

General Policy Statement of the German Entertainment Software Self-Regulation Body (USK)

The present text has been agreed by the Advisory Council of the USK as constituted pursuant to Article 3 below and has been approved by the associations representing the computer games industry in Germany and by the Supreme Youth Protection Authorities of the Federal States.

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A. Tasks, committees and process stakeholders

Article 1 Entertainment Software Self-Regulation Body

- (1) The associations representing the computer games industry in Germany act in a self-regulatory manner in conducting a voluntary classification of computer and video games intended for publication in the Federal Republic of Germany. The organisation of such a classification takes place via the Entertainment Software Self-Regulation Body, hereinafter referred to by its German language abbreviation of USK. The Supreme Youth Protection Authorities of the Federal States (OLJB) are responsible for age categorisation and age rating symbols within the scope of Article 14 of the German Children and Young Persons Protection Act (JuSchG). The organisation based on partnership within the state controlled self-regulation ensures that due consideration is accorded to the overall societal interest of Youth Media Protection.
- (2) The USK takes on the following tasks in particular:
1. preparation for the classification and age rating of image media by the Supreme Youth Protection Authorities of the Federal States within the meaning of Articles 12 and 14 JuSchG;
 2. advising providers with regard to the opportunity to categorise information, instruction and educational programmes as such in cases where the relevant contents clearly exert no adverse effect on the development and education of children and young people (Article 14 Section 7 JuSchG);
 3. advising providers with regard to the classification procedure;
 4. involvement in the provision of information and in the opinion forming process in respect of computer games and the German Youth Media Protection.
- (3) The activities required for the statutory classification and age rating are conducted within the scope of a joint procedure undertaken by the USK and the Permanent Representatives of the Supreme Youth Protection Authorities of the Federal



States nominated by the Federal States pursuant to Article 14 Section 6 of the German Children and Young Persons Protection Act (JuSchG). The respective responsibilities and duties of those involved are governed by the Agreement between the Permanent Representatives of the Supreme Youth Protection Authorities of the Federal States and the industry associations organised within the USK insofar as such responsibilities and duties are not stipulated in the present General Policy Statement.

- (4) The present General Policy Statement is promulgated by the Advisory Council. In order to obtain validity, it shall require confirmation by the Supreme Youth Protection Authorities of the Federal States and the industry associations organised within the USK.

Article 2 Guidelines for the activity of the USK

- (1) The USK fulfils its tasks within the scope of existing legal provision. The main focus of the work thus undertaken is to accord specific consideration to compliance with statutory Youth Media Protection.
- (2) The aim of the plural composition of the Classification Committees is to achieve the broadest possible spectrum of evaluation for the decisions to be reached. The basis of the decisions made by the USK shall be within the conviction of the committee members relying on specialist knowledge, good judgement, experience in dealing with children and young people, developmental psychology and media effects research.
- (3) Classification decisions made shall be transparent and comprehensible for applicants. Criteria relevant to classification decisions made shall in particular be documented and made available to applicants.
- (4) Any evaluation made shall be governed by the overall impression of the game as a whole. Classification of a game may not take place on the basis of personal taste or opinion.

- (5) The development and ongoing adaptation of criteria to be applied in classification practice are the responsibility of the Advisory Council. The Advisory Council shall make a resolution in respect of the relevant main criteria for age categorisation at least every two years.
- (6) The members of the Advisory Council (Article 3), the USK game testers (Article 6), the members of the Classification Committees (Article 7), the USK and the executive management of the USK may not be held liable for actions undertaken in exercising tasks pursuant to Article 1 Section 2 Clauses 1 and 2 above nor for the consequences of any actions thus undertaken insofar as they have not acted with intent.

Article 3 Advisory Council

- (1) The Advisory Council is responsible for:
1. the enactment and amendment of the present General Policy Statement pursuant to Article 1 Section 3;
 2. the appointment of youth protection experts pursuant to Article 5;
 3. the appointment of game testers pursuant to Article 6;
 4. the appointment of a chairperson and of at least three deputy chairs for the Appeals Committee pursuant to Article 7 Section 3;
 5. the appointment of a chairperson and of at least three deputy chairs for the Appellate Committee pursuant to Article 7 Section 4 Clause 3;
 6. the wording of main criteria for age evaluation pursuant to Article 2 Section 5 and
 7. specialist advice to the USK in respect of the socio-political acceptance and transparency of its activities.

