



Briefing: How the Proposed EU KIDS Act Could Impact Video Games and the Stop Killing Games Campaign

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KEY TAKEAWAYS:

- **Overbroad Scope:** captures non-commercial fan hosts, community archives, Linux distribution repos, and offline single-player titles
- **Proportionality:** omits SME exemptions, forcing zero-revenue community projects to meet the same compliance standards as tech giants
- **Loss of heritage:** unworkable compliance duties will lead to forced shutdowns, this has already happened
- **Lacks discretion:** forces all minors in an age bracket into the same controlled environment regardless of personal development

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Introduction

The European Commission's proposal for the EU KIDS act (hereafter: "the Proposal")¹ is going to impact the video game industry significantly, if entered into force unchanged. It will require service providers to be in compliance with seriously impactful rules that seem disproportionate to the stated goal. At the moment, to be in scope depends on a very low bar that almost every provider will surpass. That means every server host, digital storefront, preservation archive and studio will likely be in scope of this act. They will have to change their services, regardless of their financial or technical capacity to do so. Many community run servers will have the same requirements regardless of if they're hosted for free.

We will elaborate our concerns with the Proposal, in the context of the video game industry.

Guiding Principles

Gamer's Voice supports protecting young people from abuse and exploitative practices, but recognise young people have a right to participate in society and express themselves. To that end, we believe regulation should address demonstrable risk with proportionate responses. Maintaining a balance between limiting risks and limiting opportunity, so that we can protect young people while still allowing people to develop, share and preserve the games they love.

Furthermore, we affirm the essential authority and responsibility of a guardian over their wards. Minors are not a monolith. Their maturity, needs and capacity for self-regulation varies wildly from minor to minor, even under the same roof. Guardians have direct insight into a child's individual development. They should have access to effective protective tools as appropriate for their situation, rather than top-down measures of control.

Unintended Scope And Legal Ambiguity

Determining who falls within scope is inherently complex. The Proposal classifies video games as an 'Information Society service'², defined under [EU Directive 2015/1535](#) as "any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a service recipient." Because CJEU case law interprets remuneration broadly, it creates significant legal uncertainty for non-commercial, fan-maintained and community-hosted infrastructure. Particularly when they receive income through (non-conditional) donations, subscriptions, advertising or other forms of funding for the purposes of maintaining the infrastructure.

In addition the proposed act has a very broad definition of what constitutes an online game. People distributing online games, which could include those packaged in a Linux distribution's repositories will be in scope. Its definition can include games whose software is executed locally, while games are excluded only where they are available exclusively through physical media. As a result, some digitally distributed games that you might think of as offline single-player titles could fall within scope of the Proposal.

¹ **European Commission**, *Proposal for a Regulation of the European Parliament and of the Council on EU KIDS ACT – 'EU Keeping Internet Digital Spaces Accountable and Trustworthy'*, [COM\(2026\) 681 final](#), 2026/0286 (COD).

² Article 3(5)(f) of the proposed EU KIDS Act, references [EU Directive 2015/1535](#)

The compliant implementation of the Proposal's norms will for some be too expensive, and for others impossible due to the nature of their service.

Disproportionate Compliance Obligations

Whilst it would overstate the Proposal to claim that it criminalises preservation activity, bans every private server, or places every game behind an identity check, providers in scope will have to be in compliance with its rules. In-scope online games face safety-by-design and guardian-control duties . This might require age verification on users, or require old games to be redesigned; this would be incredibly expensive to achieve for games out of active development. These can apply when a game is distributed, hosted, or even launched locally, which might make it very difficult to lawfully distribute some old games.³

As we saw from the UK's Online Safety Act and the loss of the browser game Urban Dead, when regulatory compliance duties are unworkable, small providers do not adapt: they are forced to shut down⁴, directly leading to the loss of valuable digital “third spaces”.

These proposals create severe challenges for independent developers, older titles and community preservation projects that may lack the resources, or license rights to redesign legacy software or integrate compliant age-assurance technology. Crucially the Proposal deliberately omits general exemptions for small and micro enterprises, dragging them into scope alongside multi-billion-euro commercial platforms⁵.

Related legislation, such as the Digital Services Act (DSA), recognizes the much smaller risks of, and much higher cost for small and micro-enterprises. Lighter forms of regulation are utilized to prevent market consolidation and disproportionate impact. Exemptions are found in Articles 19(2), 24(2), and 26(1) of the DSA. Given that users can effectively be protected without subjecting these small and micro-providers to those burdens, imposing them to identical mandates under this Proposal fails the “the least restrictive test” and consequently would violate the principle of proportionality as codified in Article 5(4) TEU (Treaty on European Union).

