

The Political and Legal Basis for Labelling of Computer Games in Denmark¹

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In accordance with the Danish Film Act No. 189 from 12 March 1997 the Media Council for Children and Young People was set up by the Minister of Culture as an independent council covering film classification and children and young people's use of digital media. Moreover, the Council works as the Danish Awareness Centre within the framework of the EU Connecting Europe Facility Programme. The Danish Film Institute (DFI) has the organizational responsibility for the secretariat.

No Danish rules have been set on the labelling of games sold or leased in the Executive Order of the Media Council. The comments to Art. 19, Sec. 1 of the Film Act (Lov om film, 1997), however, indicate that "[...] the guidance may accordingly, in addition to film, also include certain types of multimedia productions and computer games" (Comments to the Bill).

The Media Council's management task – both the governmental assignment as well as the counselling and guidance assignment – in the gaming area is to some extent undecided, taking into account that there is not allocated separate government funding for counselling within the gaming area.

THE PEGI SYSTEM

The Pan-European Game Information (PEGI) system was established in 2003, where a series of national labelling systems for computer games was replaced by

1 This text is a reproduction of the Media Council's contribution to the Ministry of Culture's investigations on child protection in relation to digital media (May 2016).

a common European industry-based labelling system. 31 European countries have signed up to the rating system, in the sense that the national and international publishers in each country have committed themselves to put a label on nationally-released games according to the common criteria. This includes publishers in Denmark, which are organised in the *Multimedieforeningen* (MUF) (Multimedia Association)².

In 2003, the Danish government gave its support to the PEGI system, because it considered the plan to be a more appropriate alternative compared to a Denmark-specific labelling system. It must be emphasised, however, that Danish legislation has not included a provision to state that games published in Denmark have to be labelled according to the common European labelling system PEGI. Moreover, the Media Council's tasks in connection with participation in the PEGI system's professional bodies, guidance and communication, was not clarified.

In the PEGI system, the games are labelled with an age tag and symbols which describe the content – e.g. violence, sex, forbidden drugs, language, etc. PEGI's Danish information website³ states that “[a]ge ratings provide guidance to consumers (particularly parents) to help them decide whether or not to buy a particular product [...] The PEGI rating considers the age suitability of a game, not the level of difficulty [...] PEGI is used and recognised throughout Europe and has the enthusiastic support of the European Commission. It is considered to be a model of European harmonisation in the field of the protection of children”⁴ (PEGI, n.d.).

All games distributed by a developer to Microsoft, Nintendo and Sony game consoles have to be labelled according to the PEGI system upon request from these groups. The same applies to PC games from all the biggest European and American publishers. In practice, the PEGI system covers all the physical market for games sold in Europe.

PEGI has stated that between 1500 and 2500 games were rated annually between the years 2003-13. The number varies considerably in close conjunction with, in particular, the cyclical nature of the console market (following the intervals for marketing of new consoles).

The biggest challenge of the PEGI system is the increasing digital distribution of games (which also exists in physical trade) and the new app-based game for-

2 *Multimedieforeningen* (MUF) is a trade association for media companies in Denmark (www.muf.dk).

3 www.pegi.info

4 This quote is taken from PEGI's UK page, which is a direct translation of the Danish page (or vice versa), see the literature list.

mats for tablets and mobiles based on Apple, Microsoft and Google operating systems. The digital trade in games has grown exponentially since 2011. In Denmark, digital revenue in 2013 made up 66 per cent of the total market – the largest market share in the Nordic region. In this connection, PEGI has stated that it is working to develop a digital solution; so that users purchasing their games in digital form are presented with the PEGI labelling (the solution is called IARC⁵). However, this solution will not cover app games for Apple, as it has been reported that Google has joined the IARC.

The Media Council for Children and Young People has occasionally assisted the MUF in raising awareness of the PEGI system. The Media Council's communication emphasises the indicative and thus non-binding nature of the system, and the Media Council reserves the right to disagree with the specific age and symbol statements.

OTHER GUIDANCE AND ADVICE

On 4 April 2014, the Ministry of Culture requested, by letter, that the Media Council “[...] assess the need for a Danish labelling system and account for the possibilities for doing so, including the financing of a Danish labelling system. The existing movie labelling system was the inspiration for this. The Ministry of Culture must ask the Media Council for Children and Young People to involve other stakeholders in assessing the need for a Danish labelling system” (my translation).

In April 2014, the Media Council held a workshop entitled *The Media Council's role in the computer game area – What should a knowledge centre do?* (my translation). The workshop was the second in a series about the development of games and children's and young people's use of games. They held the first workshop in February 2014 and it was entitled *What is good gaming culture for children and young people?* (my translation). Both workshops were launched with a view to discuss current problems and development opportunities in relation to children and young people's gaming culture. Educators, teachers, librarians, researchers and the gaming business participated in the workshops.

The Media Council's overall impression from the workshops and meetings held was that it is very difficult to imagine a Danish labelling system for games which can replace PEGI. A purely Danish system with the same coverage will be very resource-demanding for the industry, especially if the industry is supposed to pay for the labelling. There will also be the considerable risk that the sales people

5 International Age Rating Coalition. <https://www.globalratings.com/>

in the games market will find other ways to sell their product to the Danish consumers outside of a Danish system – if, for example, the games are not labelled and sold in Denmark but are only sold through online services and parallel imports, etc.

The two workshops – and the current debate – show that there is a great need for more customised counselling/guidance of children and young people's use of games. The questions parents, recreational therapists and schoolteachers often ask include:

- Can kids play too much?
- For how many hours is it ok to play?
- Are computer games harmful or beneficial to children?
- Can the games make children insecure and anxious?
- Are computer games addictive?
- What skills can you achieve by playing?
- How can educators use games and digital media?
- Should you always follow the age label?
- Are some of the game types particularly dangerous?
- Should we, as parents, limit the use of games?
- What can you do to reduce the costs?

These questions come from the experiences and concerns of parents and educators in relation to children and young people's preoccupation by specific games and their gaming habits. In Denmark, most of the youth centres have a gaming policy that focuses on the centre's purchases and rules for the children's use in the centres; but in Denmark there is no continuous collection and dissemination of knowledge about children's and young people's gaming consumption and culture specifically in relation to individual games.

Because of this, the Media Council has proposed that the Minister for Culture establishes a counselling system for children and young people's use of selected games. It is crucial that the system addresses specific games that concern parents, professionals, children and young people at a given time – and is not only established as a general counselling system about children's and young people's gaming culture and consumption. It is the Council's assessment that it will be max. 20-40 games annually which will attract major attention.

LITERATURE

PEGI (n.d.). *About PEGI? What are ratings?* Retrieved from <http://www.pegi.info/en/index/id/23/>

LEGAL REFERENCES

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Lov om Film 1997 [Danish Film Act], published on 13 March, 1997, Lovtidende A, last amended by Article 18, Act 2 of 28 December 2013 Lovtidende A. Retrieved from https://www.retsinformation.dk/forms/r0710.aspx?id=83975#ctl00_MainContent_DokumentNoter1

