

EN

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Answer given by Mr McGrath

on behalf of the European Commission

(29.9.2026)

The Commission's intention to initiate, by the end of 2026, stakeholder exchanges on an industry code of conduct¹ is without prejudice to the consumer rights conferred by the Digital Content Directive² as regards digital content and services and, as regards goods with digital elements, to the seller's obligation under the Sale of Goods Directive³ to provide updates necessary to keep such goods in conformity, thereby safeguarding their continued functioning. In addition, Directive 2024/825/EU⁴ strengthens protection against misleading practices related to durability, such as withholding information about updates that negatively affect goods and promoting goods with known durability-limiting features, while the Regulation (EU) 2024/1781⁵ contributes to the durability of goods by enabling product-specific requirements, including mandatory software update availability obligations⁶, preventing premature obsolescence⁷, and ensuring non-discriminatory access for professional repairers to any software or firmware needed for repair⁸.

Finally, copyright and consumer law pursue different objectives. The former aims at ensuring that consumers enjoy products conforming with the contract and their reasonable expectations, whilst the latter's purpose is to stimulate and protect creativity. The purchase of games does not necessarily entail a transfer of ownership, as modern video game distribution models are typically based on licensing. Although their terms and conditions may differ between vendors, the licenses acquired are not perpetual, nor are they mandated to be under EU copyright law. Nevertheless, the fact that a product is supplied under a licence does not exempt traders from complying with applicable consumer law obligations.

¹ Communication from the Commission on the European Citizens' Initiative (ECI) 'Stop Destroying Videogames', 16.6.2026 C(2026) 4110 final.

² Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services.

³ Article 7(3) and Article 10 of Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC, require sellers to provide updates, including security updates, necessary to keep goods with digital elements in conformity for the relevant liability period.

⁴ Directive 2024/825/EU of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information.

⁵ Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC.

⁶ For example, Commission Regulation (EU) 2023/1670 laying down ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets requires manufacturers to make operating system updates available for at least five years from the end of the placing on the market of the last unit of a product model.

⁷ If considered relevant, ecodesign requirements and the underlying product parameters can also be adopted to ensure products do not become prematurely obsolete, including due to software that no longer works once an operating system is updated or software updates that are not provided (Article 2 (2) (EU) 2024/1781).

⁸ Commission Regulation (EU) 2023/1670 also foresees this type of requirements, which are under analysis also for other product groups, such as printers or computers.