



Notification Number: 2009/664/UK

The Digital Economy Bill (extract of five clauses and a Schedule)

Date received : 10/12/2009

End of Standstill : 11/03/2010

Message

Message 001

Communication from the Commission - SG(2009) D/52881

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2009/0664/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200902881.EN)

1. Structured Information Line

MSG 001 IND 2009 0664 UK EN 11-03-2010 10-12-2009 UK NOTIF 11-03-2010

2. Member State

United Kingdom.

3. Department Responsible

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3. Originating Department

Department for Culture, Media and Sport.

4. Notification Number



2009/664/UK - X40M

5. Title

The Digital Economy Bill (extract of five clauses and a Schedule)

6. Products Concerned

The draft technical regulation applies to the supply of video games in the form of physical products (such as discs, magnetic tape and other storage devices) in the UK. In particular, it applies to video games suitable for viewing only by persons aged over twelve years.

7. Notification Under Another Act

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8. Main Content

The legislative provisions make amendments to the Video Recordings Act 1984 (VRA 1984) so that all video games that are only suitable for viewing by persons aged twelve years and above, and are supplied by means of physical products, must be submitted for classification to a designated body, unless the game itself is exempted. It is intended that the Video Standards Council (VSC) will be designated and it will apply the existing Pan-European Game Information (PEGI) age rating system for video games, subject to some minor UK-specific adaptations. New section 2A is drawn from PEGI criteria for 12+ games. The existing exemptions set out in sections 2 and 3 of the VRA 1984 are unaffected by the proposed changes.

The UK specific adaptations of the PEGI system are – i) classification certificates will be issued by the VSC; ii) some types of video games will continue to be classified by the British Board of Film Classification (BBFC) (for example, games found in Blu ray discs and games restricted for supply in licensed sex shops); and iii) it will be possible to prohibit a game from being supplied in the UK altogether and UK specific age-ratings may be given if required. Matters which the VSC (or BBFC) must have special regard to, in making any determination as to the suitability of issuing a classification certificate, are already specified in section 4A of the VRA 1984.

Offences: Unless exempt - it will be an offence to i) supply, or to offer to supply, or to possess for the purpose of supplying, an unclassified video game; ii) supply a video game in breach of its classification certificate; iii) supply certain games otherwise than in a licensed sex shop; iv) supply a video game in breach of labelling requirements and v) supply a game with a false indication as to its classification.

Labelling regulations - it is intended that new Regulations will be made under section 8 of the VRA 1984 to prescribe labelling requirements for video games that are classified under the VRA 1984 and these Regulations will be notified to the Commission separately.

The Video Recordings Act 1984 was forwarded to the Commission within the framework of a previous notification – 2009/0495/UK. The UK will fulfil its obligation under Article 12 of the Directive 98/34/EC when these regulations are officially published.

9. Brief Statement of Grounds

The proposed legislative changes are intended to control and regulate the distribution of video games in the UK. The underlying aim of the regulation is to better protect children and consumers. These changes will implement the recommendations set out in an independent review commissioned by the Prime Minister in 2007, and undertaken by Professor Tanya Byron, to assess (amongst other things) the risks children face from video



games (at <http://www.dcsf.gov.uk/byronreview> - also see attached summary). Also a public consultation was undertaken on the video game classification system and the future structure of it. At present only video games that contain explicit sex, gross violence or other matters of concern (listed at section 2(2) and (3) of the VRA 1984) are required to be classified in the UK. Certain key elements of the classification certificate will be required to be shown on the video game and its cover, casing, etc by virtue of the labelling regulations to be made under section 8 of the VRA 1984 so that key information is provided to consumers buying the product.

10. Reference Documents - Basic Texts

b) The Digital Economy Bill (extract of five clauses and a Schedule)

The legislative provisions forwarded in this notification will amend the Video Recordings Act 1984.

The Video Recordings Act 1984 was forwarded to the Commission within the framework of a previous notification – 2009/0495/UK.

The published Digital Economy Bill may be found at -

<http://services.parliament.uk/bills/2009-10/digitaleconomy.html>

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

The impact assessment is attached.

16. TBT and SPS aspects

TBT Aspect

No

The draft does not have a significant effect on international trade.

SPS Aspect

No

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

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