



Video Games Consultation Questions

Option 1 Hybrid classification system

The BBFC would rate all games that are 12+ or higher, with PEGI continuing to rate all 3+ and 7+ games.

The BBFC logos would appear on the front of all boxes, with the PEGI logos on the back.

This system will work best if BBFC and PEGI come to an agreement on their logos and age classifications so that a more integrated approach can be adopted. The BBFC would extend its statutory powers to cover games from 12+, bringing it into line with the classification system used for DVDs/videos and building on parental awareness and understanding of what those ratings mean.

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

ERA believe that to create clear understanding at consumer level a single clear ratings system must exist for games with clear legal force. The following things need to exist in any new system:

- **A single clear system required for games at retail level – either PEGI or BBFC but not both**
- **Increased control of the counterfeit and illegitimate retail sector (level playing field)**
- **That the exemption for video games be removed from the Video Recordings Act and that the Act be updated to reflect the current market and distribution channels**
- **That the responsibility at retail level is clear and remains as current (i.e. to check the age of the person purchasing the product before sale and to have effective staff training systems in this regard)**

A hybrid version as set out in Option 1 could therefore work but ONLY if that there is a consistent set of ratings front and back ie. BBFC on the front (even for 3+ and 7+ games) and PEGI on the back for all games.

In addition the PEGI logo's would need to be adapted to be the same as the BBFC logo in age terms ie. a PEGI 16 would need to be adapted to PEGI "15" as is the case already in some territories.

With these modifications this system would work as:

- there would be one clear set of ratings for consumers and retail (BBFC)
- the mandatory and legal nature of the ratings would be assured.

However there is a risk that with 2 systems on the same packaging that consumers may be confused and may equate one rating with suitability and one with playability, which is of course not the case.

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

See question 1

PEGI ratings would need to be aligned to BBFC ratings.

U = 3+, PG = 7+, 12 = 12+, 15 = 15+, 18 = 18+.

The PEGI logo would be virtue of this system become a "secondary" logo with limited visibility at retail level.

Potentially this could have ramifications for Pan European Product/Retail but with a co-ordinated approach from BBFC and PEGI this can be overcome.

This is particularly an issue in the Republic of Ireland where many UK retailers operate if the BBFC logo is on the front of the product. However many Irish consumers are familiar with the BBFC logos and provided the PEGI logo also appears on the reverse this should allow for retail to sell UK product in Ireland.

As stated above there is a risk that with 2 systems on the same packaging that consumers may be confused and may equate one rating with suitability and one with playability.

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

- 1) Consumers and Retail have a clear understanding of BBFC logos.
- 2) The legal framework for BBFC exists
- 3) The age ratings would be mandatory

- 4) Limited "education" of new system required as becomes purely a "BBFC ratings" now apply to games exercise.
- 5) Allows for UK "Sensibilities"
- 6) Proven ratings system, trusted by consumers
- 7) Allows for future convergence of film and games as the PEGI logos also appear on the back of pack
- 8) Limited need to change legislation (merely to remove games exemption from Video Recordings Act)

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

(i) the consumer?

As for current BBFC film classification.

BBFC ratings are mandatory and enforced under law.

Possible confusion for consumers if 2 sets of ratings on one package although main emphasis would be on BBFC rating on the front.

Clear message to consumers as regards legality of the system.

Consumers would not differentiate between film and games as a product type.

(ii) the games industry?

The games industry already has European Territories (e.g Germany), which overlay their own national system within a PEGI environment so the games industry should be able to adapt to the UK having BBFC logos alongside the PEGI logos.

Games product is often packaged differently for each territory (due to language barriers) so it would be able to be implemented at possible extra cost

The games industry would need to work closely with the BBFC to ensure that the system ran smoothly.

As regards internet gaming the games industry would need to implement both PEGI and BBFC ratings online where possible.

(iii) the retail industry?

Retailers already use the BBFC logos (for DVD and games) and all training materials encompass these logos.

It is difficult to assess exactly how this might affect customers at retail level. It may for example be simpler to explain to consumers as there will be 1 dominant set of ratings in force at retail level on the front. However having a second rating on the back could ultimately make it more complicated to explain.

The mandatory nature of BBFC ratings allows retail to better control the sale of age rated products.

Training materials will need to be adapted to include the 2 sets of ratings front and back and whilst they may be slightly simpler by virtue of the fact they will focus on the BBFC logos they will still need to incorporate 2 sets of logos and guidelines..

