



27.8.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0160/2024 by Katarzyna Podgórska (Polish) on the consumer rights of EU citizens buying on-line gaming services**

### 1. Summary of petition

The petitioner is calling for the rights of internet game consumers to be respected, particularly in relation to the requirement for game providers to provide accurate contact details to consumers in case of issues with their games. She claims that when game providers offer additional paid services and these services are purchased, if problems then arise with the way the game work, there is no way to lodge a complaint other than by connecting to a chatbot. The petitioner believes that game providers should create a platform to receive users' individual complaints about defects in the service provided, and each complaint should be given a unique number and be examined individually within a specific time period. Currently, consumers are not only unable to exercise the rights under EU law, but they cannot even lodge a complaint about a service offered online. It is not even certain that comments received by the bots are taken into account. Consumers try to complain about the games on the providers' social media sites, but this is insufficient. In the petitioner's opinion, providers are deliberately failing to put in place appropriate complaint procedures and are knowingly breaching consumer law.

### 2. Admissibility

Declared admissible on 17 May 2024. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 27 August 2024

The petitioner is calling for the regulation of the consumer rights of video game players, particularly in relation to the requirement for game providers to provide accurate contact details to consumers in case of issues with their games and to ensure proper complaint

handling procedures. The petitioner is concerned that, often, the only way of contacting game providers is through artificial intelligence (AI) chatbots.

Existing EU consumer laws, in particular the Consumer Rights Directive 2011/83/EU (CRD) and Unfair Commercial Practices Directive 2005/29/EC (UCPD), set out the information that traders such as video game providers must provide to consumers. Under Article 6(1)(c) of the CRD, the trader must inform the consumer, before the conclusion of the contract, about its geographical address, telephone number and email address and any other online communication means that the trader makes available voluntarily (e.g. online chat) and which guarantee that the consumer can keep the written correspondence, including the date and time of such correspondence on a durable medium. All those means of communication provided by the trader should enable the consumer to contact the trader quickly and to communicate efficiently. In addition, the trader can also make available other alternative means of communication, such as automated voice assistants or online chatbots that do not have the features specified in Article 6(1)(c). However, such additional means of communication should not be presented and promoted in a way that makes it difficult for consumers to access and use the means of communication provided in accordance with Article 6(1)(c).

As regards complaints about the performance of video games, Directive 2019/770/EC lays down rules on the conformity of digital content or a digital service with the contract, providing consumers with remedies in the event of a lack of such conformity or a failure to supply, and the modalities for the exercise of those remedies. Specifically, the consumer is entitled to have the digital content or digital service brought into conformity within a reasonable time and free of charge and without any significant inconvenience to the consumer, to receive a proportionate reduction in the price, or to terminate the contract, under the conditions set out in Article 14 of the Directive. The creation of any onerous or disproportionate barriers to prevent consumers from exercising their rights under a contract could amount to an aggressive commercial practice prohibited by Articles 8-9 of the UCPD.

The Commission is currently undertaking an evaluation of EU consumer protection legislation (Fitness Check of EU consumer law on digital fairness). In the consultations for this Fitness Check, there have been several issues raised concerning problematic commercial practices encountered in video games. In addition, there have been calls for the creation of a right of access to a human interlocutor for customer service purposes in case AI tools are used in the communication with consumers. The Commission plans to present a report on the Fitness Check conclusions in autumn 2024.

## Conclusion

The Commission takes note of the problems described by the petitioner concerning the complaint handling by video game providers. In essence, these problems can be addressed by the effective enforcement of existing EU consumer rights which is the responsibility of the Member States' competent authorities and courts. As part of a broader ongoing evaluation of EU consumer protection legislation in the digital environment, the Commission will reflect on the need for any additional follow-up measures.