(2) The Advisory Council comprises the following members:

1. two representatives of the computer games industry;
2. two representatives of the Supreme Youth Protection Authorities of the Federal States;
3. one representative of the Supreme Federal Youth Protection Authorities;
4. two representatives of independent providers of children's and young people's social services;
5. one representative of the Federal Review Board for Media Harmful to Minors (BPjM);
6. two representatives of the churches and of other religious communities which are incorporated bodies under public law;
7. one media education representative;
8. one youth protection expert representative;
9. one representative of the Commission for the Protection of Minors in the Media (KJM)
10. one legal expert and
11. one USK.online member representative.

(3) The Supreme Youth Protection Authorities of the Federal States appoint the members of the Advisory Council in conjunction with the industry associations organised within the USK on the basis of a proposal made by the authorities or organisations stated in Section 4 above. Appointment is for a period of three years. At least one deputy shall be appointed for each member. Reappointment is permitted.

(4) The right to make proposals pursuant to Section 3 above is accorded to the following authorities or organisations:

1. in the case of Section 2 Clause 1 the associations of the computer games industry organised within the USK;
2. in the case of Section 2 Clause 2 the Supreme Youth Protection Authorities of the Federal States;
3. in the case of Section 2 Clause 3 the Supreme Federal Youth Protection Authorities;
4. in the case of Section 2 Clause 4 the Federal Association for the Protection of Children and Young People (BAJ) and the Child and Youth Welfare Association (AGJ);
5. in the case of Section 2 Clause 5 the Federal Review Board for Media Harmful to Minors;
6. in the case of Section 2 Clause 6 upon request from the Protestant Church of Germany, the German Bishops Conference and the Central Council of Jews in Germany;
7. in the case of Section 2 Clause 7 the Association of Media Education and Communication Culture (GMK);
8. in the case of Section 2 Clause 8 the youth protection experts appointed pursuant to Article 5 who determine their representative via an election;
9. in the case of Section 2 Clause 9 the Commission for the Protection of Minors in the Media (KJM)
10. in the case of Section 2 Clause 10 the Supreme Youth Protection Authorities of the Federal States and the associations representing the computer games industry in Germany organised within the USK and

11. in the case of Section 2 Clause 11 the USK.online member representative by election.

In the event that the authorities or organisations stated in Clause 1 above submit more than one proposal, participation in the Advisory Council shall be decided by drawing lots.

- (5) The Advisory Council shall meet at least once per calendar year. It is quorate if at least two thirds of its appointed members are present at the meeting. Resolutions of the Advisory Council do not require the necessary quorum to be in attendance in one place at the same time and may also be passed by using electronic transmission routes. Each member may transfer his or her voting right to another member. Notwithstanding this, the transfer of more than one voting right to another member is not permitted. The Advisory Council makes its decisions via a majority of three quarters of the members taking part in the vote. The executive management of the USK and the Permanent Representatives of the Supreme Youth Protection Authorities of the Federal States may participate in the meetings of the Advisory Council. They are not, however, entitled to vote.
- (6) Decisions of the Advisory Council which have economic implications for the USK require the agreement of the associations organised within the USK.
- (7) For the purpose of executing its tasks, the Advisory Council may form committees, set up working groups and deploy external expertise.
- (8) The Advisory Council shall elect a chairperson and a deputy chair from amongst its members. The USK shall support the chairperson in the fulfilment of his or her responsibilities. The Advisory Council shall establish their rules of procedure.

Article 4 Permanent Representatives

The Supreme Youth Protection Authorities of the Federal States shall, in conjunction with the associations of the German computer game industry organised within the USK and on the basis of an Agreement of the Supreme Youth Protection Authorities



concluded within the meaning of Article 14 Section 6 of the German Children and Young Persons Protection Act (JuSchG), appoint Permanent Representatives of the Supreme Youth Protection Authorities for the purpose of involvement in all issues relating to youth protection and for the purpose of classification and age rating of image media. Said Permanent Representatives of the Supreme Youth Protection Authorities are hereinafter referred to as “Permanent Representatives”.