³ Articles 8, 15 and 20 of the proposed EU KIDS Act

⁴ Urban Dead shutdown notice <https://www.urbandead.com/shutdown.html>

⁵ European Commission, *EU KIDS Act*, COM(2026) 681 final, Explanatory Memorandum, section on scope.

1. Economic Assessment Needs To Address Small And Micro Gaming Services

An analysis of the Proposal's impacts has been published. It states there are uncertainties around adjustment costs, in particular for small and micro providers (which would cover many game preservation projects).⁶

The analysis makes the claim that third-party services, shared tools and the EU age-verification solution should reduce costs. It relies partly on evidence from other jurisdictions and anticipated easy integration through website platforms. This is likely to be considerably more difficult for games distributed outside of large platforms. It also acknowledges limits in the evidence for some integration estimates.

There is a problem facing preservation projects and micro gaming services. That is the international compliance requirements and duties are stacking. The open internet is being replaced with complicated and overlapping jurisdictional duties. As such the assessment of this act's impact should examine the cumulative burden on small providers operating internationally due to the global nature of these services.

Existing compliance with the UK Online Safety Act or another country's rules may reduce some implementation costs where duties align, but that depends on whether controls and compliance evidence can actually be reused. For example Ofcom's definition of 'Highly Effective Age Assurance'⁷ may not align with the EU Commission age assurance certification scheme. Regardless of whether the final measures implemented are compatible, time is still required by services to read, obtain specialist advice, understand and make an assessment on how to comply.

As such the Commission should identify which requirements are compatible, where additional adaptation or separate procedures would be necessary, and whether the combined burden could make continued operation unviable for gaming services. This is particularly important as installing a website plug-in is different from altering an old game executable, implementing guardian controls in a peer-hosted game, or maintaining a preservation project without revenue. A low price per age check does not establish that the full system is affordable: integration, appeals, security, support and ongoing maintenance also matter.

There also needs to be a specific assessment of legacy titles, independent developers and volunteer projects, including the availability of source code and the feasibility of using controls on a device or distribution platform. The Commission should compare these options with narrower duties tied to actual functionality and evidence of risks arising from these smaller services.

Article 52(1) EU Charter of Fundamental Rights (hereafter "CFR") requires limitations on protected rights to be necessary and proportionate. The proposal engages a range of Charter rights, including privacy and family life (Article 7 CFR), protection of personal data

⁶ [European Commission, SWD\(2026\) 681 final, analysis of impacts, particularly sections 4.3.2.2–4.3.2.4.](#)

⁷ <https://www.ofcom.org.uk/online-safety/protecting-children/age-assurance>

(Article 8 CFR), freedom of expression and information (Article 11 CFR), freedom of association (Article 12 CFR), freedom to conduct a business (Article 16 CFR), non-discrimination (Article 21 CFR), the rights of the child (Article 24 CFR), and potentially disability rights and effective-remedy guarantees (Article 26 and 47 CFR).

Uncertain costs do not, by themselves, establish that legislation is unlawful, but they do strengthen the case for demanding evidence that the chosen obligations are justified and that less restrictive alternatives have been examined. The CJEU has held that, where several appropriate measures are available, recourse must be had to the least onerous measure.⁸

⁸ [CJEU. Landeshauptstadt Wiesbaden. Case C-61/22. ECLI:EU:C:2024:251](#), paras 83–84

2. The Complicated Scope Of Duties Raises Questions About The Types Of Games And Servers Covered.

The Proposal defines a video game and a video-gaming platform and places both of them within the category of ‘online games’⁹. Recital 12 includes games distributed online even when their software runs local and they lack public sharing features. It has a physical-only exclusion which is really narrow, but would cover things like old SNES games distributed on a cartridge that didn’t connect to the internet. The result of the way that games are defined in this proposal means ‘online games’ can include a single-player game that is distributed online but is executed locally with no multiplayer functionality.

The somewhat bizarre outcome of this is that the original Mario game would be treated differently if it were purchased on a NES cartridge, than if it were downloaded on the Nintendo Store to play on a Switch 2. Also that a single player game of solitaire executed locally on your own computer would be counted as an ‘online game’ if obtained from an online digital store.

