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## TEXTS ADOPTED

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### **P9\_TA(2022)0388**

#### **Esports and video games**

#### **European Parliament resolution of 10 November 2022 on esports and video games (2022/2027(INI))**

*The European Parliament,*

- having regard to Articles 6 and 165 of the Treaty on the Functioning of the European Union, which specify the competences and actions of the Union in the area of sport,
- having regard to Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013<sup>1</sup>, and in particular its media strand,
- having regard to Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013<sup>2</sup>, and in particular the sport chapter thereof,
- having regard to Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities<sup>3</sup>,
- having regard to the Commission proposal of 15 December 2020 for a regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (COM(2020)0825),
- having regard to the Commission proposal of 15 December 2020 for a regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act) (COM(2020)0842),

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<sup>1</sup> OJ L 189, 28.5.2021, p. 34.

<sup>2</sup> OJ L 189, 28.5.2021, p. 1.

<sup>3</sup> OJ L 303, 28.11.2018, p. 69.

- having regard to the Commission communication of 3 December 2020 entitled ‘Europe’s Media in the Digital Decade: An Action Plan to Support Recovery and Transformation’ (COM(2020)0784),
- having regard to its resolution of 17 September 2020 on the cultural recovery of Europe<sup>1</sup>,
- having regard to its resolution of 25 March 2021 on shaping digital education policy<sup>2</sup>,
- having regard to its resolution of 20 October 2021 entitled ‘Europe’s Media in the Digital Decade: an Action Plan to Support Recovery and Transformation’<sup>3</sup>,
- having regard to its resolution of 23 November 2021 entitled ‘EU sports policy: assessment and possible ways forward’<sup>4</sup>, and in particular its call for the EU institutions to launch a debate on the future and on the opportunities of esports and to collect data in order to assess this sector and present a study on its social and economic impact,
- having regard to the Council resolution of 1 March 2002 on the protection of consumers, in particular young people, through the labelling of certain video games and computer games according to age group<sup>5</sup>,
- having regard to the Council conclusions of 4 April 2022 on building a European Strategy for the Cultural and Creative Industries Ecosystem<sup>6</sup>,
- having regard to the Commission Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation<sup>7</sup>,
- having regard to the Commission communication of 11 May 2022 entitled ‘A Digital Decade for children and youth: the new European strategy for a better internet for kids (BIK+)’ (COM(2022)0212),
- having regard to its resolution of 20 October 2021 on the situation of artists and the cultural recovery in the EU<sup>8</sup>,
- having regard to the World Health Organization’s decision to include gaming disorder in the 11th revision of the International Classification of Diseases (ICD-11),
- having regard to the International Olympic Committee’s decision to launch the Olympic Virtual Series (OVS),

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<sup>1</sup> OJ C 385, 22.9.2021, p. 152.

<sup>2</sup> OJ C 494, 8.12.2021, p. 2.

<sup>3</sup> OJ C 184, 5.5.2022, p. 71.

<sup>4</sup> OJ C 224, 8.6.2022, p. 2.

<sup>5</sup> OJ C 65, 14.3.2002, p. 2.

<sup>6</sup> OJ C 160, 13.4.2022, p. 13.

<sup>7</sup> OJ L 283, 29.10.2011, p. 39.

<sup>8</sup> OJ C 184, 5.5.2022, p. 88.

- having regard to the Council conclusions of 21 May 2014 on cultural heritage as a strategic resource for a sustainable Europe<sup>1</sup>,
  - having regard to its study entitled ‘Esports’<sup>2</sup>,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education (A9-0244/2022),
- A. whereas the video game ecosystem has become a leading cultural and creative industry (CCI) all over the world, with an estimated European market size of EUR 23,3 billion in 2021<sup>3</sup>, including more than 4 900 game studios and 200 game publishers<sup>4</sup>, and has great potential for growth, innovation, creativity and triggering positive change for the whole sector; whereas this industry is one of the few in the CCI to have experienced turnover growth during the COVID-19 crisis<sup>5</sup>;
- B. whereas the video game ecosystem is an integral part of the CCIs, successfully inspiring and drawing on many other creative and cultural industries, such as films and books;
- C. whereas video games have proven to be a powerful cross-sectoral medium, building on the experiences of various artistic techniques while combining them with innovative technologies;
- D. whereas the Court of Justice of the EU has recognised that video games are complex creative works with a unique and creative value, protected both by Directive 2009/24/EC<sup>6</sup> on the legal protection of computer programs and Directive 2001/29/EC<sup>7</sup> on copyright;
- E. whereas the success of European video game streamers and esports clubs and tournaments shows that younger generations of European citizens are actively seeking to participate in the new creator economy driven by video games; whereas national, regional and global esports tournaments could be perceived as fostering cultural exchanges and promote European culture and values;
- F. whereas the video game industry employed approximately 98 000 people in Europe in 2020<sup>8</sup>, of whom only an estimated 20 % are women<sup>9</sup>; whereas there is a strong gender

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<sup>1</sup> OJ C 183, 14.6.2014, p. 36.

