

Question for written answer E-003634/2026
to the Commission
Rule 144
Regina Doherty (PPE)

Subject: Enforceability of contractual liability caps in consumer digital-content contracts and the available remedies under Directive 93/13/EEC

Standard contract terms for digital gaming and content platforms commonly provide that purchases confer a revocable, non-transferable licence rather than ownership, that suspension of an account removes access to content already paid for, and that the provider's total liability is capped at a low fixed sum irrespective of the value of the digital library affected. In its reply of 16 June 2026 to the European citizens' initiative 'Stop Destroying Video Games', the Commission declined to propose binding end-of-life obligations for digital games, citing a forthcoming voluntary code and current law.

1. What assessment has the Commission made of the enforceability of clauses under Directive 93/13/EEC that cap a digital-content or digital-game provider's total liability at a fixed low amount regardless of the value of the licences or content purchased by the consumer?
2. Other than case-by-case litigation brought by individual consumers against providers, who have materially greater legal and financial resources, by what route does the Commission consider a consumer can effectively obtain a finding of unfairness and a remedy under Directive 93/13/EEC in this sector?
3. Does the Commission consider that a single, clearly defined statutory obligation would provide greater legal certainty for both consumers and providers than reliance on case-by-case unfairness findings in this area?

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