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

BBFC should adapt its systems so as to "adopt" the PEGI rating methodology for games rated 3+ and 7+. Therefore retail would not envisage that BBFC would actually rate 3+ and 7+ games, merely allow its equivalent logos to be used on the packaging (U and PG).

PEGI would need to alter its ratings 12, 16 and 18 to reflect the BBFC rating applied to games 12 and above so that the ratings on pack were the same.

As regards, the online environment BBFC and PEGI should work together to ensure the best technological methods are adopted to ensure that users online receive adequate information as to the rating of the game they are playing.

The games industry and technology providers would therefore need to identify a UK IP address and ensure that users from these addresses receive both BBFC and PEGI information.

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

Yes it does as the BBFC has for many years been entrusted with preventing consumer harm in the DVD industry and has more recently also been doing that role at the higher rated end of games.

Dr Byron has correctly identified that 12+ games should be more heavily controlled than is currently case, although it should be noted that under the current system retailers treat both the PEGI and BBFC ratings in the same way.

Given the consumers better understanding of BBFC ratings (in particular parents) this system should allow better understanding of age rated products, which will ultimately lead to better protection of minors.

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

By nature of the fact that in this system being a hybrid system, BBFC and PEGI will need to work together it should be future proofed to a large degree as regards both convergence and internet issues.

By having only 1 consumer facing set of ratings there will be no confusion over which body should rate which product.

Both organisations are developing internet protocols for online games and provided they work together on this then the industry can adapt to future distribution models.

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

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

See above. It can, provided both organisations work together.

BBFC gives the UK national perspective and a context and this would be a useful addition to the PEGI online system.

As stated both organisations are developing solutions for the online environment and a hybrid system will allow the games industry, retail and consumers to benefit from the advantages of each system.

It should be noted however that whatever online system is adopted it will require parental intervention or technological protocols to prevent age rated products reaching the wrong age group.

<p>(ii) If not, what would be the problems and do you have any solutions?</p> <p>See answer to question 8 i.</p>
<p>Q9: Is there any other information that you think Government should take into account when considering the monetary costs of this option?</p>
<p>n/a See answers above</p>
<p>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?</p>
<p>This will not be significant as customers focus on the front.</p> <p>In addition if as suggested above the ratings are aligned so that the PEGI rating is the same as the BBFC one on the front, it may not create confusion as the ratings will be the same.</p> <p>However as stated above there is a risk that having 2 ratings will cause consumers to believe one represents suitability whilst the other represents playability</p> <p>Retail would need to develop in store materials to explain the 2 sets of ratings</p>
<p>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?</p>
<p>> Retail are not really in a position to comment upon the costs applicable to the two systems. It could be more costly as a game of 12+ would need to be rated again by BBFC when the rating has already been undertaken by PEGI but this would depend ultimately upon how the 2 organisations work together and what arrangements were reached between them</p> <p>> the industry will need to produce additional SKU's for e.g Ireland/UK at extra cost to distribution and retail.</p> <p>> ERA does not have actual costs but if there is duplication of work and skills this would automatically lead to additional cost.</p>

We would anticipate that the costs would be related primarily to the 12 and 15 rated games which are currently rated by PEGI but which would need also to be rated by BBFC. This would account for ca. 40 to 50% of titles in the market. Currently some titles are already rated by the BBFC (18+ etc) and we would anticipate that 7+ and under would not require additional rating so these titles would be unaffected in cost terms.

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?

- > See question 11.
- > Consumers from foreign territories when shopping in the UK would have a lesser knowledge of the system.
- > In an online world where people shop across borders, 1 system would be simpler for consumers to understand.

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.

No opinion.

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

- UK public opinion on what is acceptable at differing ages.
- Psychological opinion on what is suitable for different age groups.
- ERA is of the view that both the BBFC guidelines and the PEGI systems are appropriate in this regard but would recommend that at the point in time that new regulations are put into place the ratings bodies conduct fresh psychological and consumer research to verify the guidelines used.
- ERA believes most parents of primary school aged children need guidance on products and a statutory system from 12+ would achieve this.

- ERA also believes that the guidelines and research should be published and made clear to the public.

Option 2 – Enhanced BBFC system

The BBFC would act as the statutory classifications body for all video games, applying its ratings from U to 18. It would retain its power to refuse to classify games it feels are potentially harmful based on its public consultations.

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

See above answers.

For retail and consumers this option would provide a very clear system with no risk of confusion from two competing ratings systems.

The mandatory, statutory status of BBFC ratings will give clarity to consumers and therefore ultimately protect children.