<sup>2</sup> Scholz, T. M. and Nothelfer, N. (2022), Research for CULT Committee – *Esports*, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels.

<sup>3</sup> ISFE, Europe’s Video Games Industry, ISFE-EGDF Key Facts, 2021.

<sup>4</sup> EY, Rebuilding Europe: the cultural and creative economy before and after the COVID-19 crisis, January 2021.

<sup>5</sup> EY, Rebuilding Europe: the cultural and creative economy before and after the COVID-19 crisis, January 2021.

<sup>6</sup> Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (OJ L 111, 5.5.2009, p. 16).

<sup>7</sup> Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

<sup>8</sup> ISFE, Europe’s Video Games Industry, ISFE-EGDF Key Facts, 2021.

<sup>9</sup> Ibid.

imbalance in esports; whereas getting more women into video games and esports should be treated as a strategic priority;

- G. whereas half of all Europeans consider themselves to be video game players, of whom almost half are women, and the average age of a video game player in Europe is 31,3 years; whereas over 70 % of young people aged 6-24 in the EU play video games, although the majority of players are over 18<sup>1</sup> ;
- H. whereas the video game industry brings together a wide range of skills and know-how for writing, design, artistic creation, digital development, publishing, distribution and localisation; whereas a video game is first and foremost a work of intellectual property (IP) on which the value chain is based; whereas the issue of IP ownership and control has an impact on the complexity of the legal structure of the ecosystem, and creates new legal challenges for streamers, developers, publishers and third-party content holders;
- I. whereas the European video game industry is mainly made up of small and medium-sized enterprises (SMEs) of vital importance to the European economy, in particular the CCI;
- J. whereas the video game and esports ecosystems are strongly impacted by research, technological and creative innovation and must constantly be reinvented; whereas the innovative value of the sector should also be acknowledged, as much as its cultural added value;
- K. whereas these ecosystems still lack the harmonised data, definitions and legal frameworks required to enable them to embrace their full potential;
- L. whereas the video games ecosystem is mostly privately owned, but benefits from measures and incentives at national and EU level; whereas this support is sometimes directly targeted, as with the Creative Europe programme, or as part of the overall support for research and innovation through Horizon Europe; whereas public policies in favour of video games are often incorporated into the audiovisual field;
- M. whereas video games and esports are above all founded on a highly internationalised market with few barriers to the circulation of goods and services; whereas access to the latest hardware and software is critical to the dynamic nature and competitiveness of the European video game and esports ecosystems;
- N. whereas although the EU is a major actor in the video game ecosystem, the industry is largely dominated by non-EU actors; whereas the market comprises many different actors across the value chain, which are mainly operated through non-EU platforms that also act as intermediaries in the distribution of European games worldwide;
- O. whereas video games and esports use advanced technologies such as AI and virtual reality, and have initiated the creation of alternative virtual spaces such as metaverses;
- P. whereas esports are competitions where individuals or teams play video games – typically in front of spectators – either in-person or online, for entertainment, prizes or money; whereas the definition encompasses a human element (the players), a digital element (the games themselves) and a competitive element; whereas esports could be

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<sup>1</sup> Ibid.

considered not only part of the video game sector, but also part of the culture and media sectors;

