



Response to the call for evidence on the revision of State aid approval requirement rules (the General Block Exemption Regulation)

1. Video Games Europe welcomes the opportunity to respond to the call for evidence on the revision of State aid approval requirement rules (the General Block Exemption Regulation). We highly support the Commission's aim to simplify the rules by removing overly complicated conditions and including additional types of subsidies.
2. The General Block Exemption Regulation (GBER) is a key instrument to simplify State aid and reduce notification requirements. It allows Member States to provide support quickly and with less bureaucracy. In the context of the EU's Competitiveness compass, a revised and simplified GBER is needed to better serve the EU economy.
3. We ask the Commission to **explicitly include the video games sector in the framework of the GBER**. Video games combine cultural creation and technological innovation, directly promoting Europe's growth in these areas. The current exclusion of the video games sector from GBER has resulted in legal uncertainty among Member States. Explicit coverage in the GBER would give national authorities the clarity to design support schemes and enable this important sector to fully contribute to European competitiveness, innovation, and culture.
4. The video games industry contributes significantly to the EU economy. This is evidenced by the numbers in the 2024 'Key Facts' about Europe's video games sector, prepared by Video Games Europe (VGE) and the European Games Developer Federation (EGDF), showing that the **revenue** generated by the video games industry in 2024 was **€26.8 billion**. In addition, the video games industry **employs 116 419 people** throughout Europe. The importance of the video games industry is also highlighted in the Horizon Europe Work Programme 2023-2025: "The video game industry has shown exceptional growth and a fast-paced evolution since its inception in the 1970's. In 2019, the size of the European Union video game market was over EUR 20 billion, a growth of 55% compared to 2014."¹
5. This request for inclusion of the video games sector into GBER has also the backing of the **Council, having previously supported revising the GBER to provide stronger support for the video games industry**. More specifically, the Council conclusions on enhancing the cultural and creative dimension of the European video games sector (2023), invited the European Commission to "[s]upport and stimulate the competitiveness and independence of European videogames sector companies, in particular SMEs, through a review of the application of state aid rules, in particular,

¹ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/wp-call/2023-2024/wp-5-culture-creativity-and-inclusive-society_horizon-2023-2024_en.pdf, p. 72.



where appropriate, within the framework of a revision of the General Block Exemption Regulation, and through appropriate European programs and funds.”²

6. Including the video games sector into the GBER **will ensure Europe remains a desired destination for video games companies**, allowing this sector to develop new technologies in Europe and to compete globally. Many countries outside of Europe attract and develop investment in this sector by offering generous tax incentives that target games and other digital media companies.
7. Therefore, we kindly ask the Commission to address the current gap in the GBER by:
 - Including video games as a **separate aid category within Section 11**.
 - If including a separate aid category within Section 11 is not feasible, explicitly adding video games under the existing provisions of Article 54.
 - Clarifying that video games are also **eligible for aid under Section 4 on research, development and innovation**, in particular under Article 25 on experimental development.
 - In parallel, issuing **dedicated guidelines** for the video games sector (comparable to the Cinema Communication) with a specific focus on how State Aid rules, and particularly the GBER, should be applied to video games.
8. The following sections outline the reasoning and evidence behind the requests listed above. In summary, the sections below will cover:
 - The necessity of including video games under the GBER (Section A);
 - Overview of the Commission’s relevant decisional practice (Section B);
 - Examples of successful national aid schemes (Section C);
 - The importance of recognising video games as a unique sector combining culture and technology (Section D);
 - The clear contribution of video games to European cultural production (Section E);
 - The role of video games in promoting technological innovation (Section F);
 - The recognition of research and development in video games (Section G); and
 - The need for dedicated guidelines for the video games sector, comparable to the Cinema Communication (Section H).

A) Video games should be included in the GBER

9. At present, the video games industry is de facto excluded from the scope of the GBER.
10. We call on the Commission to establish a new aid category, within the scope of the Enabling Regulation, and which should be added under GBER aid for the **development, production, distribution and promotion of video games** as cultural products.