Article 5 Youth protection experts

- (1) Classification shall be conducted by independent youth protection experts insofar as stipulated by the present General Policy Statement.
- (2) The Advisory Council shall appoint said youth protection experts on the basis of a joint proposal made by the Supreme Youth Protection Authorities of the Federal States in conjunction with the associations of the German computer game industry associations organised within the USK. The appointment is valid for a period of three years. Reappointment is permitted. The appointment of youth protection experts may be revoked by the Advisory Council in the event that said youth protection experts are in breach of the provisions contained within the present General Policy Statement.
- (3) Youth protection experts are to be selected on the basis of the prerequisite that they are in possession of occupational experience and training that ensures that age recommendations are made on the basis of specialist knowledge and good judgement. Youth protection experts should be experienced in dealing with children and young people and should have comprehensive media competence. Youth protection experts may not be employed by a commercial company operating within the computer and video games industry.
- (4) The role of youth protection experts is voluntary and unpaid. They shall receive expense allowances as stipulated by the legal entity of the USK.
- (5) The youth protection experts shall commit to active involvement in quality assurance within the scope of the tasks performed by the USK. This shall be



achieved with the assistance of verbal consultations taking place between youth protection experts, their own written classification rulings and the special continuing training measures held by the USK.

- (6) The youth protection experts shall elect a spokesperson and a deputy spokesperson.

Article 6 USK game testers

- (1) Staff working within the Test Division at the USK, hereinafter referred to as “testers” or “game testers”, assess the game forming the object of classification in terms of technology and content, present the game forming the object of classification to the Classification Committee, or in the case of Article 16 to the Permanent Representatives, provide an overall summary of the game and present all contents relevant to youth protection without themselves making an evaluation.
- (2) The Advisory Council appoints the testers on the basis of a proposal made by the executive management of the USK. The appointment of game testers may be revoked by the Advisory Council in the event that said testers are in breach of the provisions contained within the present General Policy Statement.
- (3) The USK game testers are to be selected on the basis of the prerequisite that they are in possession of the necessary professional competence and personal maturity that guarantees the required level of reliability for the game presentations to be prepared and conducted. They may not be employed by a commercial company operating within the computer and video games industry. Within the scope of the work they perform for the USK, testers are obliged to maintain secrecy towards third parties.
- (4) Game testers shall receive a comprehensive set of internal rules and special instruction from the USK in all aspects of classification arising from the present General Policy Statement. In addition to this, USK testers shall not be bound by any instructions regarding the preparation and structuring of game presentations.

B. Classification Committees

Article 7 Establishment and composition of the committees

- (1) For examination with regard to preparation of classification and age rating of computer and video games by the Supreme Youth Protection Authorities of the Federal States within the meaning of Article 1 Section 1 above, Classification Committees exist at the USK for the standard procedure pursuant to Article 13 below, for the appeals procedure pursuant to Article 14 below, for the appellate (second appeal) procedure pursuant to Article 15 below and for stipulations regarding special procedures pursuant to Article 16 below.
- (2) Examination within the standard procedure takes place via four youth protection experts and the Permanent Representative, who chairs the committee.
- (3) Examination within the appeals procedure takes place via four youth protection experts who were not involved with the examination during the standard procedure and via a chairperson appointed by the Advisory Council on the basis of a proposal by the Supreme Youth Protection Authorities of the Federal States. The Permanent Representative takes part in the examination without voting rights.
- (4) Examination within the appellate (second appeal) procedure takes place via a Classification Committee comprising seven members (Appellate Committee). This committee consists of:
 1. the chairperson of the Appellate Committee;
 2. four members appointed by the Supreme Youth Protection Authorities of the Federal States and
 3. two youth protection experts not thus far involved with the examination case.

The chairperson of the Appellate Committee is appointed by the Advisory Council on the basis of a proposal made by the associations organised within the USK.

He or she should be qualified to serve as a judge or as a senior civil service administrator. He or she may not have been involved in the examination case thus far. Members may not be appointed by the Supreme Youth Protection Authority instigating the appeal. The Permanent Representative and a representative appointed by one of the associations organised within the USK take part in the presentation and consultations.