- Q. whereas esports is still a young phenomenon with considerable potential to evolve and transform other sectors at EU and national level, and is developing differently across the Member States;
- R. whereas esports differ from sports in that they are digital by definition; whereas esports is a phenomenon essentially driven by private entities, with the IP rights belonging to the game publisher and competition rights either to the game publisher or arranged on a contract-by-contract basis;
- S. whereas esports are an increasingly popular entertainment activity, characterised by both a large video game player base and a small number of professional players and teams; whereas esports start at an amateur level, but can also be practised at a semi-professional or professional level by teams and players;
- T. whereas video games and esports have great potential for use in EU educational policies and lifelong learning; whereas the use of video games in the classroom often encourages students to pursue careers in science, technology, engineering, the arts and maths (STEAM), and esports can help to develop several skills which are essential in a digital society; whereas video games and esports are widely accessible and can be used to increase inclusivity and diversity in learning environments such as in the classroom and throughout life;
- U. whereas video games have the ability to bring the school environment closer to pupils' everyday reality, in which video games often figure prominently; whereas there are indications that primary school teachers that have used video games in the classroom have in some cases observed a significant improvement in several key skills, such as problem-solving and analytical, social and intellectual skills, spatial coordination, and teamwork, as well as better levels of concentration; whereas esports can also be incorporated in education and contribute to the acquisition of digital competences and skills;
- V. whereas many video game players are young people in the middle of their intellectual, mental, social and physical development; whereas the challenges posed by the COVID-19 pandemic, such as a deterioration in the level of physical activity, increased anxiety or other types of mental ill-being, have been affecting these young people; whereas, nevertheless, video games and esports can provide significant mental health benefits for many players and have the capacity to disseminate positive values, which should be pursued for the younger audience in particular;
- W. whereas the video game sector offers an increasing number of job opportunities for many cultural creators; whereas as with many creative sectors, workers in the video game sector are particularly subject to a very high work rate in the run-up to the release of a game, also known as the 'crunch', including overtime that often goes unpaid; whereas these conditions can be detrimental to workers;
- X. whereas esports and video games also pose challenges for European society in the digital sphere; whereas some of these challenges include cheating, adverse impacts on

environmental sustainability, online features that can be misused for online violence or harassment, especially towards female players, and disinformation;

- Y. whereas the monetisation of video games through micro-transactions, in game currencies and loot boxes containing random in-game content are common in some video games; whereas loot boxes can sometimes also be paid for with real money; whereas aggressive design could potentially have harmful financial consequences for players, especially minors or those who are most vulnerable, through unwanted or uncontrolled spending; whereas in some cases, loot boxes can be considered a ‘pay-to-win’ mechanism; whereas a uniform EU approach is needed in order to ensure robust consumer protection;

### ***Video games and esports: challenges, opportunities and a European strategy***

1. Calls on the Commission and the Council to acknowledge the value of the video game ecosystem as a major CCI with strong potential for further growth and innovation; calls for the development of a coherent, long-term European video game strategy, which should benefit all actors involved fairly and adequately, while taking into account esports and the current dependence on imports and building on existing national strategies in order to support EU actors and EU start-ups in these sectors;
2. Underlines that for its work on the new video game strategy, the Commission should build on the targets of its communication on the 2030 Digital Compass in order to enhance access to talent and financing, address the shortage of digital skills, and provide reliable infrastructure and connectivity, as well as ensure that the relevant stakeholders are involved in the process; points out that the strategy should take into account future challenges and the fast-paced changes in the sector;
3. Considers that the creation of a truly integrated European video game sector will require more video game productions and co-productions by European actors; welcomes the fact that the Creative Europe and Horizon Europe programmes provide funding for the European video game sector, including research and innovation, through specific calls for tender with European added value; regrets, however, the low amount of funding committed so far, and the fact that the eligibility criteria are not always fit for the sector’s needs, especially SMEs; calls, in this regard, for greater support and investment in research and development (R&D) and training in order to maximise game creation opportunities throughout all Member States and encourage the development of and retain European talent; calls on the Commission to support public and private initiatives that contribute to the development of a more competitive European video game landscape;
4. Underlines that national incentives and support for local video game development, including SMEs, should be encouraged and facilitated through EU State aid rules such as the General Block Exemption Regulation;
5. Underlines the importance of promoting and supporting the international trade and marketing of video games created in Europe; calls on the Commission, in this context, to map and define the European video game industry and to consider creating a ‘European Video Game’ label, as well as fostering other initiatives at a national and European level to improve the discoverability of video games and encourage the dissemination and recognition of video games created in Europe, including worldwide;

