

**Question for written answer E-003643/2026/rev.1
to the Commission**
Rule 144
Erik Marquardt (Verts/ALE)

Subject: Contradiction between Communication C(2026)4110 and Parliament's expert report on 'abandonware'

In its Communication C(2026)4110 on the citizens' initiative 'Stop Destroying Videogames'¹, the Commission states that existing consumer protection law already provides sufficient protection and rejects a legislative proposal. Briefing PE 772.653, prepared for the IMCO Committee, reaches the opposite conclusion: No EU legislation effectively protects consumers, as each case must be settled individually in court and national remedies are ruled out as a result of full harmonisation. The Commission itself acknowledges that there has not yet been a single ECJ ruling on the Digital Content Directive (Directive (EU) 2019/770), that the European Consumer Organisation (BEUC) is calling for continued access rather than a refund, and that many games need only to be online for authentication purposes and could continue to run without any problems. A code of conduct is voluntary and has no effect on third parties operating networks.

1. How does the Commission justify its assessment in light of the Parliament's expert report, which found that consumers are, in effect, refraining from enforcing their rights due to legal uncertainty?
2. Will the report on Directive (EU) 2019/770, announced for the end of 2026, also examine legislative changes, in particular an explicit obligation to maintain access?
3. What criteria would need to be met for the Commission to regard a legislative proposal as proportionate?

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¹ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2026/772653/ECTI_BRI\(2026\)772653_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2026/772653/ECTI_BRI(2026)772653_EN.pdf).