² <https://data.consilium.europa.eu/doc/document/ST-15901-2023-INIT/en/pdf>, para 24.



11. More specifically, we propose that the aid scheme for video games under the GBER may take the following form:
 - (a) aid to the development and production of video games, including prototyping, iterative creation and post-launch development activities where these involve significant innovation or content creation (e.g. live phases, expansions, updates);
 - (b) aid to the distribution and promotion of video games, including digital platforms and marketing activities;
 - (d) aid to skills and talent development for professionals in the video games sector;
 - (e) aid to audience-building, to strengthen diversity, inclusion, and participation;
 - (f) aid to access measures development, ensuring that video games are available to a wide range of audiences;
 - (g) aid for artistic research and experimentation (e.g. projects exploring new forms of interactive storytelling or integration with other art forms).
12. Article 1(1)(a)(v) of the Enabling Regulation enables the Commission to block exempt aid in favour of culture and heritage conservation. So far, this has been used to block exempt one particular kind of cultural products/services, namely audiovisual works (through the specific provision of Article 54 of the GBER). While Article 54 GBER provides a specific aid scheme for audiovisual works, there are no similar provisions to support the video game sector. Also, Article 53 GBER in its existing form on aid for culture and heritage conservation is interpreted narrowly, excluding video games from the scope (by Recital 72).
13. While it can be explained why only audiovisual works had been included into the GBER when it was drafted and then adopted in 2014 (as it could be argued that film and TV were still the main media at that time), since then, the factual situation has changed. Today, **video games have developed into one of the most important creative sectors** both from an economic and cultural dimension.
14. The 2024 Key Facts about Europe's video games sector reflect **that 54% of Europe's population (aged 6-64) play video games**, constituting of **128.3 million players**. 75% of the playing population plays at least one hour per week, and the average play time per week was 9.4 hours.³ These figures demonstrate that video games are a central cultural and entertainment phenomenon in Europe.
15. Despite being one of the most successful creative sectors in Europe, public financing incentives are important, in particular for smaller studios but also for the whole ecosystem, as these help to support the continued growth of the sector, focusing on innovation and entrepreneurship.
16. Support for the video game industry is especially crucial for SME developers. As recognised by the Council conclusions on enhancing the cultural and creative dimension of the European video games sector (2023): *"The independence and the sustainability of European video game industry,*

³ <https://www.videogameseurope.eu/wp-content/uploads/2025/08/VGE-2024-KF-2024.pdf>, pp. 8-10.



*that consists mainly of small and micro enterprises and that is facing strong international competition as well as dealing with the challenge of retaining talent, is relying on the capacity of the European enterprises to remain free to be able to make their own artistic and strategic choices”.*⁴

17. There is also decisional practice in this area: **the Commission has approved several State aid measures for video games** under Article 107(3)(d) TFEU on “aid to promote culture and heritage conservation” (see below in section B). By including this aid category into the GBER, the administrative burden related to these approval procedures would be reduced.
18. Such inclusion could best be done by creating a **new specific category of aid under Section 11 of the GBER**; for example, by a new Article 54a for “aid schemes for video games” to support the development, production, distribution and promotion of video games. The reason for this is that video games constitute a unique sector (separate from audiovisual), as set out in detail in section D below.
19. If the introduction of a specific category should not be possible, as a minimum, video games should be included into the existing exemption of Article 54. However, an own specific provision is clearly preferable, as video games are distinct from audiovisual works (both from a legal and an economic perspective).

B) The Commission has sufficient decisional practice to build on

20. The European Commission has built up a solid body of decision practice on State aid schemes for video games under Article 107(3)(d) TFEU. Beginning with the pioneering French tax credit in 2007 and followed by the UK relief in 2013, the Commission has since consistently recognised the cultural value of video games in Belgium, Denmark, Germany, Ireland, and Italy. Importantly, the number of such schemes introduced by Member States and approved by the Commission have generally increased over time, reflecting a broader recognition of the importance and benefits of supporting the video games industry.
21. Below is an overview of such Commission decisions:
 - SA.55046 – Belgium - Soutien aux jeux vidéo culturels, artistiques et éducatifs (Wallimage), decision of 24 January 2020;
 - SA.101526 (2022/N) – Belgium -VAF Gamefonds, decision of 28 April 2022;
 - SA.54817 (2020/C) (ex 2019/N) – Belgium – Tax shelter aid scheme for videogame production, decision of 25 July 2022;
 - SA.45735 – Denmark - Scheme for the development, production and promotion of cultural and educational digital games, decision of 12 May 2017;

⁴ <https://data.consilium.europa.eu/doc/document/ST-15901-2023-INIT/en/pdf>, para 6.