The BBFC currently has a remit to administer a mandatory classification system for video. This remit could be extended into the computer games arena with a few relatively simple steps and would require minimal changes to the current Video Recordings Act i.e. that the exemption for video games be removed.

The key advantages are as follows:

- The BBFC already have experience in rating high end games, although the systems for doing so may need to be adapted.**
- The BBFC system is clearly understood by consumers and retailers and implementing this system for games would require limited changes in training and less need to re-educate the consumer.**
- The BBFC system takes account of UK sensibilities and context**
- Using the BBFC system would lead to there being only 1 system at retail level for both video, film and computer games. As product converges in the future (and it becomes increasingly difficult to distinguish between what is a game and what is a video), it will become increasingly important to have just one ratings system for similar product.**
- The BBFC system is already a mandatory system with the ability to ban product.**

However there are also a number of disadvantages as follows:

- The BBFC workload would increase requiring it to employ extra staff.
- The BBFC systems may need to be changed for computer games as the product, being often 20 times longer than a film, may require a different approach. PEGI has experience in managing a large number of new products. The BBFC would need to ensure that any new system does not cause unnecessary delays or costs.
- Creating a UK only system for computer games could entail additional costs and production delays for publishers and could result in certain product not being available in UK.
- A UK only system does not operate in a global internet environment so certain products may bypass the system. However this would also be the case for a pan European system in relation to non European products

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

> See question 15 above.

In addition to the points listed above, the PEGI system would become redundant in UK possibly rendering it less useful in the rest of Europe.

We anticipate that the BBFC would need to create new guidelines suitable for all types of games and attempt to bring into line with PEGI in Europe (otherwise the industry could be in a position where something could be 12 in the UK and 3+ if ordered via the internet from abroad, creating confusion).

New SKUs for Ireland would need to be created as discussed previously

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

> See the answer to question 15 above, but the main points would be

- Clarity for consumers.
- Clarity for retail
- Mandatory
- Enforceable backed by law.
- Simple Message.

As stated above and in more detail:

- **The BBFC already have some experience in rating games, although the systems for doing so may need to be adapted.**
- **The BBFC system is clearly understood by consumers and retailers and implementing this system for games would require limited changes in training and less need to re-educate the consumer.**
- **The BBFC system takes account of UK sensibilities and context**
- **Using the BBFC system would lead to there being only 1 system at retail level for both video, film and computer games. As product converges in the future (and it becomes increasingly difficult to distinguish between what is a game and what is a video), it will become increasingly important to have just one ratings system for similar product.**
- **The BBFC system is already a mandatory system with the ability to ban product.**
- **As the BBFC is independent and not industry owned or self regulated it is therefore a more robust system in the eyes of the consumer**

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

(i) the consumer?

As for current BBFC film classification.

Consumers and parents in particular understand film ratings are mandatory.

Consumers would not be confused by 2 sets of ratings, nor would they confuse playability and suitability.

Clear message to consumers, which could be easily communicated.

(ii) the games industry?

There would be added complexity as all games products would be rated not only by PEGI (for the rest of Europe) but also by BBFC.

Possible divergence of the above could create confusion particularly as consumers are able to order online from other territories. However different language versions should limit this problem.

Additional costs for the games industry as 100% of products will be rated

by BBFC rather than approximately half as in option 1.

Less flexible in online environment if the games industry does not adopt BBFC, although technology and legislation could avoid this issue.

(iii) the retail industry?

Retailers already use the BBFC logos (for DVD and games) and all training materials encompass these logos.

For retail it will be simpler to explain to consumers as there will be 1 dominant set of ratings.

The mandatory nature of BBFC ratings allows retail to better controls sale of age rated products and explain the system to consumers.

Less confusion and simplified training if only 1 set of ratings in store.

Paramount for retail is one clear system, which this delivers.

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

- The BBFC workload would increase and it should therefore ensure it has the necessary staff in place to take on this workload
- The BBFC systems may need to be changed for computer games as the product, being often 20 times longer than a film, may require a different approach. We would anticipate that the BBFC should put in systems to sample product so as not to delay its arrival to market. We would also anticipate that for lower age rated product BBFC could rely upon the PEGI ratings used elsewhere in Europe and do limited sampling to verify this.
- Creating a UK only system for computer games will entail additional costs and production delays for publishers and could result in certain product not being available in UK. It would also disadvantage pan-European retailers. Therefore the BBFC would need to commit to short timescales and possible amend its systems to cope with the different type of workload
- A UK only system does not operate in a global internet environment so certain products will bypass the system. However this would also be the case for a pan European PEGI system

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

Yes it does as the BBFC has for many years been entrusted with preventing consumer harm in the DVD industry and has more recently also been doing that role at the higher rated end of games.

