROVISIONS

Content: Licence holders shall use their best endeavours to ensure that online services under their control are kept free of content which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or might permanently impair the development of minors.

When online services under the control of the license holders also contain user generated content, the license holders shall use their best endeavours to immediately take down user generated content which is illegal, offensive, racist, degrading, corrupting, threatening, or obscene

Observance of all the foregoing should, where possible, also include removal of undesirable links or 'hyperlinks.'

Undesirable Content; Consistent with the foregoing paragraph, licence holders will ensure that appropriate reporting mechanisms are in place to allow game players to notify licence holders of the existence of undesirable content on any related websites offering online services under their control.

Community Standards; Licence holders will ensure the incorporation in their terms of business with online subscribers of certain provisions usually included under the heading of so called 'community standards'. These provisions will contain prohibitions against those subscribers introducing content or indulging in online behaviour which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or might permanently impair the development of minors

Privacy: Any licence holder engaging in the online collection of personal information from subscribers will maintain an effective and coherent Privacy Policy fully in accordance with all applicable European Union and national Data Protection laws. The Privacy Policy will encompass the responsible collection, distribution, correction, and security of the personal details of subscribers who shall be given full details of the licence holder's Privacy Policy before the finalisation of any subscription to an online service. Subscribers must also be given the opportunity to comment on any perceived misuse of their personal details and therefore be fully advised as to ways, for example, of avoiding unsolicited or unwanted e-mail contact.

Protection of Minors ; In keeping with one of the main objectives of the POSC, licence holders must adhere to stringent standards ensuring the protection of children from any unsuitable content and behaviour associated with any website aimed at children. These standards shall include, where appropriate;

- the publication of warnings about the supply or display online of private email addresses
- promoting responsible purchasing practices where minors are concerned.

Article 10: ADVERTISING AND PROMOTION

10.1. The design of print, broadcast and on-line advertising of PO labelled websites operated by licence holders shall comply with all applicable laws and regulations.

10.2. More generally, the following principles will apply to the relationship between PO labelled websites and the rated products they might carry:

- all advertisements must accurately reflect the nature and content of the product represented and wherever reasonably practicable the rating issued (i.e. an advertisement should not mislead consumers as to the product's true character).
- all advertisements shall be created with a sense of responsibility towards the public.
- no advertisement shall contain any content that is likely to cause serious or widespread offence to the average consumer targeted.
- licence holders shall not specifically target advertising for entertainment software products rated 16+ or 18+ to consumers for whom the product is not rated as appropriate.
- licence holders shall ensure that ancillary or separate products that are being sold or promoted in association with a core product contain content that is appropriate for the audience for which the core product is intended.
- licence holders should inform the public by means of a general statement of the existence of sponsorships and/or the existence of 'product placements' associated with any online service. In this regard use of a trade mark or brand solely to provide authenticity to the game environment shall not be held to constitute either product placement or sponsorship provided that licence holders do not receive payment in exchange for such use.
- licence holders shall not enter into promotion of online interactive software products rated 16+ or 18+ with another company's brands, products, or events, if it is reasonable to believe that such

company's products, brands or events will reach consumers for whom the interactive software product is not rated as appropriate.

Article 11: ADVISORY BOARD

To ensure the continuing applicability of the POSC taking into account potential social, legal and technological developments, the PEGI Advisory Board (PAB) will be made available to the management of the POSC. The PAB has been established to interpret the provisions of the PEGI Code of Conduct and to suggest appropriate implementation tools. The PAB is made up of:

- **parents/consumer organisations,**
- **child psychology experts,**
- **media experts,**
- **lawyers expert in European minor protection laws,**
- **academics,**
- **a representative of the PEC,**
- **a representative of ISFE**
- **the PO Administrator.**

Article 12: COMPLAINTS BOARD

The PEGI Complaints Board (PCB) will be used to:

- handle possible complaints about the consistency of advertising, marketing and promotional activities of licence holders with the provisions of the POSC.
- handle possible conflicts about the way the POSC is implemented by licence holders

The PCB draws on similar skills as the PAB, as reflected by its current composition (see Article 3.A and B above).

Article 13: ENFORCEMENT COMMITTEE

Compliance with the POSC, the provision of advice to all companies deciding to subscribe to the POSC as well as to the PO Administrator, possible sanctions on licence holders infringing the POSC, shall be entrusted to the PEC (see **Article 3.C** above). The PEC is made up of carefully selected representatives of the industry, as nominated by the ISFE Board and elected by the General Assembly of ISFE.

Article 14: SANCTIONS

14.1. In addition to infringements spotted by third parties or the Administrator, the PEC and the PCB shall jointly identify and document any possible wrongful application of the POSC. Reasonable, non-arbitrary discretion will be used in examining all relevant facts to enable a determination of appropriate sanctions. The PEC and PCB will also suggest corrective steps commensurate to the violation, to be implemented immediately.

14.2. Failure to comply with the POSC and/or a decision of the PCB as described above will expose offenders to sanctions including but not limited to the following measures:

- temporary removal of the POL licence from a licence holder,
- mandatory modification of any associated advertisements both on and off-line,
- permanent removal of the POL licence from a licence holder

- removal of the POL from any online service associated with breach of the POSC
- a fine of up to € 500,000 per violation depending on the gravity thereof and the failure to take appropriate remedial action.

14.3. Violations covered by these sanctions include presenting misleading or incomplete material to support the original application for a POL license, failure to submit changes, updates, or modifications that affect the ability of the license holder to comply with its obligations under the POL license in a timely fashion, self-application or flawed display of logos or the POL by the license holder, inappropriate targeted marketing, and, more generally, all steps or omissions that fail to show a sense of responsibility towards the general public.

14.4. Any sanction imposed on a licence holder under the POSC can be referred by that licence holder, within thirty days of the date of imposition of the sanction, to final and binding arbitration by CEPANI, the Belgian Centre for Arbitration. All costs of the arbitration will be met by the licence holder.

14.5 Any PEC decision imposing a sanction on a licence holder can be referred by that licence holder, within thirty days of the date of the PEC decision, to final and binding arbitration by CEPANI, the Belgian Centre for Arbitration. Arbitration shall be the sole method available to challenge any decision of the PEC. Imposition of any sanction shall await the decision of CEPANI unless the PEC seeks interim measures from CEPANI pending that decision.

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INTRODUCTION

The purpose of this paper is to help you to understand the meaning of the different PEGI age ratings icons and their accompanying content descriptors and how to use them in the best possible way in the context of distribution, marketing, and advertising of interactive software.

By signing the PEGI Agreement and the annexed PEGI Code of Conduct, your company commits to comply with the present Guidelines related to the use and display of the PEGI age rating icons and content descriptors. Together with the PEGI Code of Conduct these Guidelines reflects the interactive software industry's commitment to provide information to the public on the content of interactive software products in a consistent and responsible manner.

The use and display of the PEGI icons is governed by the **General Principles** (Section I) and cover:

- **Packaged, online, wireless and other interactive products** (Section II) as well as
- **Advertisements and marketing materials** (Section III).