6. Stresses the importance of the localisation process for the successful circulation of a game in a multilingual market such as the European Union, and for the promotion of linguistic diversity; considers that strong support from the European Union in this matter would be appropriate;
7. Stresses that harmonised and reliable industry data on the European video game and esports sectors is essential in order to deliver evidence-based assessments and recommendations, including on diversity and inclusion; calls on the Commission to create a European Video Game Observatory to support and provide decision-makers and stakeholders with harmonised data, assessments and concrete recommendations with a view to developing the sector; considers that such a European Video Game Observatory could also be utilised as a knowledge network to support dialogue for a more integrated sector;
8. Invites the Commission to propose a revision of the relevant codes in the Statistical Classification of Economic Activities in the European Community (NACE), so as to ensure that video game developers, publishers and esports are reviewed, clarified and streamlined and thus address the challenges the sector is facing and improve the inadequacy of the current statistical classification;
9. Underlines that IP is central to video games and a key factor in growth and investment; highlights the need to develop a European strategy for video game IP, utilising both the creation of new and original IP and the promotion of existing European creations and IP; stresses that the cross-border enforcement of the IP rights of game developers and artists must be adequately protected and that fair remuneration must be ensured;
10. Welcomes the Council's position on a European strategy for the cultural and creative industrial ecosystem, in particular on the definition, protection and promotion of our strategic cultural assets; declares its readiness to move forward on this subject, in particular with regard to European video game studios and catalogues; is of the opinion that further European investment should be channeled to the sector and that InvestEU and Media Invest could help in ensuring that its financing needs are being met;
11. Welcomes the pilot project initiated by the European Parliament entitled 'Understanding the value of a European Video Games Society', which aims to develop a better understanding of the value of the video game sector and its impact on a range of policy areas and on society as a whole; calls on the Commission to continue this process by fostering interdisciplinary research on video games and esports, to publish a communication dedicated to this issue and, if necessary, to propose appropriate measures, bearing in mind the need to protect young players, especially minors;
12. Acknowledges the need to safeguard esports from problems with match-fixing, illegal gambling and performance enhancement, including doping; underlines the necessity to prevent doping and match-fixing in professional gaming and to educate players about these issues, as well as to protect the integrity of competitions;
13. Calls on the Commission to explore synergies between the video game sector and its innovation strategy, particularly in the context of research on the metaverse and bearing in mind the protection of data privacy and cybersecurity challenges, without losing sight of the esports phenomenon;

14. Highlights that, owing to their wide audience and digital component, video gaming and esports have significant social and cultural potential to connect Europeans of all ages, genders and backgrounds, including older people and people with disabilities; recognises the efforts made by the video game sector to improve the accessibility of their products in line with the principles of equality and non discrimination; considers, however, that this progress must continue;
15. Highlights the benefits of cross-platform online games both for the user experience by enabling players to interact easily across different platforms and for game developers, and calls on the video game industry to make every effort to make the fullest possible use of this feature;
16. Stresses that video games and esports have great potential to further promote European history, identity, heritage, values and diversity through immersive experiences; believes that they also have the potential to contribute to the EU's soft power;
17. Calls on the Commission to launch initiatives to promote European video games that showcase European values, history and diversity, but also the industry's know-how, while educating people and raising awareness about the benefits of video games for the development of skills and general knowledge; believes that these initiatives could lead to the creation of a European Video Game Academy;
18. Stresses that video games are an integral part of Europe's cultural heritage and should therefore be preserved and promoted; suggests that support be provided, in cooperation with the industry, for the creation of an archive to preserve the most culturally significant European video games and ensure their playability in the future; highlights the need, in this regard, to build upon existing projects such as the International Computer Game Collection (ICS) and numerous video game museums across the EU;
19. Insists that video games and esports can be a valuable teaching tool for actively involving learners in a curriculum and for developing digital literacy, soft skills and creative thinking; believes that using video games in schools should be done in parallel with raising teachers' awareness of how best to use video games in their teaching; stresses that teachers should be closely involved in decision-making around the use of video games for educational purposes; underlines that this will require better equipment and connectivity in schools;
20. Underlines the importance of lifelong learning and stresses that teachers have to be adequately trained to teach ICT and computational skills; highlights that upskilling teachers during working hours is essential to ensure the successful integration of ICT and games in education;
21. Recalls the importance of European training courses dedicated to the video game professions including the creative, technical, legal and economic aspects thereof; stresses the need to develop leading educational programmes in Europe, including in public institutions and universities, bridging the gap between the existing European curricula and the requisite set of knowledge and skills for video game professions, and pursuing a proactive policy to foster gender equality and inclusivity in the sector;
22. Welcomes the work carried out by organisations such as Pan European Game Information (PEGI) to inform video game players and parents about the content of



video games and to protect minors from potentially inappropriate content; encourages the industry, rating agencies and consumer associations to continue awareness-raising campaigns on such systems; recalls that the role of parents is key in ensuring that children play video games safely, with tools at their disposal such as parental control features; underlines the important role of awareness-raising campaigns, notably through public-private partnerships, to educate and inform parents and schools, including on how to use video games appropriately;