Given the consumers understanding of BBFC ratings (in particular parents) this system should allow better control of age rated products.

See answer to question 6 above for further clarification

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

There is no reason why this system cannot be applied via the internet (adapting BBFC online) and on product. As film and games converge the system will survive if PEGI and the BBFC work together.

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

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

It can provided that the industry recognises it and PEGI and BBFC work together to ensure that PEGI online and BBFC online work in tandem.

Any online solution requires consumer buy in and understanding which would need to be created.

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

See above.

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

N/A.

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?

- It may be more costly as ALL games would need to be classified by BBFC not just those from age 12+. Given the significant numbers of 3+ and 7+

<p>games this would mean a large number of games being sent to 2 classification bodies possibly entailing additional cost.</p> <ul style="list-style-type: none"> - See question 12 above for more information - Additional cost for Irish SKUs - However the games industry could choose to translate the BBFC ratings to other European territories under the PEGI system thereby taking out cost as well, so this option could generate no additional cost
<p>Q25: Which of the following options do you think would work best in the online environment and why?</p>
<p>(i) BBFC symbols recognised as part of PEGI Online; or</p> <p>This would be the best in a hybrid system as it builds on the strengths of both systems. Would allow the games industry to operate its systems on a Pan European basis and the BBFC to overlay UK sensibilities and a clear consumer proposition.</p>
<p>(ii) BBFC.online (separate from the PEGI system)</p> <p>This is less satisfactory in a stand alone format as the internet is a worldwide environment and if the worldwide games industry is using different systems/online controls, then consumers will be confused.</p>
<p>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?</p>
<ul style="list-style-type: none"> - Likely to be more costly as a game of 12+ would need to be rated again by BBFC - Would need to produce additional SKU's for e.g Ireland/UK so additional costs to create this. - ERA does not have actual costs but duplication of work and skills would automatically lead to additional cost. - Consumers from foreign territories when shopping in the UK would have a lesser knowledge of the system (although this is already the case for film etc and does not cause issues).

- In an online world where people shop across borders, 1 system would be simpler for consumers to understand.

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)

This does occur but in limited circumstances for the following reasons. We would assume that this is unlikely for several reasons.

- It does not appear to be the case with DVD, where this already exists.
- Different language versions usually mean most consumers purchase their "national product" (note that US product is not relevant in a physical world as it is non compatible with European hardware)
- German product does not seem to create complications as it remains in national distribution channels.
- We DO HOWEVER see implications for Ireland where many games are sourced from the UK (see answers above).

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)

N/A

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.

NOT KNOWN.

Option 3 – Enhanced PEGI system

A UK-based organisation (possibly the Video Standards Council) would be the designated statutory classification body for video games, applying the PEGI ratings. The VSC (or other UK body chosen) would need to sign up to this new role and any legislative changes required. All video games would be rated using the PEGI system and there would be no role for the BBFC in classifying video games.

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

This option could work as it would provide a consistent set of ratings to all games.

PEGI is currently responsible for rating games and has done a good job of creating a pan European games ratings system, which generally operates well. This system could be improved to address some of the limitations inherent in the current system

- **It is an established and proven system, which retailers and consumers are used to seeing on games**
- **It operates on a pan European basis, allowing it to regulate some products entering the market from outside of the UK**
- **It operates smoothly and is cost effective for publishers, and enjoys wide support from publishers and developers.**

Provided the VSC (or other body) is given statutory recognition the system will have the suitable legal framework. ERA would need to be satisfied that the VSC or other body had in place the necessary staffing and skillset to fulfil this function.

This system could have ramifications for the video industry which may be forced to send all non linear rated content to a games rating body. This will be increasingly the case in the Blu ray environment.

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

- **Generally the rating is understood by consumers but to a slightly lesser degree than the BBFC rating.**
- **The system has no current legal force so any new “PEGI” would need to be mandatory and PEGI would need to be recognized under the Video Recordings Act**
- **PEGI does not account for context**
- **There may be confusion where games contain video product or vice versa as to which body will rate. ERA believes that where a product is**

primarily a game PEGI should rate the product and where the product is a primarily a video the BBFC should rate the product. This may be difficult to implement as products converge. The BBFC and PEGI would need to agree on a system to decide these matters

· There is currently no system to ban product. Therefore in any new PEGI system these aspects would need to be addressed and PEGI must be able to ban product. PEGI should draw up clear rules in this regard which should be made public

PEGI would therefore need to build in the following changes to any new system.