SECTION I PEGI AGE RATING AND CONTENT DESCRIPTORS ICONS.

The PEGI System is based on five age categories and six content descriptors:

A. PEGI Age rating icons:

The age categories are 3+, 7+, 12+, 16+ and 18+. Only one age rating icon may appear on the interactive software package. In addition the 'www.pegi.info' url must always accompany the age rating icon on the front of the pack. The PEGI url should also appear on the back of the pack together with the relevant content descriptor icons.

The colour of the age ratings icon is grey scale and each is available in positive or negative.

If the artwork is relatively light, use one of the following icons:



If the artwork is relatively dark, use one of the following icons:



In order to comply with the current national laws in Portugal and Finland, PEGI age categories have to be modified. Labelling and advertising of interactive software in Portugal and Finland must take into account the following national specificities:

The following exceptions apply in **Portugal** only:

Instead of 3+ use 4+.
Instead of 7+ use 6+



in **Finland** only:

Instead of 12+ use 11+.
Instead of 16+ use 15+



The following exceptions apply

B. CONTENT DESCRIPTORS

In addition to the PEGI age rating icon, the PEGI system specifies, when appropriate, the content descriptor(s) that must be used in conjunction with the age rating. There are six content descriptors:



VIOLENCE: Contains depictions of violence.



BAD LANGUAGE: Contains bad language.



FEAR: May be frightening or scary for younger gamers.



SEXUAL CONTENT: Depicts nudity and/or sexual behaviour or contains sexual references.



DRUGS: Refers to or depicts the use of drugs.



DISCRIMINATION: Contains depictions of, or material, which may encourage discrimination.



GAMBLING: Games that encourage or teach gambling

Example of age rating / descriptor icons for use on a dark background.



Example of age rating / descriptor icons for use on a light background.



C. Age rating icon and content descriptor(s) arrangement

The PEGI age rating icons and content descriptors have to be reproduced in black and white (positive or negative) with no changes in colour or design. **Any deviation from the PEGI icons, as provided to your company, is strictly prohibited**, including but not limited to the use of transparent logos, colorized logos or “dwarf” logos.

In order to maintain a degree of consistency and to allow flexibility, the icons can be arranged in a number of alternative ways.

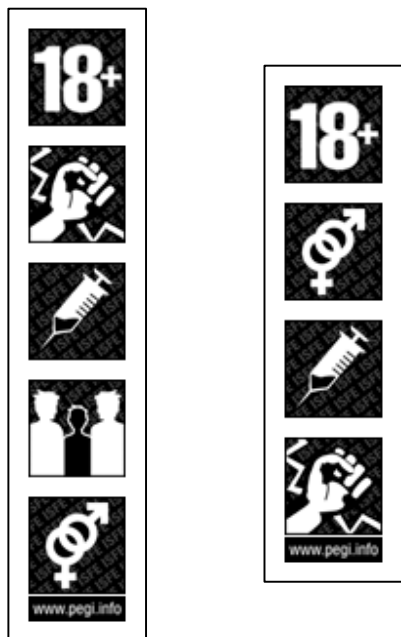
1. Horizontal arrangement

The url (www.pegi.info) should always appear centered underneath the PEGI age rating icon and content descriptor(s).



2. Vertical arrangement

The url (www.pegi.info) should always appear centered underneath the PEGI age rating icon and content descriptor(s).



3. Other authorized arrangement

Alternatively to the horizontal and the vertical arrangements, PEGI age rating and content descriptor(s) icon(s) can be stacked in other ways. Some suggestions are included below.

The url (www.pegi.info) should always appear centered underneath the PEGI age rating icon and content descriptor(s).



4. Unauthorized arrangements:

The following are a few examples of arrangements which are not authorized.



SECTION II PRODUCT LABELLING GUIDELINES

According to Article 1 of the PEGI Code of Conduct, the Code applies to all interactive software products including: videogames, computer games, education/reference on CD Roms, irrespective of their format or method of distribution, either off-line or on-line.

Consequently, the following guidelines apply to the labelling of **packaged products (A), software and hardware bundling (B), downloadable products (C), and wireless products (D)**.

A. PACKAGED PRODUCTS

According to Article 7 of the PEGI Code of Conduct, the Logo and Descriptors shall appear on the outer packaging of the product in a size that permits the message to be perfectly legible and that is clearly visible to the consumer at the point of sale.

Please Note: *Product must be registered in the PEGI System with enough time to permit the delivery of a license to use a specific rating icon and content descriptor(s) before the inclusion of these icons on the final product.*

1. Single title product

Definition: An interactive software product that has been registered in the PEGI system under a single registration number.

In case a product includes interactive software titles registered in the PEGI System under different registration numbers, age rating icons and content descriptors display requirements must conform to those included in Section II.A.2 (p.10) related to multi-title products.

Regarding the demo(s) and/or video(s) incorporated in a single title product please refer to Section III.A (p.16)

a. Age rating icon on the Front of the pack

Only one PEGI age rating icon should appear on the front of the pack of a single title product, in the template designated area. It should measure 17mm x 17mm. In addition, the 'www.pegi.info' url should appear underneath the age rating icon. The space between the age rating icon and the 'www.pegi.info' url should be 1mm.

Each individual icon artwork is available in positive and negative at the correct size and can be placed into your document at 100%.

Please note:

- *Requirements as to the dimensions and/or positioning of the age rating icons on the front of the pack may vary between console and/or handheld platforms. Please refer to platform holder specifications.*

- *If the interactive software product or a demo incorporated in it is legally classified for the UK, the company must display the BBFC symbol for the most restrictive classification on the package of the interactive software marketed in UK and comply with the UK packaging regulation.*

Furthermore, in such circumstances the PEGI age-ratings as they appear on the packages used for release in participating countries except the UK must clearly indicate that the game must not be supplied in the UK.

b. Age rating icon and content descriptor(s) on the back of the pack

The age rating icon 7+, 12+, 16+ or 18+ that appears on the pack of a single title product must also appear on the back of the pack together with all the relevant content descriptor(s).

Only in case of a product is age rated 3+, the company is not required to repeat the age rating icon on the back of the pack. However, ISFE strongly recommends displaying the icon 3+ on the back of the pack.

The age rating icon and each content descriptor should be 11.5mm x 11.5mm and the icons should be spaced 1mm apart. In addition, the 'www.pegi.info' url should appear underneath the age rating / descriptors.

The arrangement of the PEGI icon(s) together with the 'www.pegi.info' url, must conform with the age rating icon and content descriptor arrangement requirements (see *Section I.B.*, p.3).

Each individual icon artwork is available in positive and negative at the correct size and can be placed into your document at 100%.

Please note: *Requirements as to the dimensions and/or positioning of the age rating icons and/or content descriptors on the back of the pack may vary between console and/or handheld platforms. Please refer to platform holder specifications.*

2. Multi-title product

Definition: A product incorporating in the same pack different interactive software titles that have been registered in the PEGI system under different registration numbers.