23. Calls on the Commission and the Member States to recognise that the video game sector is an important industry for discovering and developing new creative talent, as well as contributing to the upskilling and reskilling of all cultural creators and other professionals, particularly in the context of the digital transition, as the European game industry is currently struggling with a chronic shortage of talent;
24. Calls on the Commission and the Member States to work with social partners to improve the working conditions of all those involved in the development of video games and to ensure fair contracts and compliance with national and EU legislation on workers' rights, fair and equal pay and physical and mental health and safety at work; deplores the repeated reports of so-called 'crunch' working hours and unpaid overtime and stresses that video game developers and publishers have a responsibility to ensure healthy and fair working conditions for their workers;
25. Considers that in spite of the efforts that have been made in terms of an accurate, equal and non-stereotypical representation of women in video games, progress must continue and go hand in hand with attaining greater equality for women in all positions in the value chain, as well as progress on the fight against sexual abuse and discrimination;
26. Welcomes the Commission's guidelines on unfair business-to-consumer commercial practices; highlights the need for greater transparency surrounding loot boxes, including when it comes to the chances of winning, and a harmonised European approach; stresses that where loot boxes are used, they must be made fully clear and transparent to all players, in particular minors and their parents, in order to prevent risky behaviour; calls on the Commission and the Member States to consider legislative measures, where appropriate, to address issues linked to the phenomena of in-game monetisation, such as luck-based game elements and 'pay-to-win' systems, taking into account all possible means to protect players that are most vulnerable to aggressive designs, such as minors;
27. Stresses that the timely and full implementation of all EU legislation relating to the CCIs is of the utmost importance;

#### ***Esports: fair competitive video gaming within a European framework***

28. Considers that esports and sport are different sectors, not least because the video games used for competitive gaming or esports are played in a digital environment and belong to private entities that enjoy full legal control and all exclusive and unrestricted rights over the video games themselves; believes, however, that both sectors can complement and learn from each other and promote similar positive values and skills, such as fair play, non-discrimination, teamwork, leadership, solidarity, integrity, antiracism, social inclusion and gender equality;

29. Believes that, owing to the borderless nature of the discipline, the European Union is the appropriate level at which to address the challenges of esports; encourages the introduction of European mapping of esports actors at local, regional and national level, enabling Europeans to get in touch with structures close to them, as well as facilitating the organisation of competitions and encouraging amateur esports; stresses that mapping could help to raise awareness about and promote esports;
30. Calls on the Commission to develop a charter to promote European values in esports competitions, in partnership with publishers, team organisations, clubs and tournament organisers; welcomes the use, in this context, of tools such as guiding industry principles on esports engagement and national codes of conduct for esports in order to promote esports that are fun, fair and enjoyed by players and organisers around the world in an open and inclusive environment;
31. Asks the Commission to study the possibility of creating coherent and comprehensive guidelines regarding the status of professional esports players;
32. Calls on the Member States and the Commission to consider the creation of a visa for esports personnel based on the Schengen cultural and sports visas, applicable to all personnel involved in running and participating in esports competitions, and to consider measures to facilitate visa procedures to enable video game workers to come to the EU;
33. Warns that intensive video gaming can, in rare cases, lead to addiction and toxic behaviour, as recognised by the World Health Organization; stresses that esports players can suffer from a lack of exercise and high stress levels due to the lack of a work-life separation and that the careers of professional esports players are often short, which creates issues when it comes to transitioning to another career; believes that the EU should adopt a responsible approach to video games and esports by promoting them as part of a healthy lifestyle including physical activity, in-person social interaction and cultural engagement;
34. Recognises the potential of sports video games and virtual sports for exploring new forms of fan engagement and increasing youth participation in physical activities; encourages the forging of partnerships between all the relevant stakeholders in the video games and sports sectors in order to create new projects that bring added value to players and audiences;
35. Underlines that video games and esports have a dual role to play in the green transition, both as an industry that must work to become more environmentally friendly, and as a medium for raising awareness of climate and environmental issues among video game players; welcomes the initiatives taken by the video game industry to protect the environment and improve the energy efficiency of the devices used and services provided; calls, in this context, for greater efforts to improve the energy efficiency and reduce the environmental impact of esports services;
36. Highlights that video games can be a social activity allowing users to socialise and spend time together; underlines that the stigma surrounding esports and video games is still widespread throughout society and should be addressed;
37. Highlights the important role that cities and regions can play in providing access to infrastructure capable of hosting esports events or facilitating access to video games for

all; underlines, in this regard, that public spaces such as libraries can play an important role in promoting video game culture and providing access to video games and devices for all, regardless of socio-economic circumstances, in accordance with EU copyright law; calls on the Commission and the Member States, therefore, to ensure sufficient funding for public spaces such as libraries in order to support such a role;

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38. Instructs its President to forward this resolution to the Council and the Commission.