- ability to ban
- uk "sensibilities"
- strong 'education' campaign as to the meaning of PEGI ratings.
- needs new laws to 'empower' VSC
- symbols and labelling (descriptors) would need to be improved

This solution still leaves 2 systems for the consumer to understand as the BBFC will continue to rate DVD and DVD with interactive product.

Where products are both games and video there would need to be clear demarcation between PEGI and the BBFC as to who rates the product otherwise two ratings may need to appear on packaging which could be highly incongruous and could create cost and time implications both both the games and video industries.

Alternatively PEGI and BBFC could agree that the higher rating prevailed but this would not solve the need for demarcation between the two bodies.

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

It would be a single mandatory system which applies to games and would therefore give clarity to consumers in this regard

It would allow the games industry the ability to roll out PEGI on a Pan European basis and via internet games in a simple way

May reduce costs for the games industry as top end games would not need to be rated by BBFC

Retail understands and is comfortable with the ratings. PEGI has extensive experience in rating games. PEGI is well placed to cope with the volume of product as it already rates all games. .

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

<p>stakeholders:</p> <p>(i) the consumer?</p> <p>It would work provided consumers are 'educated' as regards the PEGI ratings and the necessary changes are made to the symbols to allow for descriptors as well etc.</p> <p>Consumers may still have to understand two sets of ratings as DVD interactive product which may also be sold alongside games may carry BBFC ratings.</p> <p>Consistency for customers buying product in Europe</p>
<p>(ii) the games industry?</p> <p>May be simple to administer as is basically a simplification of the current system, removing the need to send 16+ 18+ games to the BBFC.</p> <p>Can be administered in an online environment with only 1 system to deal with.</p>
<p>(iii) the retail industry?</p> <p>As current retail already work with PEGI ratings which are treated as mandatory and in the same way as film ratings.</p> <p>Retail training programmes are already set up to illustrate the PEGI system.</p> <p>Paramount for retail is one clear system which this delivers.</p> <p>Would need the legislative backing and mandatory nature of the system to be assured</p> <p>May streamline supply for Pan European retail although different language versions may diminish this benefit</p>
<p>Q34: What suggestions do you have to improve the system for any of the key stakeholders?</p>
<p>See question 31.</p>

Q35: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?
<p>See question 31.</p> <p>The PEGI system would need to be 'independent' of games publishers and based on sound consumer and psychological bases.</p> <p>In addition parents would need to be educated as to the mandatory nature of the new PEGI.</p>
Q36: How do you think this system will last into the future?
<p>As the system will be new and based on latest thinking it stands a good chance of lasting into the future.</p> <p>The downside will relate to the 'convergence' of games and video which may require 'dual' classification leading to some confusion at consumer level.</p>
Q37: Do you think this option would work in the online environment?
<p>(i) If so, what would be the benefits?</p> <p>Yes as games publishers will ensure it works in that environment and it will have to buy in from the major platform holders.</p>
<p>(ii) If not, what would be the problems and do you have any solutions?</p> <p>N/A</p>
Q38: Is there any other information that you think Government should take into account when considering the monetary costs of this option?
N/A
Q39: Who do you think would be the right body to take on the role of statutory classifier of video games and why?
<p>We have no opinion but it would make sense if it were a body currently involved in the classification of games in the UK, and if its not the BBFC, that only leaves the Video Standards Council. However it should be noted</p>

<p>that the VSC will need extra staff to carry out the functions currently undertaken by the BBFC.</p>
<p>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?</p>
<p>As it already carries out some of these functions on behalf of PEGI. ERA sees no reason why not if it were sufficiently expanded. It would however require significant additional resources to provide the 'independence' needed.</p>
<p>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?</p>
<p>Potentially less costly as relies on the current set up. The body chosen above would have to clarify the costs which relate to this as we are not in a position to assess at this time.</p>
<p>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]</p>
<p>This is difficult to answer as (a) the BBFC is the correct body to rate video but (b) it would create confusion to have 2 ratings.</p> <p>We believe that the BBFC and PEGI would need to agree that where a product was 'primary' a game, PEGI rate and where it is predominantly a video, 'BBFC' would rate. Furthermore we believe that whichever is the higher rating should prevail.</p> <p>This requires a high level of co-operation between both bodies and would need to be further assessed.</p>
<p>Q43: Do you think PEGI should rate the game content, while the BBFC rates the film/video content and why?</p>
<p>(i) If so, should both symbols be on the box?</p> <p>See question 42 above</p>
<p>(ii) In the event of different age ratings, should only the higher symbol prevail?</p> <p>Yes if this option is pursued then only the higher rating should appear.</p>

However this will be highly inflammatory if for example a "U" film was forced to be classified "12" due to PEGI taking a different view on a game which accounted for say only a small 'extra' on the disc. This is particularly the case with for example children's Disney games where PEGI does not take into account context

Again co-operation between the industries would be needed and a common sense approach adopted.