Regarding the demo(s) and/or video(s) incorporated in a multi-title product please refer to Section III.A (p.16)

a. Multiple titles with the same age rating icon

In case the same age rating icon and content descriptor(s) have been delivered to different interactive software titles incorporated in the same package, the company must display the appropriate icon(s) on the front and back of the pack.

In case different content descriptor(s) have been delivered to the different interactive software titles, the company must display all the content descriptors delivered on the back of the pack.

The icons size and arrangement must conform with the age rating icon and content descriptor(s) arrangement requirements (see *Section I.C.*, p.4).

b. Multiple titles with different age rating icons and/or Descriptors

In case different age rating icons have been delivered to interactive software titles marketed in the same pack, the company must display:

- **On the front of the pack**, the most restrictive age rating, i.e. the higher age rating icon delivered.
- **On the back of the pack**, the most restrictive age rating icon delivered together with all the content descriptors delivered in relation with the most restrictive age rating.

Ex : **Game 1** : 12+, bad language
Game 2 : 16+, violence
Game 3 : 16+, Sexual content

Front of the pack : 16+ icon
Back of the pack: 16+, Violence and Sexual content icons.

The icons size and arrangement must conform with the age rating icon and content descriptor(s) arrangement requirements (see *Section I.B.*, p.3).

- **Please Note:** *If one or more of the interactive software titles or demo incorporated in a multi-title product is legally classified for the UK, the company must display the BBFC symbol for the most restrictive classification on the package of the interactive software marketed in UK and comply with the UK packaging regulation. Furthermore, in such circumstances the PEGI age-ratings as they appear on the packages used for release in participating countries except the UK must clearly indicate that the game must not be supplied in the UK.*

B. HARDWARE BUNDLING

Definition: A “product-pack” including both hardware material (e.g. console, computer, mobile phone, peripheral, graphic card, sound cards) and interactive software product(s). The definition of hardware bundling includes, but is not limited to, console, computer or peripheral sold together with interactive software, and to console, computer or mobile phone, with pre-installed interactive software.

The definition of hardware bundling does not apply to hardware material tied with an interactive software product when both the title and the age rating icon of the interactive software remain visible.

1. Single title hardware bundling

Definition: A product putting hardware material together with an interactive software title that has been registered in the PEGI System under a single registration number.

Regarding the demo(s) and/or video(s) incorporated in a single title hardware bundling, please refer to Section III.A (p.16).

a. Age rating icon on the front of the pack

Only one PEGI age rating icon should appear on the front of the hardware bundling package.

The size of the age rating icon must correspond to the size of the front of the package as follow:

- If the size of the front of the package is **1000 square cm or less**, the age rating icon should measure **17mm x 17mm**.

- If the size of the front of the package is **larger than 1000 square cm**, the age rating icon should measure **25mm x 25mm**.

In addition, the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating Logo and the 'www.pegi.info' url should be 1mm.

b. Age rating icon and content descriptor(s) on the back of the pack

The age rating icon 7+, 12+, 16+ or 18 + that appear on the front of the hardware bundling package must also appear on the back of the package together with all relevant content descriptor icons. Only in case of a product age-rated 3+, the company is not required to repeat the age rating icon on the back of the pack. However, ISFE strongly recommends displaying the icon 3+ on the back of the pack.

The size of the age rating icon must correspond to the size of the back of the pack as follows:

- If the size of the back of the pack is **1000 square cm or less**; the age rating icon and content descriptor(s) should be **11.5mm x 11.5mm** and each icon should be spaced 1mm apart.
- If the size of the back of the pack is larger than **1000 square cm**, the age rating icon and each content descriptor should be **17mm x 17mm** and each icon should be spaced 1mm apart.

In addition, the 'www.pegi.info' url should appear underneath the age rating icon and content descriptor(s).

The arrangement of the PEGI icon(s) and 'www.pegi.info' url, must conform to the age rating icon and content descriptor arrangement requirements (see *Section II.B.1. p.9*).

- **Please Note:** *If the Single title hardware bundling or a demo incorporated in it is legally classified for the UK, the company must display the BBFC symbol for the most restrictive classification on the package of the hardware bundling marketed in UK and comply with the UK packaging regulation. Furthermore, in such circumstances the PEGI age-ratings as they appear on the packages used for release in participating countries except the UK must clearly indicate that the game must not be supplied in the UK.*

2. Multi-title hardware bundling

Definition: A product putting hardware material together with interactive software titles that have been registered in the PEGI System under different registration numbers (to the exclusion of demos).

Regarding the demo(s) and/or video(s) incorporated in a multi-title hardware bundling, please refer to Section III.A (p.16).

a. Multi-title hardware bundling with the same age rating icon

In case the same age rating icon and content descriptor(s) have been delivered to different interactive software titles incorporated in the multi-title hardware bundling, the company must display the appropriate icon(s) on the front and back of the pack.

In case different content descriptor(s) have been delivered to the different interactive software titles, the company must display all the content descriptors delivered on the back of the pack.

The icons size and arrangement must conform with the size and arrangement requirements related to the single title hardware bundling (see *Section II.B.1. p.9*).

b. Multi-title hardware bundling with different age rating icons

In case different age rating icons have been delivered to interactive software titles marketed together with hardware material, the company must display:

- **On the front of the pack**, the most restrictive classification, i.e. the higher age rating icon delivered.
- **On the back of the pack**, the most restrictive age rating icon delivered together with all the content descriptors delivered in relation with the most restrictive age rating.

Ex : **Game 1**: 12+, violence
Game 2 : 16+, violence
Game 3 : 16+, Sexual content
Front of the pack : 16+ icon
Back of the pack: 16+, Violence
and Sexual content icons.

The icons size and arrangement must conform with the size and arrangement requirements related to the single title hardware bundling.

Please Note: *If one or more of the interactive software titles or demo incorporated in a multi-title hardware bundling product is legally classified for the UK, the company must display the BBFC symbol for the most restrictive classification on the package of the hardware bundling marketed in UK and comply with the UK packaging regulation. Furthermore, in such circumstances the PEGI age-ratings as they appear on the packages used for release in participating countries except the UK must clearly indicate that the game must not be supplied in the UK.*

C. Downloadable product

Definition: The interactive software product downloadable through the Internet or any other network, to the exception of interactive software directly available from a mobile service on a mobile device (that kind of product are considered as wireless products, see Section 2.D p.14).

Payable or non-payable demos downloadable through the Internet or any other network are also considered as downloadable products.

1. Display of the age rating icon and content descriptor(s):

Only one age rating icon should appear on the web page or on the web page delimited area dedicated to the interactive software rated together with the appropriate content descriptor(s).

The PEGI icons should measure at least 25 pixels x 25 pixels. The space between the different icons should be 3 pixels.

Depending on the web site artwork, the icon(s) intended for use on a dark background or on a light back ground can be displayed.



In order to provide consumers with information related to the age suitability and content of an interactive software product prior to its purchase, the age rating and content descriptor(s) icons should be displayed on the web page area dedicated to the purchase of the interactive software. They should be placed together with elements and information related to purchase (e.g. icon “buy now”, name, picture, description, publisher, platform, category or price).