- SA.109683 (2023/N) – Denmark Prolongation of scheme for the development, production and promotion of cultural and educational digital games, decision of 19 December 2023;
- C 47/2006 (ex N 648/2005) – France - crédit d'impôt en faveur de la création de jeux vidéo, decision of 11 December 2007;
- SA.47892 (2017/N) - Crédit d'impôt en faveur de la création de jeux vidéo – France, decision of 5 May 2017;
- SA.50512 (2018/N) - Fonds d'aides aux jeux vidéo - volets écriture, création de propriétés intellectuelles et opérations à caractère collectif – France, decision of 21 August 2018;
- SA.58838 (2020/N) - Crédit d'impôt en faveur de la création de jeux vidéo - France, decision of 3 November 2020;
- SA.60845 (2021/N) Fonds d'aides sélectives à la création de jeux vidéo - France, decision of 29 April 2021;
- SA.103066 (2022/N) FR Crédit d'impôt jeux vidéo – modifications et prolongation, decision of 29 July 2022;
- SA.115028 (2024/N) – France Fonds d'aides sélectives à la création de jeux vidéo - Prolongation de l'aide d'État SA.60845 (2021/N), decision of 13 September 2024;
- SA.64615 (2021/NN) – Germany - Prolongation of the Bavarian games support measure SA.46572, decision of 23 September 2021;
- SA.100581 (2021/N) Amendment and prolongation of the Bavarian games support measure SA.46572 (2017/N), decision of 7 January 2022;
- SA.101124 (2022/N) – Germany - Berlin-Brandenburg video games support measure, decision of 14 June 2022;
- SA.110639 (2023/N) – Germany Reintroduction of the North Rhine-Westphalian digital games support scheme;
- SA.114290 (2024/N) – Germany Promotion of digital games and interactive media content in central Germany, decision of 10 October 2024;
- SA.116220 (2024/N) – Germany - Video games support by the federal government, decision of 13 December 2024;
- SA.102047 (2022/N) – Ireland - Tax credit for digital games, decision of 27 September 2022;
- SA.63373 (2021/N) – Italy - Tax credit for the production of video games of 'Italian nationality' with cultural value, decision of 26 October 2021;
- SA.36139 (2013/C) (ex 2013/N) – United Kingdom – UK video games tax relief, decision to initiate the formal investigation procedure of 16 April 2013;
- SA.36139 (2013/C) (ex 2013/N) – United Kingdom – UK video games tax relief, decision of 27 March 2014

22. The Commission's decisions demonstrate a clear and growing acceptance of video games as cultural works deserving targeted State aid. The steady increase in Member State practice and Commission approvals highlights a shift in recognising the sector's cultural and economic significance, as well as the overall benefits of dedicated support. Therefore, including a dedicated

C) National State Aid Practice: Demonstrating Effectiveness

24. For example, France's Video Game Tax Credit (CIJV), evaluated by the CNC in July 2025, shows that the localisation rate of beneficiary spending in France rose from 63% in 2016-2018 to 77% in 2019-2025, generating an additional €322 million of production expenditure.⁵ The 2022 reform of the eligibility scoring system broadened access to smaller and medium-sized studios, reducing concentration among the biggest titles.⁶ The study confirms that the CIJV is an effective tool for encouraging production spending in France, while maintaining a relatively moderate fiscal cost.