Article 8 Convocation and adoption of resolutions

- (1) The USK is responsible for the convocation and composition of the Classification Committees. In the interests of the youth protection experts, the USK should draw up a plan of deployment for a period of at least six months in advance.
- (2) Within the scope of statutory regulations and the provisions contained within the present General Policy Statement, the members of the Classification Committees are independent in respect of the activities they perform and are not bound by instruction. Consultations and the adoption of resolutions in the committees are confidential.
- (3) The Classification Committees are only quorate in the compositions stipulated in Article 7 above. In the event that a youth protection expert is prevented from attending a planned committee at short notice, the Classification Committee shall be supplemented by engaging the services of a youth protection expert within reach.
- (4) The chairperson chairs the examination meeting (Article 10 Section 3), formulates the questions on which agreement needs to be reached and determines the order in which issues will be addressed. Classification Committees make decisions on the basis of a majority of votes cast. Abstentions are not permitted. The chairperson shall note the result of the vote.

Article 9 Prejudice

- (1) If a member of a Classification Committee is refused by a party to the procedure because of assumption of prejudice, if a member believes him or herself to be prejudiced or if any other doubts arise as to whether a member can be involved in the examination, the respective Classification Committee shall make a decision in this regard without the presence of the member thus affected. If votes cast are equal, the chairperson shall have a casting vote.
- (2) Refusal must be declared and reasons given at the start of the meeting of the Classification Committee. After this point, a member may only be refused if the circumstances forming the basis of the refusal do not occur until later or do not become known to the party entitled to express refusal until later and if refusal is then asserted without delay.
- (3) There is no recourse to appeal against a decision taken by the Classification Committee that a refusal is justified.
- (4) If a member leaves a committee for one of the reasons stated in Section 1 above, Article 8 Section 3 Clause 3 shall apply accordingly.

C. Classification procedures and legal redress

Article 10 General procedural rules

- (1) The classification process commences with the submission by the applicant of a relevant classification application and all materials required for a proper procedure. The application form designated for the purpose by the USK in agreement with the Permanent Representative shall be used. In appending his or her signature to the classification application, the applicant signifies his or her binding acceptance of the classification conditions and obligations listed in the application and of the present General Policy Statement. He or she similarly



commits to pay the costs of classification in accordance with the cost schedule of the USK.

- (2) In the event that submission of required materials is incomplete, the USK or the Classification Committee may delay the application until such time as all documentation has been received or refuse the classification application. The Permanent Representative may impose conditions on the applicant regarding the subsequent submission of documentation. The deadline stated in Section 9 below commences once the USK has confirmed all classification documentation has been submitted.
- (3) The examination procedure comprises presentation, consultation and adoption of a resolution. It is not public. Persons intended as future classifiers, members of the Advisory Council, future games testers and the Permanent Representatives of the Supreme Youth Protection Authorities of the Federal States may attend presentation and consultation proceedings as guests on an individual case basis as decided by the chairperson for the purpose of induction into the classification procedure. A representative of the USK may be present for presentation and consultation proceedings.
- (4) The presentation comprises the announcement of technical data, of the applications submitted and of other circumstances essential for the classification process including previous classification processes by a representative of the USK, the presentation of the game by a tester and explanatory remarks made by the applicant or other persons entitled to make representations in accordance with the provisions of the present General Policy Statement.
- (5) The consultation proceedings are attended by the members of the Classification Committee, the USK game tester and, in accordance with the special regulation contained within Article 7 Section 4 above, the Permanent Representative and a representative of the associations organised within the USK. The Classification Committee may decide at any time that consultation proceedings take place in the absence of those present who are not entitled to vote.

(6) The proceedings with regard to the adoption of a resolution are attended by the members of the Classification Committee and, in accordance with the special regulation contained within Article 7 Section 3, the Permanent Representative. The Classification Committee is not bound by any application for a certain categorisation. Insofar as the present General Policy Statement does not dictate otherwise, the Classification Committee may make the following classification decisions.