If an interactive software product or any demonstration version is downloadable for free, the icons should be displayed before the downloading of the interactive software. They should be placed together with the elements and information related to the downloading process (e.g. icon “Download now”, name, picture, description publisher, platform or category).

If a web page shows a catalogue of interactive software products, ISFE strongly recommends the display of the age rating and content descriptor(s) icon(s) together with the elements and information related to each interactive software product. The age rating and content descriptor(s) icon(s) must be displayed prior to the purchase or download of the interactive software together with elements and information related to purchase or download process.

However, in this specific case and if space constraints do not allow to display the age rating and content descriptor(s) icon(s), it is possible to display only the age rating under text form. The age rating under text form (+3, +7, +12, +16, +18) has to be preceded by the following mention “www.pegi.info”. The font size must be no smaller than 7 points. As for the PEGI icons, the age rating under text form must be displayed prior to the purchase or download of the interactive software together with elements and information related to purchase or download process.

2. Link to a web page explaining the meaning of PEGI icons:

A link toward a web page displaying every age rating and content descriptors icons and explains their meanings should always appear together with the age rating and content descriptors icons.

The link should lead to:

- The PEGI home page ("www.pegi.info").
- A web page of the web site, which explains the meaning of each PEGI icon.

In the latter case, the link should lead to a web page in the same language as the language used on the web page showing the age rating and content descriptors icons.

The link should always be underlined ("www.pegi.info" or "pegi.info") and appear centred below the icons. The colour of the link should be the same as the one used to highlight the other links appearing on the web site.

3. Arrangement of the PEGI icons and 'www.pegi.info' url.

The following are a few examples of authorized arrangements:



pegi.info: +12

www.pegi.info: +18

The arrangement of the PEGI icon(s) and 'www.pegi.info' url, must also conform to the age rating and content descriptor icons arrangement requirements (see *Section I.B.*, p.3).

D. Wireless Products

Definition: Interactive software product directly available from an on-line service on a mobile device (i.e. mobile phone or PDA). If a product is sold on-line through an Internet service providing access code or phone number allowing the download of the interactive software product, the guidelines related to downloadable products apply.

The notion of wireless product only covers interactive software with different levels of play and multiple screens or backgrounds. It does not cover basic interactive software (such as Snake, cards game etc.) for which an age rating is not necessary.

Information related to the age rating of a wireless product has to be legibly displayed on the screen of the mobile device before a consumer is able to buy, download, or to play it for the first time.

Due to space constraints and to quality of mobile devices screens, it is possible to display only the age rating under text form (3+, 7+, 12+, 16+, 18+) preceded by the mention "www.pegi.info". However, ISFE strongly recommends that the age rating and content descriptor(s) icon(s) be displayed when the quality and/or the size of the mobile device's screen is appropriate. In that case the PEGI icon(s) should measure at least 23 pixels x 23 pixels.

SECTION III ADVERTISING AND PROMOTION GUIDELINES

The advertising and promotion materials that have to comply with the following guidelines include, **demo (A), print advertising (B), television and movie theatre advertising (C), and on-line advertising (D).**

According to Article 9 of the PEGI Code of Conduct related to Advertising and Promotion, “Advertising materials shall, wherever practicable, show the age rating finally granted to the product concerned or, should the license be pending, show the final age rating expected, taking the higher age category as a reference in case of doubt”.

More generally, the following principles apply to advertising and promotion of interactive software:

- an advertisement shall accurately reflect the nature and content of the product it represents and the rating issues (i.e. an advertisement should not mislead consumers as to the product’s true character).
- an advertisement shall not abuse the ISFE rating of a product, intended as a mere recommendation.
- all advertisements shall be created with a sense of responsibility towards the public. no advertisement shall contain any content that is likely to cause serious or widespread offence to the average consumer targeted.
- companies shall not specifically target advertising for entertainment software products rated 16+ or 18+ to consumers for whom the product is not rated as appropriate.
- companies shall ensure that ancillary or separate products that are being sold or promoted in association with a core product contain content that is appropriate for the audience for which the core product is intended.
- companies shall not enter into promotion of interactive software products rated 16+ or 18+ with another company’s brands, products, or events, if it is reasonable to believe that such company’s products, brands or events will reach consumers for whom the interactive software product is not rated as appropriate.

A. DEMOS:

Definition: Playable or non-playable demonstration version of an interactive software, and/or video(s) sequences of an interactive software.

Please note: *The playable or non-playable demo(s) and/or video(s) downloadable through the Internet do not fall within the scope of the definition of Demo. As regards such demos and videos, the display of PEGI icons has to comply, wherever practicable, with the rating icon and content descriptor requirements related to downloadable products (see Section II.C. p.12).*

1. DEMO INCORPORATED IN A PACKAGED PRODUCT

Definition: Demo(s) incorporated in the package of a single or multi-title product either on the same disc or on a separated disc as well as demo(s) incorporated in a hardware bundling.

Demo(s) incorporated in a packaged product are considered as advertising material and does not have to be taken into account for the rating of the packaged product. However, when possible, ISFE strongly recommends to take into account the demo(s) incorporated in a package product, at the time of the registration of the product in the system.

Furthermore, according to the PEGI Code of Conduct, ancillary or separate products that are being sold or promoted in association with a core product must contain content that is appropriate for the audience for which the core product is intended. Companies shall not specifically target advertising for entertainment software products rated 16+ or 18+ to consumers for whom the product is not appropriate. Accordingly, a packaged product rated 3+, 7+ or 12+ cannot include any demo or video of interactive software rated, or for which the age rating expected is 16+ or 18+.

Please Note: *Demo(s) incorporated in a package product **marketed in the UK** may require legal classification. In that case, the BBFC classification will have to be taken into account for the rating of the product marketed in the UK.*

2. DEMO DISC.

Definition: Disc containing Demo(s) and that is made available to the public independently of a marketed product.

The Demo Discs are considered as advertising materials. Article 9 of the PEGI code of conduct provides as follows: "Advertising materials shall, wherever practicable, show the age rating finally granted to the product concerned or, should the license be pending, be suitable with the final age rating expected, taking the higher age category as a reference in case of doubt".

ISFE strongly recommends companies to apply for a specific rating of the demo discs by registering them in the PEGI system, if it includes demo(s) of interactive software product(s) for which the licence(s) to use PEGI icons is pending. A Demo Disc can be registered in the system even if it contains playable or non-playable demo(s) and/or video(s) related to different interactive software titles.

In case an age rating icon and content descriptor(s) have been delivered to a Demo Disc, the company must display the appropriate age rating icon and content

descriptor(s) on the front and the back of the pack, in accordance with the requirements related to the display of the icons on a single title product (see *Section II.A.1. p.7*).

