

Video Games Europe's response to the European Commission's consultation on the Geo-Blocking Regulation

Video Games Europe welcomes the opportunity to contribute to the consultation on the Geo-Blocking Regulation, hereinafter **the Regulation**. We would like to take this opportunity to re-emphasize the points included in our reply to the European Commission's call for evidence in February 2025 related to electronically supplied services.

Around 54% of Europe's population plays games, ranging from single-player games to online multiplayer games where players across the world play together. Consumers across Europe have an unprecedented choice to access video games: they can choose numerous ways to play games (on mobiles, consoles, and PCs). They have a vast choice of genres of games, and benefit from a wide array of different business models, including free-to-play.

Demand for cross-border access to video games has not been identified by consumers as an obstacle, because of the wide availability of games. This finding was confirmed in the first short term evaluation report undertaken by the European Commission in 2020.¹ The report looked at whether to extend the scope of Article 4(1) of the Regulation, according to which traders shall not apply different conditions for accessing goods or services based on a customer's nationality, place of residence, or place of establishment, to electronically delivered non-audiovisual copyright protected content, currently exempted from this general rule.

Regarding video games, the report concluded that:

- Consumer demand for cross-border access to games and software is low;
- Availability gaps mainly affect titles with relatively low demand/rating;
- Distribution practices for video games are largely based on non-territorial and non-exclusive licensing;
- An extension of the Regulation could lead to reduced revenues for developers/publishers as the potential increase in consumption may not fully make up for the possible reduction in prices;
- The potential impacts on video games-specific national-transparency requirements (such as age ratings) would need to be considered as well.

Following the Commission's first evaluation report, subsequent reports do not point to any consumer access issues regarding video games, including the Commission

2024 **staff working document**, and the European Court of Auditors **special report**: *“Unjustified geo-blocking in e-commerce – The Regulation provides a balanced framework, but challenges remain in implementation”*. In its **response** to the European Court of Auditors’ special report, the Commission indicated that it had already undertaken in 2020 a detailed analysis of an extension, including to copyright-protected content.

Video Games Europe believes that the current exception in the Regulation from the non-discrimination rule for access to goods and services (Article 4(1)) that applies to electronically supplied services whose main feature is to provide access to electronically delivered non-audiovisual copyright-protected content, remains justified.

In its ongoing evaluation process, Video Games Europe recommends that the Commission consider any potential impact on businesses and their competitiveness before imposing additional rules that would introduce further administrative burdens and would directly impact their business models.

Last but not least, professionally created content is expensive to produce and often requires years of investment. Europe is particularly talented in creative content production, and copyright protection ensures a return on this investment. Rightsholders must be able to decide on the distribution of their digitally delivered content. Therefore, the principle of commercial freedom in accordance with the EU acquis and principles, including international copyright principles, is key to staying competitive globally and to continuing to produce high-quality content.

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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 employs over 116,000 people in Europe and is worth €26.8bn, and 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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