1. Recommendation for “Approved without age restriction”
2. Recommendation for “Approved for children aged 6 and above”
3. Recommendation for “Approved for children aged 12 and above”
4. Recommendation for “Approved for children aged 16 and above”
5. Recommendation for “Not approved for young persons aged under 18”
6. Recommendation not to issue an age rating symbol (expectation of liability to harm young persons) or
7. Recommendation to obtain an official expert opinion from the Federal Review Board for Media Harmful to Minors (BPjM) for the purpose of excluding any possible damaging effect for young people (case of doubt pursuant to Article 14 Section 4 Clause 3 of the German Children and Young Persons Protection Act (JuSchG)).

(7) In cases described in Section 6 Clause 3 (1) to (5) above and based on a proposal made by the Permanent Representative, the Classification Committee may both within the standard procedure (Article 13) and in procedures pursuant to Article 16 Section 1 Clause 3, Section 2 and Section 3 make recommendations contingent on the fulfilment of conditions. If conditions are attached to classification decisions made, the classification result which should apply in the event that the applicant fails to meet conditions imposed should also be ascertained. In the event that change conditions are accepted by the applicant,



the classification decision shall not become effective until such time as the applicant has submitted the amended version and provided a written assurance that the changes imposed are contained within the version of the game intended for publication in Germany and that the Permanent Representative has confirmed that the changes made are compliant. Any declaration by the applicant that he or she does not accept the change conditions is irrevocable. The classification decision shall then become effective in the form determined for that case.

- (8) Immediately following the conclusion of the examination procedure, the applicant shall be notified of the result of the classification and of the intended age categorisation to be awarded by the Permanent Representative once the classification decision has taken effect (Article 21 Section 2).
- (9) The USK shall guarantee that a classification shall be conducted within a maximum period of twenty working days. The applicant may apply for a fast-track procedure. In such a case, classification shall take place within twelve working days. The applicant may apply for an ad hoc procedure. In such a case, classification shall take place within five working days.
- (10) In the event that the Classification Committee issues a recommendation to obtain an official expert opinion from the Federal Review Board for Media Harmful to Minors (BPjM) for the purpose of excluding any possible damaging effect for young people (case of doubt pursuant to Article 14 Section 4 Clause 3 of the German Children and Young Persons Protection Act (JuSchG)), the Permanent Representative shall, with the agreement of the applicant, obtain such an official expert opinion from the Federal Review Board for Media Harmful to Minors (BPjM). In the event that the applicant refuses to give agreement in this regard, the classification procedure shall be terminated without result.

Article 11 Object of classification

- (1) The objects of examination are the materials stated in Article 10 Section 1 insofar as such materials are intended for publication in the Federal Republic of Germany. The contents of one image medium may consist of several individual



titles (games collection) or may include additional software as well as the main title. To the extent that an image medium contains more than one version of a game capable of classification, the applicant must declare beyond doubt which version is to be the object of classification. The applicant must further ensure that versions not intended for publication are not accessible.

- (2) The object of classification must be versions which are intended for publication. Should the test procedure result in indications of incompleteness of the version, Article 10 Section 2 Clause 2 shall apply accordingly.
- (3) All materials which have formed the object of classification shall remain with the USK for the purpose of documentation of the classification. Documentation or parts of documentation may be destroyed two years after the classification with the agreement of the Permanent Representative. Physical media that can be destroyed after procedural deadlines have elapsed is exempted by this.
- (4) When the object of classification is published in Germany, the USK shall be sent a copy of the sales version immediately.

Article 12 Confidentiality

- (1) The members of the Classification Committees and all further persons participating in the classification process in accordance with the provisions set out within the present General Policy Statement shall be obliged to maintain secrecy in respect of the object of examination, the contents of consultations and the number and proportion of votes cast.
- (2) Members of the Classification Committees and game testers of the USK shall submit a written non-disclosure agreement when appointed. The chairperson of the Classification Committee shall notify such persons taking part of their duty of secrecy in accordance with the provisions set out within the present General Policy Statement.

Article 13 Standard procedure

- (1) If the classification application indicates that the applicant wishes examination and classification pursuant to Article 14 Section 2 of the German Children and Young Persons Protection Act (JuSchG) and if the prerequisites of Article 16 do not apply, the standard procedure shall take place.
- (2) The applicant has the right to make representations during the presentation (Article 10 Section 4).
- (3) Insofar as no appeals procedure is instigated (Article 14), the classification decision shall become effective on completion of the standard procedure.
- (4) The classification decision shall become effective as soon as the applicant waives his or her right to legal remedy in writing.