In case a Demo Disc is not registered independently in the PEGI System, it can be rated in different ways depending on its content:

- If a Demo Disc contains playable or non-playable demo and/or video of an interactive software product for which the licence to use PEGI icon(s) has already been delivered: the company must display the appropriate age rating icon and content descriptor(s) on the front and the back of the Demo pack, in accordance with the requirements related to the display of the icons on a single title product (see *Section II.A.1. p.7*).
- If a Demo Disc contains playable or non-playable demos and/or videos of interactive software products for which the licences to use PEGI icons has already been delivered: the company must display the appropriate age rating icon and content descriptor(s) on the front and the back of the Demo pack, in accordance with the requirements related to the display of the icons on a multi-title product (see *Section II.A.2. p.8*).
- If a Demo Disc contains playable or non-playable demo and/or video of an interactive software product for which the licence to use PEGI icon(s) is pending: the company must display the age rating icon and content descriptor(s) expected, taking the higher age category as a reference in case of doubt. The PEGI icons have to be displayed in accordance with the requirements related to the display of icons on a single title product (see *Section II.A.1. p.7*).
- In case a Demo Disc contains playable or non-playable demos and/or videos of interactive software products for which the licences to use PEGI icons is pending: the company must display the age rating icon and content descriptor(s) expected, taking the higher age category of the potentially most harmful demo or video as a reference in case of doubt. The PEGI icons have to be displayed in accordance with the requirements related to the display of the icons on a multi-title product (see *Section II.A.2. p.8*).

Please Note: *Demo discs made available in the UK may require legal classification. In that case, the company will have to rate the demo discs made available in the UK in accordance with the legal classification.*

B. PRINT ADVERTISING

The following section addresses all forms of printed advertisement, including but not limited to **advertising in publications** (e.g. advertising in newspapers, magazines or catalogues), **outdoor advertising** (e.g. advertising placed on billboards, buses, bus shelters, phone booths) and **promotional material in retail shops** (e.g. posters, standees).

1. Advertising in publications

Definition: Advertising in publications includes, but is not limited to, print advertisements placed in newspaper, magazines or catalogues, on billboards, buses, bus shelters and phone booths.

Please note: *Advertisements for product rated 16+ or 18+ may not be placed in publication where 50% or more of the targeted consumers are respectively under 16 or 18 years of age.*

a. Single title advertisement

Definition: A single title advertisement is an advertisement promoting only one title that has been registered in the PEGI System under one registration number.

(i). **Single title advertisement for a title already rated.**

Only the appropriate age rating icon should appear on the advertisement and should measure at least 11,5 mm x 11,5 mm. In addition the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating icon and the 'www.pegi.info' url should be 1mm.

(ii). **Single title advertisement with rating pending.**

If the age rating is pending, the advertising materials shall show the age rating that can be reasonably expected, taking the higher age category as a reference in case of doubt.

b. Multiple Title advertisement

Definition: A multiple title advertisement is an advertisement promoting different titles that have been registered in the PEGI System under different registration numbers.

(i). **Multiple title advertisement with the same age rating**

In case a multiple title advertisement promotes products for which the same age rating have been issued, the age rating icon delivered should appear on the advertisement. It should measure at least 11,5 mm x 11,5 mm. In addition the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating icon and the 'www.pegi.info' url should be 1mm.

(ii). Multiple title advertisement with different age ratings

In case a multiple title advertisement promotes products for which different age rating have been delivered, this advertisement must include:

- **The appropriate age rating icon for each title:**

In this case, the different age rating icons, must be legibly and prominently displayed in the advertisement, and placed where they will be accurately associated with their intended title. Each age rating icon should measure at least 11,5 mm x 11,5 mm. In addition the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating icon and the 'www.pegi.info' url should be 1mm.

OR

- **The most restrictive classification delivered** (i.e. the higher age rating icon delivered):

The age rating icon should appear on the advertisement and should measure at least 17 mm x 17 mm. In addition the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating icon and the 'www.pegi.info' url should be 1mm.

(iii). Multiple title advertisements with rating pending

MARKETING MATERIALS

In cases a multiple title advertisement promotes products for which a rating is pending, along or not with interactive software for which an age rating have already been delivered, the advertisement must include:

- **The appropriate age rating icon for each title:**

Regarding products for which a rating is pending, the age rating that can be reasonably expected must be displayed, taking the higher age category as a reference in case of doubt. The different age rating icons, must be legibly and prominently displayed in the advertisement, and placed where they will be accurately associated with their intended title. Each age rating icon should measure at least 11,5 mm x 11,5 mm. In addition the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating Logo and the 'www.pegi.info' url should be 1mm.

OR

- **The most restrictive classification delivered or expected** (i.e. the higher age rating icon delivered, or the age rating that can be reasonably expected, taking the higher age category as a reference in case of doubt):

The age rating icon should appear on the advertisement and should measure at least 17 mm x 17 mm. In addition the 'www.pegi.info' url should appear underneath the age rating. The space between the age rating icon and the 'www.pegi.info' url should be 1mm.

2. OUTDOOR ADVERTISING

Definition: Outdoor advertising includes, but is not limited to, print advertisements placed on billboards, buses, bus shelters and phone booths.

The age rating icon must be scaled in direct proportion to the rest of the advertisement, so that the rating icon is proportionately equal to a 17 mm x 17 mm age rating icon on a 210 mm x 297 mm print advertisement. For example, on an outdoor advertising that measure 3000 mm x 4000 mm, the size of the age rating icon must measure no smaller than 324 mm x 324 mm.

$$4000 / (297/17) = 229 \text{ mm } \frac{32}{4}$$

The url (www.pegi.info) should also appear centred below the age rating icon in direct proportion to this icon.

3. PROMOTIONAL MATERIALS IN RETAIL SHOP

Definition: Promotional materials in retail shops includes, but is not limited to, posters and standees placed in retail shops.

The age rating icon must be scaled in direct proportion to the rest of the advertisement, so that the rating icon is proportionately equal to a 17 mm x 17 mm age rating icon on a 210mm x 297 mm print advertisement.

For example, on a poster that measures 700 mm x 1000 mm, the size of the age rating icon must measure no smaller than 81 mm x 81mm.

$$1000 / (297/17) = 57 \text{ mm}$$

The url (www.pegi.info) should also appear centred underneath the age rating icon in direct proportion to this icon.

B. AUDIOVISUAL ADVERTISEMENTS

The following section addresses all forms audiovisual advertisements, including but not limited to advertising broadcast on the television, or in movie theatres and retail shops. The demos downloadable through the Internet are not considered as audiovisual advertisement.

Regarding the display of PEGI icons for downloadable demos, company must conform to the age rating icon and content descriptor requirements related to downloadable product.

Please note: *Advertisements for product rated 16+ or 18+ may not be broadcast in the beginning or during a television program or movie where 50% or more of the targeted spectators are respectively under 16 or 18 years old.*

1. SINGLE TITLE ADVERTISEMENT

Definition: Advertisement promoting one product that has been registered in the PEGI System under one registration number. When promoting different products for which different registration numbers have been provided by the PEGI System, PEGI icons display requirements must conform to the requirement set forth in Section 3 B1 (p.18).

The size of the age rating icon together with the 'www.pegi.info' url, must measure no smaller than 22 scan lines.