The exemption for locally executed games fails to account for technical mechanisms integrated into modern single-player titles:

- **Digital Rights Management (DRM):** Many games and storefronts require an internet connection to verify license ownership before allowing the video game to be played.
- **Analytics and Telemetry:** Many single player games transmit diagnostics, crash reports, and other data to the developer.
- **Cloud Saving:** Many video games use the cloud to save progress.

Everything on that list would exclude a video game from that exemption, because under Directive 2015/1535 and CJEU jurisprudence, these background network interactions occur “at a distance, by electronic means, at the request of the individual”. Consequently even a game which is entirely single-player and executed locally, the implementation of cloud saves, license checks or telemetry risks classifying the title as an Information Society Service and putting it in scope.

So what is the impact on free games & community run projects?

The operative video-game definition incorporates the information-society-service definition in Directive (EU) 2015/1535¹⁰. In plain English this means a private server hosting a game would only be in scope; it’s normally provided for remuneration and forms an economic activity. However this isn’t a simple thing to work out as CJEU court cases have had broad interpretations of what constitutes remuneration.

In *Mc Fadden v Sony Music*, C-484/14, paragraphs 39–43¹¹, the CJEU treated free public Wi-Fi offered to advertise a business as an economic service. In *Papasavvas*, C-291/13, paragraphs 26–30¹², a free online newspaper qualified because advertising paid the

⁹ Art 3(5)(e)–(g) EU KIDS Act

¹⁰ [Directive \(EU\) 2015/1535](#), Article 1(1)(b)

¹¹ [CJEU, Mc Fadden v Sony Music, C-484/14, ECLI:EU:C:2016:689](#), paragraphs 39–43

¹² [CJEU, Papasavvas, C-291/13, ECLI:EU:C:2014:2209](#), paragraphs 26–30

provider. These cases show that free access can remain economic; and yet neither decides the status of a volunteer game server. This is one reason there exists confusion around whether private servers are in scope of the Proposal. The simple truth might just be that it depends on the situation and might require a court to decide it conclusively.

A server that is password-locked or whitelisted to a small group of people likely has no economic activity and thus doesn't qualify as a publicly provided service.

Applied to community gaming, our current interpretation is:

- **Truly Private (Friends & Family):** If access is restricted (such as with a password, only for friends/family), then it most likely is out of scope.
- **Public Volunteer Servers:** with no remuneration or associated economic activity also has a substantial argument, although its circumstances need examination.
- **Public / Semi-Public Community Servers:** If a server is open to the public, even if it's hosted for free, it is possibly in scope because competing for public user time and attention might be classified as an economic activity. Accepting small community donations to cover server hosting costs risk qualifying as having an economic character.

Non-conditional donations: non-conditional donations, as a way to share the hosting costs for example, require closer analysis. Non-profit status and cost recovery should not be treated as automatic exemptions, but neither should every donation be assumed to establish an economic service.

No Small-Business Exemption: Unlike some other regulations, the proposed KIDS Act doesn't exempt small and micro-enterprises from complying.

Recital 12's references to free games had many people initially thinking all private servers were covered, but our understanding is that recitals don't necessarily override this threshold. Recitals aid interpretation but cannot displace clear operative provisions, as the Court explained in Nilsson, C-162/97, paragraph 54¹³.

The practical consequence of this is that a lot of providers will be pulled into scope unintentionally. And even if not, a private server host would have to consider these factors, and won't have certainty until a court determines if their situation is in scope.

We urge the legislators to amend Article 2 and Recital 12 to clarify that software executed locally on a user's device that does not feature real-time multi-user interaction or public user-generated content sharing shall not be considered an online game solely by virtue of its digital distribution, periodic license verification, cloud save synchronization, or technical telemetry.

¹³ [CJEU. Nilsson and Others. C-162/97.ECLI:EU:C:1998:554](#), paragraph 54

3. Guardian- And Safety By Design Requirements Would Change The Nature Of Gaming And Disrupt Core Player Engagement Mechanics

The Proposal places a number of complicated design and parental-control obligations onto games. These are designed to make games safer, but some arguably just remove features that people find enjoyable. For example there will be new rules concerning pressure to return regularly or avoid losing benefits. Which could kill off the fun of getting a daily log-in reward in something like War Thunder.

Even more worryingly Article 15(1)(d) expressly requires online-game providers to ensure access to the guardian tools in Article 20, and makes access by children under 13 dependent on those tools. Article 20 also directly names online games. These obligations apply to standalone games within scope, as well as gaming platforms.