26. Belgium's video games Tax Shelter has quickly become indispensable for the national industry, as reflected in a L'Echo article.¹¹ In the Wallonia-Brussels Federation, it has helped finance 18 games, eleven of which are currently under development. According to sector experts, every euro invested via the Tax Shelter generates about €4 in tax revenues and social contributions. This strong return is linked to the sector being highly labour-intensive and relying on qualified jobs.¹²

¹² *Ibid.*



According to the 2024 Flanders Audiovisual Fund (VAF) Gamefonds (video game support) annual report, 42 VAF-supported games generated €10 million in revenue in 2024, representing a five-fold return on the €2.1 million public budget for that year. The report also records 14 new releases by 12 studios in 2024, including three titles supported by VAF and five by VAF alumni, alongside 11 trial versions and two re-releases on new platforms.¹³ These figures highlight the programme's strong and sustained impact, ensuring both continuity and growth among supported studios.

27. The Italian video game tax credit was introduced in 2021. In the 2021–2024 period, it supported 163 projects from 96 developers, triggering €204 million in investment from €41 million in tax credits.¹⁴
28. The above examples show that existing State aid schemes for video games have been highly effective. They have generated clear economic benefits, including significant job creation in highly skilled roles, while ensuring the creation of valuable cultural products. This underlines why video games should be included in the GBER to make such aid schemes more consistent, and more widely available across the EU.

D) Video games constitute a unique sector

29. Video games are complex, unique works in which the interactive artistic element and the technology both play a role in the success of the game. Consequently, video games cannot be lumped into separate categories of artistic works or technology products, but instead, existing at the intersection of these areas. This hybridity creates systematic difficulties in the legal and policy categorisation of video games, including within the framework of State Aid schemes, such as the GBER.
30. This hybrid nature has been acknowledged by the Council conclusions on enhancing the cultural and creative dimension of the European video games sector (2023): *“Videogames, as a complex creative works with a unique and creative value have a wide value chain in which intellectual property rights and assets play a significant role for increased competitiveness and innovation and which should be protected to ensure talent, creativity, innovation and technological development flourish”*.¹⁵
31. The hybrid nature of video games makes it important to recognise them distinctly within the GBER framework. Their combination of cultural creation and technological innovation sets them apart from other categories.
32. The Commission's Communication on State aid for films and other audiovisual works, otherwise known as the “Cinema Communication” also acknowledges the fundamental differences between

¹³ https://www.vaf.be/files/Jaarverslagen/VAF_2024_jaarverslag.pdf, p.21;

https://www.vlaanderen.be/cjm/sites/default/files/2025-04/Jaarrapport_TaxShelter_2024.pdf pp. 4 & 33-35.

¹⁴ <https://cinema.cultura.gov.it/wp-content/uploads/2025/06/i-numeri-del-cinema-2024versione-digitale.pdf>, p. 87.

¹⁵ <https://data.consilium.europa.eu/doc/document/ST-15901-2023-INIT/en/pdf>, para 9.



the video games and audiovisual sectors. More specifically, it recognizes that video games “*have other characteristics regarding production, distribution, marketing, and consumption than films. Therefore, the rules designed for film production cannot apply automatically to games.*”¹⁶

33. Unlike the audiovisual sector, video games follow an **iterative production cycle based on prototyping, testing, and continuous refinement**, rather than a linear script-to-screen model. Their distribution channels also differ, often relying on digital platforms and app stores that set conditions for access and visibility.
34. Moreover, the **interactive nature** of games makes **audience building** central to their success: players are active participants whose engagement is cultivated over time. This requires sustained investment in community development, as well as particular attention to ensuring that online spaces are comfortable and safe. Because of these differences, aid for video games cannot be neatly added as a sub-category under the existing rules for audiovisual works. This is also why we are asking for the specific forms of aid listed in paragraph 11.
35. The following sections E and F explore further the relevance of the two sides of the hybrid nature of the video games industry, namely the cultural and technological aspects, respectively.