The age rating icon display length depends on the length of the advertisement:

- If the length of the advertisement is **equal or less than 15 seconds**, the minimum duration of age rating icon display is **2 seconds**.
- If the length of the advertisement is **more than 15 seconds**, the minimum duration of age rating icon display is **4 seconds**.

In both cases the age rating icons must remain visible for at least 2 consecutive seconds. If the length of the advertisement is more than 15 seconds, ISFE recommends to display the age rating icon is during the two first seconds of the advertisement and the age rating icon together with the content descriptor(s) during the two last seconds of the advertisement.

2. MULTIPLE TITLE ADVERTISEMENT

Definition: Advertisement promoting products that have been registered in the PEGI System under different registration numbers.

a. Multiple title advertisement for titles with the same age rating

In case a multiple title advertisement promotes products for which the same age rating have been issued, the company must display the age rating icon delivered.

The display of the age rating icon should conform to the requirements set forth in Section III.B.2. Single title advertisements (See p.20).

b. Multiple title advertisement for titles with the different age rating Logos

In case a multiple title advertisement promotes products for which different age rating have been issued, the company must display:

WHENEVER POSSIBLE,

- **The appropriate age rating icon for each title:**

The age rating icon related to each interactive has to be displayed together with the picture of the related product. The different age rating icons must remain visible for at least two consecutive seconds.

Regarding interactive software for which a rating is pending, the age rating icon(s) that can be reasonably expected must be displayed, taking the higher age category as a reference in case of doubt.

IF NOT POSSIBLE,

- **The most restrictive classification**, i.e. the higher age rating icon delivered or expected:

In this case, the display of the age rating icon should conform to the requirements set forth in Section III.B.2. Single title advertisements.

Regarding interactive software for which a rating is pending, the company must take into account the age rating icon(s) that can be reasonably expected, taking the higher age category as a reference in case of doubt.

C. ON-LINE ADVERTISING

The following section addresses all forms of on-line advertising, including but not limited to promotional websites, product specific pages, banner advertisement and newsletters. Demos downloadable through the Internet are not considered as on-line advertising.

Regarding the display of PEGI icons for downloadable demos, company must conform to the age rating icon and content descriptor requirements related to downloadable product.

1. Promotional websites and web pages

a. Display of the age rating icon and content descriptor

The age rating icons and content descriptors should measure at least 25 pixels x 25 pixels. The space between the different icons should be 3 pixels.

Depending on the web site artwork, PEGI icons for use on a dark background or on a light back ground can be utilised.



(i). Website promoting one interactive software

In case of a website dedicated to the promotion of a single product: the appropriate age rating icon has to be displayed on the website home page. ISFE strongly recommends the display of the age rating icon together with the appropriate content descriptor(s).

(ii). Website promoting different interactive software

In case of a website promoting different interactive software: the appropriate age rating icon has to be displayed on each web page or web page area dedicated to the promotion of specific product.

(iii). Website showing a catalogue of interactive software

In case of a web page showing a catalogue of products: the appropriate age rating icon has to be displayed on each web page area dedicated to the promotion of specific product.

However, in this specific case, due to space constraints, the information related to the age suitability of the product can be displayed in text form. The text of the age rating (+3, +7, +12, +16, +18) has to be preceded by the mention "pegi.info" or "www.pegi.info". The font size must be no smaller than 7 points.

b. Link to a web page explaining the meaning of PEGI icons

A link to a web page displaying every age rating and content descriptors icons and explains their meanings should always appear together with the age rating and content descriptors icons.

The link should lead to:

- The PEGI home page ("www.pegi.info").
- A web page of the web site, which explains the meaning of each PEGI icon.

In the latter case, the link should lead to a web page in the same language as the language used on the web page showing the age rating and content descriptors icons.

The link should always be underlined ("www.pegi.info" or "pegi.info") and appear centred below the icons. The colour of the link should be the same as the one used to highlight the other links appearing on the web site.

2. Banner advertisement

a. Banner advertisement larger than one-fourth of the screen page:

If the banner advertisement is larger than one-fourth (1/4) of a screen page, the company must display the appropriate age rating icon.

This age rating icon should measure at least 25 pixels x 25 pixels. Depending on the banner artwork, age rating icons for use on a dark background or on a light background can be used.

Regarding interactive software for which a rating is pending, the company must display the age rating icon that can be reasonably expected, taking the higher age category as a reference in case of doubt.

b. Banner advertisement smaller than one-fourth of the screen page:

If the banner advertisement is smaller than one-fourth (1/4) of a screen page, the company must display:

WHENEVER POSSIBLE,

- **The appropriate age rating icon:**

In this case, the display of the age rating icon should conform to the requirements set forth in Section III.C.2.a. Banner advertisement larger than one-fourth of the screen page.

IF NOT POSSIBLE,

- **The information related to the age suitability of the interactive software under text form:**

The text of the age rating (+3, +7, +12, +16, +18) has to be preceded by the mention "pegi.info" or "www.pegi.info". The font size of this reference and of the age rating must be no smaller than 7 points.

CODE OF CONDUCT FOR THE EUROPEAN INTERACTIVE SOFTWARE INDUSTRY REGARDING AGE RATING LABELLING, PROMOTION AND ADVERTISING OF INTERACTIVE SOFTWARE PRODUCTS

Article 1: SCOPE

The present Code shall apply to all interactive software products including: videogames, computer games, education/reference works on CD Roms, distributed for retail sale by the members of the Interactive Software Federation of Europe (ISFE), or any other publisher or trade association which, without being members of this association, decide to comply with this Code.

This Code covers all products distributed electronically by whatever means, such as via the Internet, including on-line retailing of packaged products and on-line distribution.

The rules contained in this Code shall apply to the labelling of interactive software products, as well as to associated advertising and promotion by any means.

Article 2: PURPOSE

This Code reflects the interactive software industry's commitment and concern to provide information to the public on the content of interactive software products in a responsible manner. This industry's contribution complements existing national laws, regulations and enforcement mechanisms.

2.1 Firstly, this Code is intended to provide parents and educators with objective, intelligible and reliable information regarding the age category for which a given product is deemed suitable with specific reference to its content. The voluntary ratings implemented under the Code in no way relate to the difficulty of a game or the level of skill required to play it.

2.2 Secondly, this Code is intended to ensure that all advertising, marketing and promotion of interactive software products is conducted in a responsible manner.

2.3 Thirdly, this Code reflects the interactive software industry's commitment not to distribute market, advertise or promote interactive software products likely to offend human decency.

Article 3: INSTRUMENTS

In order to fulfil the objectives spelled out in Article 2, seven principal instruments are hereby constituted:

3.1. An **Advisory Board** ('PAB') including representatives from chief stakeholders (parents, consumers associations, child psychology experts, academics, media experts and the interactive software industry) (see Article 10 below). This body will see to the continuing adjustment of the Code to social, legal and technology developments.

3.2 A Complaints Board ('PCB') including, in the same manner as the Advisory Board, representatives from chief stakeholders, (see Article 11 below) and entrusted with the two following tasks:

- handle possible complaints about the consistency of advertising, marketing and promotional activities of any company participating to this Code with the age rating finally attributed or likely to be attributed under the PEGI system (see below)
- handle conflicts about the PEGI age ratings themselves including any publisher or consumer complaints about those ratings.