Article 14 Appeals procedure

- (1) The applicant and the Permanent Representative may appeal against a decision taken within the standard procedure on the basis of the classification criteria or because of a breach of the provisions contained within the present General Policy Statement.
- (2). An appeal from the Permanent Representative must be submitted in writing to the applicant within three working days of notification of the classification result. The written reason for the appeal must be received by the Head Office of the USK within three working days of the submission of the appeal. Applicants may submit a written appeal within a deadline of ten working days after notification of the classification result. Reasons for the appeal must be stated. The USK shall notify the members of the committee of the reason for the appeal and of the classification ruling taken in the standard procedure if applicable at least three working days before the meeting. The same notification shall be sent to the applicant and the Permanent representative providing information on the date and time of the meeting.

- (3) The applicant and the Permanent Representative have the right to make representations during the presentation (Article 10 Section 4).
- (4) Those involved may also present different arguments to those expressed in the previous procedure.
- (5) If the appeal is submitted by the applicant, the decision forming the object of the appeal may not be amended to his or her disadvantage.
- (6) The classification decision forming the object of the appeal shall be deemed to be suspended until such time as the appeal is decided.
- (7) The appeals procedure shall be concluded within ten working days of submission of the appeal. The Permanent Representative of the Supreme Youth Protection Authorities of the Federal States shall inform the USK of the result of the appeals procedure no later than the working day following the day of examination while the USK shall similarly inform the associations organised within the USK and the applicant.

Article 15 Appellate (second appeal) procedure

- (1) Any Supreme Youth Protection Authority and the associations organised within the USK may, with the agreement of the applicant, request a further examination process following the end of the appeals procedure.
- (2) Those entitled to submit such a second appeal must inform the USK in writing within five working days after notification of the result of the appeals procedure (Article 14 Section 6) if they are considering to submit a second appeal (notice of intention to submit a second appeal).
- (3) Notification to the USK of intention to submit a second appeal by an entitled party shall have a suspensive effect on the effectiveness of the classification decision. The USK shall send the party entitled to submit such a second appeal the classification ruling from the standard procedure and from the Appeals Committee and the report of the tester and shall facilitate to the party inspection of all



classification documentation at the premises of the USK within a maximum of ten working days. A second appeal may only be submitted within five working days of inspection of documentation and must be substantiated. Reasons for the second appeal shall be given in writing and precise information shall be provided as to which age categorisation is requested. The classification decision shall become effective if deadlines expire without the submission of an appeal.

(4) The applicant has the right to make a statement and representations during the presentation. At the request of the members of the Appellate Committee, the Permanent Representative and a representative of the associations organised within the USK may make representations during the presentation (Article 10 Section 4).

(5) The procedure shall be concluded no more than ten working days after the day of the submission of the second appeal.

(6) A further appeal is no longer possible once the Appellate Procedure has been decided or deadlines have expired.

Article 16 Special procedures

(1) The following special procedures are being undertaken by the Permanent Representative and a USK tester and apply in the cases of:

1. a check to ascertain whether content is either completely or essentially identical to the content of an object of classification which has already been rated (ascertaining identity following conversion on another operating system/hardware platform or identical content of a demo compared to the version of a game);
2. a check to ascertain whether an object of classification forms part of an object of classification which has already been rated (ascertaining product expansion for add-ons, stand-alone versions) so that the age categorisation already issued for the other object of classification can be confirmed;

3. a check to ascertain whether an object of classification is a collection of games the individual titles of which have already been fully classified by the Classification Committees of the USK or
4. a check to ascertain whether an object of classification already corresponds to titles classified with regard to game content, form of presentation and relevance to youth protection (maximum age categorisation: “approved for children aged 6 and above”).

If such aspects cannot be ascertained, the object of classification is assigned to the standard classification procedure (Article 13). The USK shall notify the applicant in this regard.