E) Promoting European cultural production

36. Video games are an important part of Europe’s cultural and creative landscape. They are a medium of artistic expression, storytelling, and cultural identity.
37. The Commission has already recognised the cultural value of video games through its decision practice, approving schemes that support a wide range of titles for their contribution to cultural expression, education, and creativity. This demonstrates that video games are clearly recognised as cultural products under Article 107(3)(d) TFEU. However, this recognition should be made explicit in the GBER, so that Member States have clear legal certainty and simplified procedures to promote culture through video games.
38. Video games act as powerful carriers of cultural expression by drawing directly on national heritage and artistic traditions. Some titles explicitly adapt literary works into interactive form, such as *Hidalgo*, which brings to life characters like Don Quixote and preserves classic literature for younger audiences in engaging formats. Others embed local traditions and folklore, such as in *Blasphemous*, which incorporates imagery from Semana Santa (Holy Week) into its narrative and design. Video games also revisit pivotal historical events, as in *Valiant Hearts*, *Kingdom Come Deliverance II*, or *11-11 Memories Retold*, which deal with the First World War, or *Assassin’s Creed Unity*, which immerses players in the French Revolution with Notre-Dame de Paris as a central setting. Games also draw inspiration from visual arts and landscapes, such as *Rime* by Tequila

¹⁶ Communication from the Commission of 15 November 2013 on State aid for films and other audiovisual works, OJ C 332/1.



Works, whose aesthetic evokes Mediterranean light and colour palettes influenced by Joaquín Sorolla, creating an experience that bridges fine art and interactive storytelling. These examples show how video games can preserve cultural heritage while making it accessible to global audiences.

39. The artistic and cultural value of video games has also been recognised in EU funding frameworks, namely, the Creative Europe programme. The Creative Europe Regulation (Reg. (EU) 2021/818)¹⁷ defines “cultural and creative sectors” to explicitly include video games (in Article 2), recognising them as a form of creative expression with cultural value.
40. The Council conclusions on enhancing the cultural and creative dimension of the European video games sector (2023) also acknowledges that: *“The video games sector is an integral part of the ecosystem of cultural and creative industries. It interacts with other sectors and has great potential to create and transmit cultural content and values and highlight the richness and diversity of European creation, heritage and history, as well as having a significant impact in terms of job creation and making a significant contribution to GDP.”*¹⁸
41. In addition, according to the 2024 Key Facts about Europe's video games sector,¹⁹ **22.6%** of people employed in the video games industry in Europe work generally in the category of **image and sound**, while **23.5%** work in **design**.
42. In addition, the Power of Play Global Report from 2023 found that players globally believe that **video games improve skills**, such as **creativity** (73% believe this), **communication** (60%), **language** (57%), **cultural awareness** (53%) and **inclusion** (50%).²⁰
43. The above demonstrates that the cultural dimension of video games is fundamental. Video games are a medium of artistic expression, and they form an integral part of Europe’s cultural and creative landscape. This places them in direct continuity with the objectives already pursued under Section 11 of the GBER, which provides for aid to culture and heritage conservation (Article 53) and to audiovisual works (Article 54). Adding video games as the following category would also align the GBER with broader EU funding policy, which already recognises video games as a part of the European cultural landscape.

F) Promoting European digitalisation and technological innovation

44. A revision of the GBER is crucial to align European State Aid policy with EU objectives such as the Competitiveness Compass, closing the innovation gap, and advancing digitalisation.

¹⁷ <https://eur-lex.europa.eu/eli/reg/2021/818/oj/eng>.

¹⁸ <https://data.consilium.europa.eu/doc/document/ST-15901-2023-INIT/en/pdf>, para 4.

¹⁹ <https://www.videogameseurope.eu/wp-content/uploads/2025/08/VGE-2024-KF-2024.pdf>, p. 14.

²⁰ https://www.videogameseurope.eu/wp-content/uploads/2023/10/PowerOfPlay2023_Final-Copy.pdf, pp. 11-12.