3.3. An Enforcement Committee ('PEC') including, in the same manner as the Advisory Board, representatives from chief stakeholders which is in charge of implementing the recommendations of that Board, and, more generally, of seeing to the enforcement of the rules and sanctions included in the present Code, including decisions of the PCB (see Article 12 below).

3.4 An Age Rating System ('PEGI': the Pan European Game Information System), operated by PEGI with the assistance of an administrator, (the PEGI administrator) resulting in the granting of licenses to use a specific PEGI label ('the logo') which will indicate the age category most suitable for a product by reference to its content, as well as descriptors ('the descriptors') giving reasons for allocation of this age category. PEGI retains at all times the right to or rescind or recall any age rating or descriptor assigned to a product.

3.5 An Online Safety Code to be known as the 'PEGI Online Safety Code' which shall apply to online game providers.

3.6 A Legal Committee, ('PLC') in charge of securing the ongoing coherence of the system with national legal frameworks and

3.7 A Criteria Committee, ('PCC') in charge of reviewing the Assessment Form ('Questionnaire') used for determining an age rating on a continuing basis.

Article 4: PEGI'S COMMITMENT TO THE CODE

The PEGI hereby commits to:

4.1 ensure that the PEGI System is operated as efficiently as possible by an independent administrator.

4.2 ensure comprehensive, thorough awareness and understanding of the Code and its purpose by all participants in the industry, including publishers and developers, wholesalers, retailers, trade media and advertising companies.

4.3 implement and maintain the appropriate structures to carry out the tasks of interpreting and updating this Code, making it public in cooperation with its member national trade associations, settling disputes, and conducting studies and reports about the products concerned.

4.4 initiate any additional operations necessary to support the purposes of the Code.

Article 5: OBLIGATIONS OF PEGI SIGNATORIES

The users of PEGI shall:

5.1 abide by the Code as far as the labelling of products (see Article 7 below) and advertising and promotional activities (see Article 8 below) are concerned but always subject to law (see Article 6 below).

5.2 abide by all decisions made by the PCB and PEC and provide all appropriate information to the PAB which oversees the implementation of this Code.

5.3 assist PEGI in delivering on its own commitments as stated in Article 4 above including endorsing and publicising the Code where necessary.

Article 6: LEGAL, REGULATORY AND SELF- REGULATORY ENVIRONMENT

6.1. The signatories to the Code shall ensure that the content, distribution by any means, promotion and advertising of the products covered by this Code comply at all times with existing and future laws and regulations at EU and Member States' level. It is therefore understood that the obligation to utilise the Code applies only as far as it does not lead to any infringement of existing or future national mandatory (governmental) rating and labelling systems applicable to interactive software and related websites.

6.2 In addition, in so far as Online Games are concerned, signatories are encouraged to use the Guidelines for Online Game Providers published by the Council of Europe for information and guidance. These guidelines reflect the provisions of Article 8 of the European Convention on Human Rights which is aimed at securing the rights of respect for private and family life, home and correspondence and of Article 10 which protects the rights to freedom of expression and information.

Article 7: AGE RATING

The main features of the PEGI Age Rating System are described as follows. Their implementation shall be subject to guidelines to be enacted by the Enforcement Committee and to specific agreements to be entered into by the publishers.

7.1 Prior to product release, the publishers shall, for each product and format and language version thereof complete an on-line Questionnaire, which assesses the content of the product using the following criteria: violence, sex, discrimination, drugs, fear and bad language.

7.2 The on-line Questionnaire shall automatically generate an age rating together with content descriptors indicating the reasons for classification of the Product in a specific age category.

7.3 The PEGI classifications shall be as follows: PEGI OK 3, 7, 12, 16, and 18.

7.4 The PEGI administrator shall review the on-line Questionnaire according to the following rules:

7.4.1. Where the provisional rating is PEGI OK, the PEGI administrator shall approve the age rating by way of a licence to use the logo and descriptors, unless it has reasons to believe that the provisional age rating is misleading, in which case it shall review the product and reassess the rating assigned.

7.4.2. Where the provisional rating is 3, 7, 12, 16 or 18, the PEGI administrator shall view the product in full prior to granting a licence to use the logo and descriptors.

7.4.3. In the event that the recommendation on the appropriate age rating is different from the one determined by the submitting publisher, an explanation for the variation shall be provided by the PEGI administrator. If the submitting publisher does not agree with the recommendation, it may appeal to the PCB, which will make the final decision as to the appropriate age rating recommendation.

7.4.4. In due course, the publisher will receive an authorisation to reproduce the logo and descriptors corresponding to the final recommendation on the product packaging, or equivalent place immediately visible to consumers where distribution is made via electronic means.

Online Play

7.4.5

All 'Massively Multi Player Online' Games which permit voice or video chat shall be assigned a 12 or higher rating unless the chat is monitored to an appropriate level of scrutiny by publishers and/or their representatives.

7.4.6 All product packaging associated with duly rated games intended for online play shall include an icon or appropriate language at the publisher's discretion signifying that fact

Article 8: LABELLING

8.1. The logo and descriptors and, where appropriate, an icon or language signifying games intended for online play shall appear on the outer packaging of the product in a size that permits the message to be perfectly legible and that is clearly visible to the consumer at the point of sale, in accordance with the templates determined by PEGI for each format.

8.2. The same principles shall apply to the making available to the public through other means apart from sale, such as rental or lending.

8.3 The publisher shall ensure that the logo and descriptors are used in accordance with national legal requirements and that, in particular, they are not used in countries where the product is prohibited or subject to compulsory content classification

8.4 Publishers should use their best efforts to encourage website providers carrying those publishers' games, or advertising for those games, but not under the publishers' control to display the ratings for those games on the websites.

Article 9: ADVERTISING AND PROMOTION

9.1/ Advertising materials shall, wherever practicable, show the age rating finally granted to the product concerned or, should the license be pending, show the final age rating expected, taking the higher age category as a reference in case of doubt.

9.2/ The design of print, broadcast and on-line advertising of these products shall comply with laws and regulations applicable to the age category concerned.

9.3/ More generally, the following principles shall apply:

i. All advertisements shall accurately reflect, to the best extent possible both the nature and content of the product publicised and the rating associated with that product. Advertisements should not mislead consumers as to the product's true character.

ii. Advertisements shall not in any way exploit a PEGI rating of a product as such rating is intended as a recommendation only.

iii. All advertisements shall be created with a sense of responsibility towards the public.

iv. All advertisements shall aim to avoid content that is likely to cause serious or widespread offence to the average consumer targeted.

v. Publishers shall not specifically target advertising for entertainment software products rated 16 or 18 to consumers for whom the product is not rated as appropriate.

vi. Publishers shall ensure that ancillary or separate products that are being sold or promoted in association with a core product contain content that is appropriate for the audience for which the core product is intended.

vii. Publishers shall not enter into promotion of interactive software products rated 16 or 18 with another company's brands, products, or events, if it is reasonable to believe that such company's products, brands or events will reach consumers for whom the interactive software product is not rated as appropriate.

viii. Publishers shall inform the public by means of a general statement of the existence of sponsorships and/or the existence of 'product placements' associated with any product. In this regard use of a trade mark or brand solely to provide authenticity to the game environment shall not be held to constitute either product placement or sponsorship provided that license holders do not receive payment in exchange for such use.

ix. PEGI has used the Advertising Codes of The International Chambers of Commerce ('ICC') and the European Advertising Standards Alliance (EASA) as sources of information and guidance for this Code of Conduct. Publishers are therefore encouraged to abide by the rules and principles on advertising contained in those Codes.