- (2) Extracts from games and/or full versions already classified and/or non-playable sequences where the aim is distribute via periodicals (special procedure for magazine discs) are examined by the Permanent Representative and a USK tester.
- (3) Non-playable sequences of a computer or console game used for such purposes as public presentation (special procedure for trailers) are examined by the Permanent Representative and a USK tester.
- (4) A check to ascertain whether the content of an object of classification is either completely or essentially identical to the content of an image medium which has been placed on the “List of youth-endangering Media” pursuant to Article 18 of the German Children and Young Persons Protection Act (JuSchG) by the Federal Review Board for Media Harmful to Minors (BPjM) is conducted by the Permanent Representative and a USK tester. In cases of doubt, an official expert opinion from the BPjM shall be obtained with the prior agreement of the applicant. In the event that the BPjM concludes that such content is not either completely or essentially identical, a standard procedure pursuant to Article 13 shall be instigated immediately. In the event that the BPjM ascertains that the content is either completely or essentially identical to the content of an image medium which has been placed on the “List of youth-endangering Media”, no age rating shall be



awarded. In the event that the applicant refuses to give his or her agreement for the matter to be passed onto the BPjM, the classification procedure shall be terminated without result.

- (5) Consultations with providers in conjunction with publisher rating within the meaning of Article 14 Section 7 German Children and Young Persons Protection Act (JuSchG) are conducted by the USK without the involvement of the Permanent Representative.

Article 17 Form and deadlines

- (1) Insofar as the present General Policy Statement prescribes the use of the written form, such a requirement of the written form shall be deemed to have been fulfilled if the USK issues declarations of intention to entitled parties via electronic means of transmission, in particular by fax or e-mail, and said parties receive such communications.
- (2) Insofar as nothing to the contrary is stipulated, the deadlines regulated by the present General Policy Statement shall commence on the first working day following the sending of relevant information by electronic transmission and on the third day following dispatch of such information by post. In the case of failure to meet a deadline, Article 32 of the German Administrative Procedures Act (VwVfG) shall apply accordingly.

Article 18 Costs

Costs of the activities of the USK shall be determined by the provisions contained within the cost schedule of the USK (KsO).

D. Examination of games

Article 19 Examination of games as suitable for children and young people

(1) The USK checks programmed games image media to determine whether the prerequisite for classification and age rating pursuant to Article 14 of the German Children and Young Persons Protection Act (JuSchG) has been fulfilled and to which age group games may be made accessible.

(2) The following is ascertained in respect of the interpretation of the above legal regulations.

1. Impairments are understood to refer to inhibitions, disturbances or damage.
2. All impairments need to be accorded due consideration in conjunction with the overall effect of the game. Impairments may arise as the result of the content of the image medium or as a result of its details.
3. The development of children and young people or their progress to becoming an autonomous and integrated member of society may particularly be impaired by the content of games which occasion nervous strain, which overexcite the imagination, which inhibit character, moral (including religious) and mental development, which cause disturbance or damage or which exert a disorienting effect in social ethics terms.
4. A game may only be passed as suitable for an age group if it cannot impair the development or progress of any cohort within said age group. This process is aligned towards those aged under 18 who are particularly susceptible to endangerment rather than to the average child or young person. Extreme cases are excluded.

(3) The following games are to be categorized as obviously and severely harmful to minors and are not to be classified (Article 14 Section 3 JuSchG).

1. Games which have contents designated in Article 86, Article 130, Article 130a, Article 131, Article 184, Article 184a, Article 184 b or Article 184c of German Criminal Code.
2. Games which glorify war.
3. Games which feature humans or human-like figures which die or are or have been exposed to serious physical or mental suffering, which portray injury to human dignity and which represent an actual event without a predominantly justified interest that such an event should be portrayed in just such a way.
4. Games which feature particularly realistic, cruel or horrific portrayals of autotelic violence which dominate the course of the game.
5. Games which present children in unnatural, sexually emphasized postures.
6. Games which are obviously likely to cause serious endangerment of the development of children and young people or their progress to becoming an autonomous and integrated member of society.

This category also includes image media containing games or parts of games which have been placed on the “List of youth-endangering Media” pursuant to the German Children and Young Persons Protection Act (JuSchG).

- (4) The same also applies to games the content of which is essentially identical to the content of games placed on the “List of youth-endangering Media” or which fulfil the criteria for inclusion on this list (Article 14 Section 4 German Children and Young Persons Protection Act (JuSchG)).