This means even if a game is totally child-safe in its design, for example, ‘Animal Crossing: New Horizons’ (which is rated PEGI 3), it will be within scope of the guardian tool duties. Regarding these compliance duties, Article 20 includes mechanisms for time-limited access, management of relevant settings and reporting. It also requires providers to explain when tools are used and encourage guardians to use them. Additionally determining when guardian-controlled access is required may create pressure to obtain age information about users. Sounds easy if you are a small developer or running a preservation project right? ¹⁴

Then when it comes to child-safety protections in design, if a developer doesn’t want to comply or can’t comply with them then ID checks such as an age-signal would be required to relax the protections. The Proposal tries to introduce strong privacy requirements for these systems, and states they must not identify, locate, track, target or profile users:

“Any age assurance measure shall be zero knowledge proof.”¹⁵

The problem with this is that many leading privacy experts argue that privacy friendly online ID checks are not possible. This case is made in academic work such as Bellovin’s ‘Privacy-preserving age verification - and its limitations.’¹⁶ Given current technology on the market, and likely wider constraints of how information flows in complicated systems, Gamers Voice shares the view that ‘privacy-preserving’ age assurance is not possible.

Regardless of the privacy issue there remains an Article 10 ECHR free expression¹⁷ proportionality problem. Put simply, is it proportionate to require age-assurance, guardian-control or other compliance infrastructure for low-risk or entirely single-player games, including games played by very small numbers of people? Play is itself an important interest for children: Article 31 UNCRC¹⁸ recognises the right of the child to rest, leisure, play and recreational activities. Restrictions on access to games therefore need to be considered

¹⁴ <https://kidsact.eu/parents-guardians/>

¹⁵ Article 28 proposed EU KIDS act

¹⁶ Bellovin, S. M. (2025). [Privacy-preserving age verification—and its limitations. Submission to the IAB/W3C Workshop on Age-Based Restrictions on Content Access.](#)

¹⁷ Article 10 European Convention on Human Rights, <https://rm.coe.int/1680a2353d>

¹⁸ Article 31 of the UN Convention on the Rights of the Child

alongside the safety benefits the proposal seeks to achieve. Under Article 52(1) of the EU Charter and the CJEU's proportionality case law, consideration should also be given to whether the same objective could reasonably be achieved as effectively through measures that interfere less with protected rights. For small community services, for example, proportionate alternatives might include risk-based duties, clear safeguarding guidance, escalation procedures, or access to specialist law-enforcement or safeguarding advice where operators encounter grooming, abuse or other serious harms.

There is a further problem here for old games. The application of the duties is much less obvious for a game containing no accounts, communications or online functionality beyond distribution. How for example is a judgement as to whether Tetris encourages excessive use by minors made?

Because there is no exemption for old games or out of software production, the Article 8, "General obligation on safety by design" requirements risk making continued digital distribution of legacy games commercially or technically unviable. This is particularly the case where source code is unavailable or the original development team no longer exists.

This is incredibly detrimental towards Stop Killing Games' agenda of keeping games playable for everyone to enjoy.

We urge the legislators to amend Article 8 and 20 of the Proposal to:

- Explicitly exempt out-of-production games, legacy titles without active development, and software whose source code is unavailable from the retrofitting obligations under those articles.
- Restrict mandatory guardian tools to platforms that actually pose risks to minors, in any case only those that have real-time multi-user communication, rather than applying them uniformly.
- Recognize proportionate alternative safeguards. Small and micro-enterprises should have alternative ways to satisfy the obligations under the Proposal.

4. It Will Hurt Small Developers And Benefit Large Corporations

The proposal expressly rejects a general exemption for small businesses:

“At the same time, small and micro enterprises are not exempted from this Regulation, since they may equally provide harms to minors. It would undermine the objective of this proposal to exclude them from scope.”¹⁹

There is also no exemption for video-game preservation, not-for-profit community gaming servers, cultural archives, museums, or legacy games.

The only people who will benefit from this are the large gaming publishers who have an interest in people purchasing their latest title, rather than playing old games, and who are worried about increasing popularity in indie games eating into their market share. For the big players that already have a large platform infrastructure able to handle the legislative requirement it is less of an issue. It's noted that some large game publishers such as Epic also now provide an age-verification service in the form of KWS²⁰.

The regulations will also be of some benefit to large game platforms and storefronts as games hosted within those platforms might benefit from their age-checks and account level parental guardian systems they will have to develop. It will make distributing a game independently outside of these platforms a lot harder, that arguably harms competition within the gaming market.

The commission has shown that exemptions are possible, but these clearly don't include small gaming services. So far the proposals only seeks to exempt certain public-interest services, including:

“not-for-profit educational and scientific repositories”

and:

“open-source software-developing-and-sharing platforms²¹”.