45. The Video games sector is a key driver of digital innovation in Europe, with substantial investment in advancing technologies such as proprietary engines, AI systems for gameplay and storytelling, accessibility tools and immersive technologies, such as extended reality, haptic feedback, cloud rendering.
46. The uses and benefits of these technological advances extend well beyond the video games industry. Game-driven innovations in graphics,²¹ AI,²² and simulation²³ are now applied in fields such as medical training, rehabilitation,²⁴ architecture and transport, where realistic virtual environments improve safety and efficiency. Accessibility tools developed for players with disabilities are adapted into mainstream assistive technologies.²⁵ Immersive and interactive design expertise from games is also leveraged in education,²⁶ and workplace training.²⁷
47. The Council conclusions on enhancing the cultural and creative dimension of the European video games sector (2023) recognise the key role of the video game sector in promoting the transition towards a digitalised economy: *“The creation of video games involves the application of advanced technologies that may contribute to the development of new business models through, for example, virtual worlds. This may be an additional way to foster cultural and creative growth, as well as the development of other policy areas, including education and training, specially related to the development of media literacy and STEAM7 skills”*.²⁸
48. In addition, the European Parliament has recognised that *“the video game sector is an important industry for discovering and developing new creative talent, as well as contributing to the upskilling and reskilling of all cultural creators and other professionals, particularly in the context of the digital transition, as the European game industry is currently struggling with a chronic shortage of talent”*; see European Parliament’s resolution of 10 November 2022 on esports and video games (2022/2027(INI)).²⁹
49. Moreover, according to the 2024 Key Facts about Europe's video games sector,³⁰ **31.1%** of people employed by the video games sector work generally with **technology**.

²¹ See: <https://acecloud.ai/blog/the-evolution-of-gpu/>; <https://medium.com/neuralmagic/a-brief-history-of-gpus-27122d8fd45>; <https://idlab.ugent.be/spin-offs/graphine-software>.

²² <https://www.aiacceleratorinstitute.com/video-games-and-the-rise-of-ai/>; <https://theobjective.com/tecnologia/2025-01-08/videojuegos-ia-moderna/>.

²³ <https://www.lift-off-game.com/our-products/lift-off-core>; <https://www.dungeonalchemist.com/>.

²⁴ <https://www.tichile.cl/tecnologia-y-rehabilitacion-como-los-videojuegos-la-realidad-virtual-y-los-exoesqueletos-estan-cambiando-vidas/>.

²⁵ See: <https://reciteme.com/news/video-game-accessibility/>.

²⁶ See: <https://www.videogameseurope.eu/publication/video-games-in-european-schools-2023-2024-research-results/>.

²⁷ See: <https://deustotech.deusto.es/>; <https://www.virtualwareco.com/products/>; <https://www.ludusglobal.com/en/training>.

²⁸ <https://data.consilium.europa.eu/doc/document/ST-15901-2023-INIT/en/pdf>, para 10.

²⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0388>, para 23.

³⁰ <https://www.videogameseurope.eu/wp-content/uploads/2025/08/VGE-2024-KF-2024.pdf>, p. 14.



50. Therefore, video games are not only cultural works but also key enablers of Europe's digital transformation. They contribute to technological innovation, new business models, education, and skills development, while also addressing structural challenges such as the shortage of digital talent. The GBER should therefore reflect this established recognition by enabling Member States to support the sector directly, in line with the European Union's broader objectives for innovation, and digitalisation.
51. The above illustrates that the technological dimension of video games is as essential as their cultural character. These features demonstrate why video games should not simply be included under existing audiovisual categories, but instead, their hybrid nature requires recognition through a separate, dedicated category within Section 11 of the GBER. This dedicated category for video games should also consider the investment necessary for the kind of experimental development common in video games production.

G) Promoting research and development in video games

52. While the current GBER provides a useful framework to support research, development and innovation (RDI) activities, it does not fully reflect the needs of innovative sectors such as the video games industry, which operate at the intersection of creative content and technology.
53. The video games sector is a key **driver of digital innovation in Europe**, with substantial investments in advancing technologies (see section F below).
54. Some significant parts of the sector's work can be characterised as experimental development, including the design, prototyping, testing, and refinement of new mechanics, engines, and interactive systems. These activities frequently lead to advances in technology, with spillover benefits beyond the games sector.
55. The GBER could better support innovation by clarifying that digital interactive content (including video games) can qualify under RDI provisions when technical, design, or business innovation is demonstrated. Greater recognition of interdisciplinary innovation at the crossroads of tech, art, and user experience design is needed to support the unique paths of innovation driven by the video game industry.
56. Video game RDI activities that should fall within the scope of the GBER include a wide range of **technological, design and business-model innovations**. Such categorisation corresponds with international R&D standards, such as those set out in the OECD Frascati Manual, covering software



development and testing in paragraph 2.7.1, service business model development in paragraph 2.86, and design and development of creative works in paragraph 2.6.2.³¹