9. 4 / The PEGI System shall be open to magazine publishers for the age rating of compact discs and/or DVDs attached to such magazines (cover discs) when they contain excerpts from interactive software products and/or audiovisual material related to such products provided that those products are published by companies which abide by this Code.

Article 10 : ADVISORY BOARD ('PAB')

To ensure the continuing applicability of this Code taking into account potential social, legal and technological developments, an Advisory Board is established to interpret its provisions and to suggest appropriate implementation tools. The Board should be made of:

- **parents/consumer organisations,**
- **child psychology experts,**
- **media experts,**
- **age rating experts**
- **lawyers expert in European minor protection laws,**
- **academics,**
- **a representative from the Enforcement Committee,**
- **a representative from ISFE and the PEGI administrator.**

Article 11 : COMPLAINTS BOARD ('PCB')

An independent Complaints Board is established with regard to this Code of Conduct with the following tasks in mind:

- handling possible complaints about the consistency of advertising, marketing and promotional activities of any company participating to this Code with the age rating finally attributed or likely to be attributed under the PEGI age rating system;
- handling possible rating conflicts between publishers and the administrator of the system, and process age rating complaints by consumers.

The PCB will draw on similar expertise to the PAB.

Article 12: ENFORCEMENT COMMITTEE ('PEC')

Compliance with this Code, the provision of advice to all companies deciding to subscribe to the Code as well as to its administrator, possible sanctions on companies infringing the Code, shall be entrusted to the PEC which shall be made up an equal number of carefully selected representatives of the industry and PAB members, as nominated by the PEGI Board and PAB and elected by the General Assembly of PEGI.

Article 13: INFRINGEMENT, CORRECTIVE ACTION, SANCTIONS AND ARBITRATION

13.1 The PEC and the PCB will jointly identify and document possible wrongful application and /or breaches of the Code. Reasonable, non-arbitrary discretion will be used in examining all relevant facts to make a determination of appropriate sanctions.

13.2 The PEC and PCB may suggest corrective action commensurate to the violation, to be implemented immediately. This corrective action may include:

- re-labelling of packaging,
- revocation and removal of logo, age rating and descriptors,
- recall of product inaccurately labelled

- modification of advertisements both on and offline

13.3 Failure to abide by the terms of this Code, including the failure to institute the corrective action referred to at **13.2**.above will expose offenders to the imposition of sanctions by the PEC as set out in Annex 1 including, but not limited to, the following:

- temporary suspension of product from the PEGI ratings system
- mandatory modification of any associated advertisements both on and off-line,
- disqualification of product from the PEGI ratings system for a set period
- fines of up to € 500,000 per violation depending on the gravity thereof and the failure to take appropriate remedial action.

13.4 Violations covered by these sanctions include

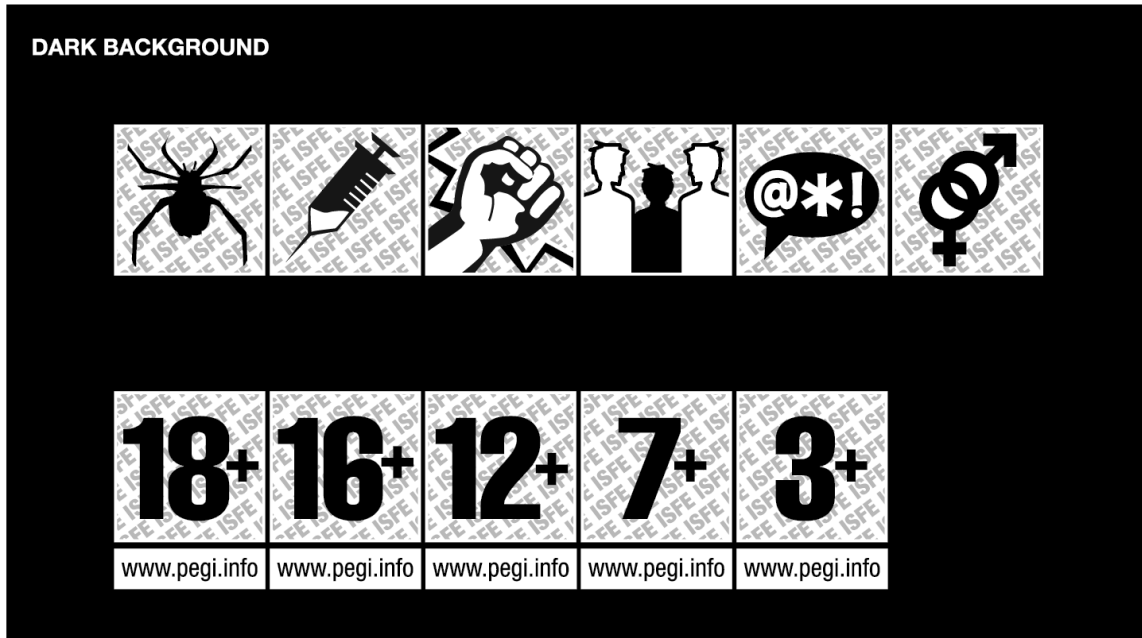
- presenting misleading or incomplete material to support the original application for a PEGI rating license,
- failure to submit changes, updates, or modifications that affect the ability of the publisher to comply with its obligations under the Code in a timely fashion,
- self-application or flawed display of logos, age ratings or descriptors the POL by the license holder,
- inappropriately targeted marketing, and, more generally,
- all steps or omissions that fail to show a sense of responsibility towards the general public. In this regard the deliberate failure by a publisher to disclose relevant content which is discovered after an age rating and content descriptors have been assigned shall be material grounds for consideration of high level sanctions by the PEC.
- and those steps and omissions as set out in Annex 1.

13.5 The PEC shall be able to take into account on the application of a publisher, or otherwise, any or all extenuating circumstances justifying moderation of any sanction to be applied.

13.6 Any PEC decision imposing a sanction on a publisher can be referred by that publisher, within thirty days of the date of the PEC decision, to final and binding arbitration by CEPANI, the Belgian Centre for Arbitration. Arbitration shall be the sole method available to challenge any decision of the PEC. Imposition of any sanction shall await the decision of CEPANI

APPENDIX F: PEGI logos and descriptors

Current PEGI logos



PALE BACKGROUND



Agreed enhanced PEGI logos