The justification that the European Commission gives for not exempting small not-for-profit gaming services is that minors can still be harmed equally on such services regardless of the size. They then follow up with an exemption for services that they deem to be “unlikely to pose harm to minors” which includes not-for-profit educational and scientific repositories.” We do not think for-profit educational and scientific repositories are any more likely to harm a minor and see no reason why they should not be exempt.

¹⁹ European Commission, EU KIDS Act, COM(2026) 681 final, Explanatory Memorandum, section on scope

²⁰ <https://dev.epicgames.com/docs/kids-web-services>

²¹ Article 2(2)(d) of the proposed EU KIDS Act

5. App Stores And Game Stores Would Become Age-Gating Infrastructure

The proposal separately requires software application stores to establish age-rating systems and prevent minors from accessing applications considered inappropriate for their age.

Article 16 states:

“Providers of software application stores shall not allow minors to access or purchase software applications that are inappropriate for their respective age”²²

and requires stores to assess users' ages.

This shifts age restrictions from existing ratings systems such as PEGI that provide advisory information to parents and players, towards access controls enforced by digital distribution platforms. This takes decision making away from families as to what game it is suitable for their child to play, and places them in the hands of the Government.

It's also worth noting that the codes envisaged under Article 17 consider not only violent, sexual, gambling and self-harm content but also “in-app purchases, contact risks and addictive design features”.²³ Addictive design' is not itself a clinically established diagnosis or diagnostic category. Clinical classifications instead address conditions such as 'gaming disorder'²⁴, which require impaired control and significant functional impairment, rather than simply the presence of design features intended to sustain engagement. Despite this addictive design is defined by the Proposal as certain design characteristics that encourage excessive or compulsory use.

The proposal risks collapsing the distinction between harmful manipulation and successful game design. Games are supposed to be engaging. Describing mechanics that make players want to continue playing in quasi-medical terms such as “addictive” or “compulsive” risks pathologising ordinary play unless the law identifies a clear, evidence-based threshold for harm.

²² Article 16(5) of the proposed EU KIDS Act

²³ Art 17(2)(b) of the proposed EU KIDS Act

²⁴ [World Health Organization, “Addictive behaviours: Gaming disorder” \(22 October 2020\); American Psychiatric Association, “Internet Gaming Disorder”, DSM-5-TR guidance](#)

6. Extraterritorial Scope – Games Around the Globe Would be Under Threat

Article 2(2) of the Proposal applies to providers who either provide their services from a location within the Union, or who offer their services to recipients established or located in the Union, regardless of the provider's own establishment. Article 24 of the Proposal requires relevant providers without an EU establishment to designate a representative. The territorial trigger concerns offering services to EU recipients or from within the EU.

A UK studio or community provider could therefore have to consider the proposal alongside applicable UK duties. It would not be excessive to say the vast majority of digital services worldwide are offering their services to EU recipients, and so this act affects the global community of developers and gamers. Being in scope is a minimal barrier that most developers will easily surpass.

For providers that are covered, compliance costs could encourage restricted availability or withdrawal from the EU. That is a possible response, not a statutory requirement to geoblock. The preservation implications of overlapping national regimes deserve explicit assessment.

7. Levy And Supervisory Fee Provisions Would Push Up The Cost Of Gaming

There are levy and fees that come with this. During a period of industry contraction these will likely drive up the cost of gaming for all consumers as publishers incur additional costs that will be passed on.

On the bright side, this overly restrictive regime also leaves some breathing room by not imposing a general levy on every indie developer, private server host or online game (Article 36 of the Proposal). Its fee applies to specified providers under Commission supervision. Standalone video games follow a separate national enforcement route under Article 34(5) of the Proposal; video-gaming platforms use the DSA framework²⁵.

For smaller providers, the more immediate concern is the cost of compliance rather than this supervisory charge.

²⁵ [Latham & Watkins. EU KIDS Act EU Commission Publishes Proposal on Child Protection Online. 29 September 2026.](#) - This overview supports the distinction between certified social-media verification and alternative game age assurance, and between platform and standalone-game enforcement. It seemingly forgets to provide a detailed Article 20 analysis.

8. Infringements on Youth Autonomy and Fundamental Rights

Young people are experiencing a vast decline in physical social contact. But the friendships they form playing videogames are real; they are for many people a significant portion of their lives. Many of those friendships will be altered or lost, due to the nature of the guardian tools.