57. On the technological innovation side, video game RDI includes the development of new game engines, production technologies, and workflows, as well as the creation of analytics and marketing tools that improve the efficiency of development and audience reach.
58. Over the past decade, the major disruptions in the games market have been driven greatly by novel business models such as free-to-play, subscription services, or data-driven monetisation. The GBER should explicitly clarify that developing new monetisation models, service ecosystems, and methods of engaging players counts as experimental development when it involves novel approaches and data-driven design. Finland's Business Finland already applies this logic successfully under its de minimis funding schemes, where studios receive support to test new business concepts, marketing models and ecosystem structures.³²
59. Games are also creating design innovation, where new genres, mechanics, storytelling techniques, and user interface models are developed. These innovations often provide the key to solving technical and business challenges, such as addressing motion sickness in VR through novel design choices. They also create new cultural forms with significant artistic and market impact.
60. In addition, the GBER should clarify that **test marketing** can be part of experimental development in video game production. Game developers increasingly rely on soft launches to test gameplay, monetisation models, and market potential in limited regions before scaling globally. For video games, test marketing is inseparable from innovation, as the interactive format and centrality of audience engagement require early validation with real players.
61. Explicitly recognising video games under the GBER's RDI provisions would also align with the wider EU approach, where video games are already supported through research and innovation funding programmes. The Horizon Europe program has previously issued funding for video games for goals related to research and innovation. For example, from the 2023-2025 Work Program Cluster 2 category, a program titled "A world leading European video game innovation system" aimed to address research and innovation policy, "to support sustained innovation and growth in the European video game industry",³³ particularly those, which can bring benefits in other sectors as well. The 2025 Work Program has included several programs related to virtual worlds in the cluster

³¹ https://www.oecd.org/content/dam/oecd/en/publications/reports/2015/10/frascati-manual-2015_g1g57dcb/9789264239012-en.pdf.

³² <https://www.businessfinland.fi/en/games>.

³³ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/wp-call/2023-2024/wp-5-culture-creativity-and-inclusive-society_horizon-2023-2024_en.pdf, p. 71-73.



4 category.³⁴ The GBER should be aligned with Horizon Europe, which already supports research and innovation in video games, to ensure consistency and legal certainty for Member States.

62. In conclusion, video games contain many of the characteristics of “experimental development” as defined in Article 25 GBER. However, the lack of explicit references to video games in the GBER creates legal uncertainty and discourages Member States from applying RDI aid to the sector.

63. Therefore, we call on the Commission to clarify in the recitals of the GBER, that video games qualify as eligible projects under Article 25, specifically for “experimental development”, when they involve technological or methodological novelty.

H) Guidelines for the video game sector

64. In addition to extending the GBER to cover aid for video games, there is a need for more clarity as regards the application of the overall State aid framework to this sector. This is needed for several reasons:

(a) Clarity is also required beyond the scope of the GBER. Even when video games would be included into the GBER, Member States may still provide support with measures that may go beyond the scope of GBER (e.g. with a higher aid intensity) and which then would need to be assessed individually under Article 107(3).

(b) Existing Commission decisional practice on video game State aid should be complimented by clarifying the “cultural test”. Dedicated guidelines for video games would be the ideal instrument for this.

(c) Dedicated communication could explicitly address how RDI provisions should be applied to video games (as discussed in section G) both within the GBER and beyond it.

