

Industry Response to the CPC Network's Reply rejecting the Industry's Revised Proposals

18 September 2026

This letter sets out the answer of Video Games Europe and the European Games Developer Federation (**EGDF**) and their memberships to the letter by the Consumer Protection Cooperation Network (**CPC Network**) of 16 July 2026 (the **Reply**) addressing the industry's revised proposals as submitted on 26 February 2026 (the **Revised Proposals**) concerning the CPC Network's "Key Principles on In-game Virtual Currencies" (the **Key Principles**).

The industry welcomes the CPC Network's statement in the Reply that ensuring a high level of consumer protection, in particular for children, is a core priority for the CPC Network. The topics at the core of the Key Principles are of high relevance not only for the CPC Network but also for the video games industry and its consumers. It is thus important that this matter is handled in a clear and transparent way – also to reduce the legal unclarity around this topic, which has been growing since the publication of the Key Principles. The industry remains committed to working with the CPC Network towards practical solutions that serve consumers, and it is in that spirit that this letter is written

However, in the interest of improving clarity, we need to state upfront that we are disappointed with the CPC Network's Reply. This is the case for several reasons.

First, **rather than engaging with the substance of our proposals and their benefits for consumers, the Reply ultimately rejects most of them based mainly on a single, novel and contested legal theory**, which was brought forward for the first time with the Key Principles: that in-game currency (IGC) would be a 'digital representation of value'.

For example, as regards Key Principle #1, the Reply states that the CPC Network appreciates the industry's continued attempts to find solutions. However, the Reply does not substantively address the industry's proposed approach to providing consumers with

real-world pricing information, instead maintaining the contested position that EU consumer protection law requires companies to show the real-world price of digital content not only when in-game currency (IGC) is purchased, but also when IGC is exchanged for other digital content within the game.¹ In doing so, the Reply does not explain why the industry's proposed solution and the significant practical complexities identified by the industry do not merit a different approach.

Second, **the CPC Network's continued reliance on its interpretation of the legal status of IGC is difficult to reconcile with the existing legal authorities.** Having engaged outside counsel to review the legal basis for CPC Network's legal interpretation, the industry has identified a number of national court decisions recognizing IGC as 'digital content' under the DCD.² The CPC Network, on the other hand, has not identified any judgment supporting its diverging position or shared any legal assessment on which that position rests.

In addition, a new judgment by the European Court of Justice³ (CJEU) holds that IGC is not a 'voucher' and instead "constitutes one of the elements of an online game" and forms "an integral part of that game". This is the first time that the CJEU directly addresses the legal characterisation of IGC and which, in the industry's view, is inconsistent with the premise underlying the CPC Network's position. A number of publications have pointed this out.⁴ Yet the Reply does not address this judgment. Instead, the Reply simply insists that the industry accept the CPC Network's contrary interpretation, treating acceptance of that interpretation as a condition of further engagement.

Third, and connected to the above, the CPC Network **conflates the Key Principles with EU law.** While the Key Principles are expressly stated to be non-binding guidance, the CPC

¹ See page 2 of the Reply.

² See for example Regional Court of Karlsruhe, judgement of 25 May 2016 – 18 O 7/16, BeckRS 2016, 12084; Higher Regional Court of Karlsruhe, judgement of 11 July 2018 – 6 U 108/16; Amsterdam Court of Appeal, judgment of 30 May 2023, 21/000312 to 21/000318, ECLI:NL:GHAMS:2023:1499; Arnhem-Leeuwarden Court of Appeal, judgement of 26 March 2024, BK-ARN 22/1782, ECLI:NL:GHARL:2024:2166; Regional Court for Civil Cases Vienna, judgement of 26 March 2025, 10 Cg 93/23d.

³ CJEU, case C-472/24, *Žaidimų valiuta*, judgment of 5 March 2026 – also known as the *CJEU's Runescape case*.

⁴ See for example, Konstantin Ewald/Alisa Schwab, '*MB Žaidimų valiuta v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos*', case annotation in: Interactive Entertainment Law Review, available online [here](#); Jérémie Jourdan, '*Gold ain't money – the recent CJEU ruling in Zaidimu valiuta (C-472/24)*', on: The Platform Law Blog, available [here](#); Kostyantyn Loboc/Sophie Lewis, '*Runescape gold not recognized as currency according to top EU Court*', available [here](#).

Network presents them as reflecting the minimum requirements of EU law, and sends the message that every company that does not implement the Key Principles to the letter will be subject to enforcement proceedings.

Crucially, the CPC Regulation provides no legal basis for the CPC Network to establish generally applicable legal obligations like the Key Principles. Treating them as statements of what EU law requires therefore creates significant legal uncertainty, particularly where they incorporate a novel and contested legal interpretation.

Fourth, the Key Principles and the Reply contain fundamental contradictions, making "full compliance" logically impossible.

For instance, although Key Principles #1 and #2 share the same legal basis and goal – ensuring consumers understand the real-world cost of in-game content – they prescribe opposite remedies. Key Principle #1 permits multi-step or layered currencies provided real-money prices are clearly disclosed, even offering specific formulas to price them. Conversely, Key Principle #2 treats layered currency structures as inherently incurable, listing the mixing and chained exchange of virtual currencies as practices to avoid. By stating that companies "*must fully comply with the Key Principles*", the Reply exacerbates this contradiction, rendering Key Principle #1's pricing guidance meaningless.

Fifth, the way in which the CPC Network has decided to end the discussions with the industry is not constructive but concerning. In the Reply, the CPC Network presents our organisations with "*two options moving forward*:"

- i. *To submit revised commitments that are fully aligned with the Key Principles [...];*
or
- ii. *In the absence of revised commitments aligned with the Key Principles, the CPC Network will interpret this to mean that the organisations do not intend to comply with the applicable legal framework. In such circumstances, [...] this dialogue will therefore be brought to a close until concrete and compliant commitments are presented by the organisations.*

These alternatives — to either accept the CPC Network's position or end the dialogue — leave no meaningful room to continue finding a solution that benefits consumers without disproportionately harming the industry. Accepting the CPC Network's reclassification of IGC as a 'digital representation of value' would place the industry in an untenable position: it would require the industry to accept a disputed legal theory that

could retroactively recharacterize countless past exchanges of IGC for digital content as separate commercial transactions, with significant legal and financial consequences extending far beyond the issues addressed by the Key Principles. Going forward, it would also fundamentally alter the operation and legal treatment of IGC, with potentially far-reaching consequences. The industry has previously explained these consequences and why accepting such a fundamental change in legal position would carry unacceptable legal and financial risks.

We regret that the disagreement over the legal treatment of IGC has prevented further progress on the consumer benefits of the workable proposals we have put forward.

The Revised Proposals were developed in response to the concerns raised by the CPC Network and reflect the industry's efforts to identify practical ways to address those concerns. While feasible for the industry, they would nevertheless require some significant changes by companies and would ultimately help achieve the additional clarity that the Key Principles were intended to create.

The industry is more than willing to continue discussions with the CPC Network and engage in constructive cooperation. We therefore keep our hand extended towards the CPC Network and towards individual authorities that are willing to move forward with implementing workable solutions that benefit consumers.

Yours sincerely, on behalf of Video Games Europe and EGDF,



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