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)

Not known.

DCMS will need to take into account the views of video suppliers who are developing considerable amounts of interactive material on their discs and for whom this will no doubt have implications.

Option 4 – Voluntary Code of Practice

There would be no changes made to the legislation so the BBFC and PEGI would continue to classify games as they currently do. The Government would ask retailers and suppliers to sign up to a voluntary Code of Practice to secure adherence to the classification system when selling or supplying video games to children aged 12 or above, even though a statutory offence would not be committed if they broke the code. This Code of Practice would focus on classification and consumer protection and would follow the guidelines outlined in the review. If tougher measures were called for, this could be backed up with statutory legislation calling on the industry to consult and agree on a Code of Practice, breach of which could then be taken into consideration during a prosecution.

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

This is effectively what is already in place as all ERA retailers already treat PEGI ratings as the above description envisages. The current VSC, guidelines are effectively an 'industry code of practice' which are already taken into consideration.

As previously stated the current system confuses consumers as 2 sets of ratings appear on boxes. Of all the options THIS IS THE MOST

UNSATISFACTORY.
Q46: What are the key flaws with this option and how could it be adapted to overcome them?
<p>Main flaws are</p> <ul style="list-style-type: none"> - No legal force - No consistency between ratings. <p>Ways to overcome these flaws are to adopt many of the aspect outlined in options 1, 2 and 3.</p> <p>This option is not an option as far as retail is concerned as it addresses none of their concerns.</p>
Q47: What are the key advantages with this option and why?
<ul style="list-style-type: none"> > No change needed.
Q48: How do you think this system would work for the following key stakeholders:
(i) the consumer?
<ul style="list-style-type: none"> > It will lead to confusion as 2 sets of ratings. > The consumer does not understand the current system and this will prevail.
(ii) the games industry?
No clarity over who rates what and potential for divergent ratings.
(iii) the retail industry?
<p>Status quo requires no additional training but does NOT deliver retail needs which are</p> <ul style="list-style-type: none"> - Retail support a system fully enforceable by law. - Retail (and consumers) would benefit from a single clear well

understood ratings system for games which is not a combination of BBFC and PEGI

- **Retail would be happy to adopt either a BBFC or PEGI system for games but preferably not both.**
- **Retail will continue to train staff on whichever system(s) is / are in place and to ensure that information regarding the systems is displayed in store**
- **Whichever system is adopted it must be mandatory and robust with clear obligations – i.e. retail to check age of purchaser not the ultimate player of the product, which is unworkable in practice**
- **For internet retailers the most important part of any system will be clear provision of information regarding the age rating on the product to be purchased**
- **Whichever system is adopted must be well communicated both to staff and customers**

- **The system should be all-encompassing, so as to apply to boxed and internet**
- **Adopting a single system for games would make staff training and consumer understanding levels more robust**

Q49: What suggestions do you have to improve the system for any of the key stakeholders?

N/A. This is not our preferred solution and retail would support option 1, 2 or 3

Q50: Do you think this system is sufficient to reflect the evidence on potential harms raised by the Byron review and if not why not?

No. For all the reasons discussed by Dr Byron.

Q51: How do you think this system will last into the future?

No. It already raises issues on products where the BBFC rating is very different from the PEGI rating. It does not work in the online environment.

Q52: Do you think this option would work in the online environment?

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

Unlikely - See previous answers.
(ii) If not, what would be the problems and do you have any solutions?
Q53: Is there any other information that you think Government should take into account when considering the monetary costs of this option?
N/A
Q54: Do you think industry would sign up to such a code?
Yes as the industry is effectively already signed up to such a code through the VSC and ERA membership.
Q55: Would this incur any additional costs to industry (games or retail) and can you provide evidence of this?
None likely.
Q56: Do you think that this would work in practice on the ground?
As current system works.
Q57: 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.
Not known.