65. While guidelines already exist for the audiovisual sector, namely the so called “Cinema Communication”,³⁵ such guidelines have been missing for the video games sector so far. This has resulted in a high degree of legal uncertainty and also complexity that prevents sufficient support for the sector. Therefore, this needs to be changed, also in light of the growing importance of the sector.

66. Video games are a unique and complex sector (as explained above in section D), creating uncertainties for Member States to design support schemes within State aid requirements without proper guidance. Therefore, it is important for the Commission to provide clear explanations and definitions tailored to the sector, including the compatibility conditions and the list of eligible

³⁴ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/wp-call/2025/wp-7-digital-industry-and-space_horizon-2025_en.pdf, p. 7.

³⁵ Communication from the Commission of 15 November 2013 on State aid for films and other audiovisual works, OJ C 332/1.



activities. Such guidance would give Member States the certainty they need to apply aid correctly and consistently, both for notified measures and for those falling within the scope of the GBER.

67. In addition, the Commission’s decisional practice around State aid for video games has been steadily developing, with several national schemes already approved and the cultural dimension of games thereby recognised (see section B). This is a welcome evolution. However, what is still missing, is greater clarity on how the “cultural test” should apply to video games. Dedicated Guidelines on video games would provide the opportunity to set out this clarification, ensuring that the artistic and cultural value of the medium is fully acknowledged (see section E).
68. The modernisation of the “cultural test” for video games would also be consistent with the Commission’s 2013 revision of the Cinema Communication, which broadened and clarified the cultural test for audiovisual works by giving Member States greater flexibility in defining cultural criteria.³⁶ While video games are an entirely distinct sector from audiovisual media, they should benefit from an equivalent approach to the “cultural test”, which should recognise their artistic and cultural value, ensuring they are treated on the same footing as other cultural products.
69. It is also important that the dedicated Guidelines address the research and development dimension of video games (as discussed in section G). A dedicated communication would be the right place to clarify that video games fall within the scope of “experimental development” under EU State aid framework, and to guide Member States in applying these provisions.
70. The Cinema Communication includes a dedicated recognition that major foreign audiovisual productions can have a positive and lasting impact on Europe’s creative ecosystem.³⁷ In revising the Communication in 2013, the Commission accepted that such productions help sustain high-quality infrastructure, create employment for skilled professionals, and contribute to the transfer of technology, know-how, and expertise. A comparable logic applies in the video games sector, only more broadly, not only promoting the cultural landscape, but also the tech one. Major international video game productions likewise strengthen European studios and facilities, expand the pool of skilled labour, and generate spillover effects that support the development of European titles. For this reason, dedicated Guidelines for video games should include a section equivalent to that in the Cinema Communication.
71. The Cinema Communication itself acknowledges the distinct nature of video games, noting that their production, distribution, marketing and consumption differ significantly from film and television.³⁸ At the same time, the Communication explicitly allows that certain conditions designed for audiovisual works may be applied to games “by analogy”.³⁹ This provides a useful precedent, showing that while video games require their own dedicated framework, elements of the audiovisual rules can appropriately serve as a reference point. Future Guidelines for video

³⁶ Communication from the Commission of 15 November 2013 on State aid for films and other audiovisual works, OJ C 332/1, *see paras* 18-26.

³⁷ Section 4.4, Competition to attract major foreign productions.

³⁸ Para 24.

³⁹ Discussed in paragraph 24, in particular with respect to aid intensity criteria.



games should build on this approach, ensuring that the sector's unique characteristics are respected, while also drawing on relevant aspects of the audiovisual framework where they can usefully be adapted.

72. In conclusion, a dedicated Commission Communication on State aid for video game development would provide clarity, ensure consistent application of State aid rules, reduce the burden of notifications, and better support the video game industry.

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About Video Games Europe

Since 1998, Video Games Europe has ensured that the voice of a responsible video games ecosystem is heard and understood. Its mission is to support and celebrate the sector's creative and economic potential and to ensure that players around the world enjoy the benefits of great video game playing experiences. Europe's video games sector is worth €26.8bn and accounts for 116,419 jobs. 54% of Europeans are video game players. We publish a yearly [Key Facts](#) report with the latest data on Europe's video games sector.

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