Article 20 Classification rulings

- (1) The result of the Classification Committees is recorded in a classification ruling. The classification ruling must contain all data and information relating to the object of classification relevant to the decision-making process of the respective classification procedure and must in particular include a description of main

contents and the relevant reasons for the age rating recommended. If conditions are imposed, these must be described precisely in order for this information to serve as a basis for a compliance check.

- (2) Classification rulings are drawn up by a member of the Classification Committee. They are authorised by the chairperson and signed by the Permanent Representative. Classification rulings are sent to the applicant once signed. The Permanent Representative may make reference to the expertise of the USK in order to ensure a uniform quality standard.
- (3) A classification ruling shall be made accessible to the applicant and to the Supreme Youth Protection Authorities of the Federal States with a deadline of no more than six weeks following classification. This deadline is shortened to five days insofar as one of the entitled parties submits an appeal against the respective Classification Committee in accordance with the present General Policy Statement or if a case arises of a classification decision to which conditions are attached pursuant to Article 10 Section 7 above.
- (4) Classification rulings are not published. They are made available to the Supreme Youth Protection Authorities of the Federal States, the youth protection experts and the Advisory Council. They may only be used for internal purposes. Classification rulings are only passed on to third parties by the USK in exceptional circumstances once a title has been published and only in agreement with the Permanent Representatives. Classification rulings are only made available for research purposes.

Article 21 Adoption of classification votes by the Federal States

- (1) Pursuant to Article 14 of the German Children and Young Persons Protection Act (JuSchG), the Supreme Youth Protection Authorities of the Federal States are responsible for decisions regarding the classification and age rating of image media programmed with games which are to be made publicly available to children and young people. In accordance with the agreement reached by the

Federal States regarding the classification and age rating of games, they avail themselves of the classification processes provided by the Classification Committees of the USK in the USK's capacity as an expert body.

- (2) The classification decisions reached by the committees are adopted by the Permanent Representatives as decisions made by the Supreme Youth Protection Authorities of the Federal States once such classification decisions become effective.

Article 22 Foreign language games

- (1) Foreign language games which are to be passed as suitable for children and young people are to be presented in the form in which they are intended to be published in the Federal Republic of Germany. German language subtitles or written translations available at the time when classification takes place can be accepted as a German language version of the game. The same applies in respect of elements pursuant to Article 10 Section 2 Clauses 3 and 4.
- (2) In the event that the German language version intended for publication is not yet available at the time the classification takes place, the Classification Committee may accept foreign language versions as long as aspects of youth protection are obviously not affected. If there are indications of a higher degree of youth protection relevance with regard to the publication, the Permanent Representative shall require the applicant to make the German language version subsequently available by imposing a condition pursuant to Article 10 Section 2 Clause 3.

Article 23 Publication of the classification results

- (1) For the purpose of information and education, the USK is, having accorded due consideration to any contrary regulations, generally entitled to publish the following information on the title in the classification database at www.usk.de once classification has taken place.

- Name of the title
- USK registration number
- Applicant
- Operating system/platform
- Language version
- Date of classification
- Age rating/classification result pursuant to the German Children and Young Persons Protection Act (JuSchG)
- Genre

(2) Every classification result is generally published in the classification database at www.usk.de. The applicant may indicate on the application form that he or she requires the USK to treat the matter and result of the classification confidentially until such a requirement is revoked. Duty to maintain secrecy ends for the USK no later than when the object of classification is published on the German market.

E. Entry into force

Article 24 Implementation and procedural regulations

- (1) Details and forms relating to the above provisions may be governed by implementation and procedural regulations introduced by the USK executive management in agreement with the Permanent Representative.
- (2) USK executive management and the managing body of the Permanent Representatives of the Supreme Youth Protection Authorities of the Federal States are authorised to agree different procedural and classification policies within the scope of temporary pilot projects. Once such pilot projects have

expired, USK executive management shall act in agreement with the Permanent Representatives of the Supreme Youth Protection Authorities in notifying the Advisory Council of results and in submitting proposals to the Advisory Council for the amendment of the present General Policy Statement as appropriate.

Article 25 Entry into force

The present version of the General Policy Statement enters into force on January 1, 2017.