The European Commission mirrors the dynamics between a minor and a 'helicopter' parent: providing excessively restrictive oversight by supplementing parental involvement with state mandated digital surveillance. In aiming to shield minors from physical or emotional harm, the protective digital architecture restricts exploration, limits social autonomy and enforces the constant supervision that today's young people are under. It risks creating a far larger amount of harm this way. When teenagers know they are constantly watched, they do not just lose their privacy; they lose the freedom to self-correct and solve problems themselves.

By requiring parental consent and guardian monitoring for every environment until age 15, teenagers lose the digital "third spaces" where they could navigate social dynamics with their peers, without adult oversight.

Those digital spaces allow teenagers to build up the social maturity that they'll need in adulthood. Managing negative digital interactions, resisting online manipulation, and understanding what is acceptable behaviour and what isn't, will have to be learned at some point. These are all life skills that we should be teaching young people with tools such as education. Expecting young people to deal with the world safely and responsibly as adults is a dangerous recipe for if we prevent them from navigating its challenges during youth.

We've just been through a global pandemic, where a lack of social interaction between young people has had severe consequences for many of them. If not for the digital social spaces, this problem would be significantly worse than it already is. Protecting minors should never start with total oversight, or else we miss harming children in other ways such as denial of the UNCRC Article 31 right to rest and play, The article 15 right to freedom of association, or the Article 13 right to play and freedom of expression. The over-protective measures within the Proposal will not prevent harm. At best it will delay exposure until age 18, when they will face real adult risks without developing any of the tools needed to navigate such risks.

Conclusion - The Eu Kids Act Threatens Gaming As A Cultural Practice And Infringes People's Fundamental Rights.

The European Commission's proposal seeks to address harms that young people may face through gaming, but gives much less attention to the harms that may arise when young people are excluded from gaming and online communities altogether.

Safety cannot be assessed on the assumption that time spent offline is risk-free, or that age-gating and restricting access to online play carry no harm of their own. A meaningful proportionality assessment should consider both the risks associated with participation and the fundamental rights, social connections, recreational opportunities and cultural benefits that may be lost when access is restricted. Gamer's Voice believes there are less rights-intrusive interventions that could deliver meaningful safety benefits for players but which receive insufficient consideration in the proposal.

There is also a question about whose expertise has informed this approach. People who have grown up playing games and participating in online gaming communities have direct lived experience both of the harms that can occur in those spaces and of the ways communities, developers and players already respond to them. Yet the perspective of gamers as consumers appears largely absent from the Commission's account of the experts and stakeholders it consulted. That partly reflects a wider structural problem: compared with many other sectors, gaming has relatively little organised consumer advocacy. Gamer's Voice exists in part to address that gap and to ensure that people who actually play games have a voice when governments regulate them.

Furthermore the proposal does not adequately differentiate between services presenting radically different levels and types of risk. A small community-run game server, a decades-old single-player title distributed online and a major commercial multiplayer platform can all fall within the regulatory framework. Small and micro enterprises are deliberately not exempted, even where a service has a tiny user base or presents little of the functionality associated with the harms identified by the Commission.

The proposal does recognise PEGI, existing industry self-regulation and the possibility of codes of conduct. But recognition is not the same as proportionate treatment. It provides no general exemption for small independent projects, volunteer preservation communities or small non-profit distributors, and does not solve the practical problem of retrofitting legacy software with guardian controls, age-dependent functionality and other compliance infrastructure for which it was never designed.

That matters beyond regulatory compliance. Communities that preserve, maintain and share older games are part of the cultural life that has developed around video games. Take for example a community that exists around a project such as OpenRA²⁶, it is not just a game, but a group of people participating in a shared project. UNESCO recognises games as cultural practices capable of sustaining community participation and intergenerational transmission.²⁷ UNESCO's Charter on the Preservation of Digital Heritage also states that

²⁶ <https://www.openra.net/>

²⁷ Decision of the Intergovernmental Committee: [16.COM 8.C.4](#)

digital heritage should be preserved and made accessible over time, and specifically calls for cooperation by software developers, publishers and distributors in its preservation²⁸.

By making access, distribution and continued operation of older and community-maintained games more difficult, the EU KIDS Act raises issues directly relevant to Stop Killing Games' objectives and, more broadly, to gaming as play, community and cultural practice. We urge politicians to think again.

Gamers Voice is a consumer advocacy group for gamers and the UK chapter of Stop Killing Games. We are a not-for-profit company, limited by guarantee without share capital. We are registered in England and Wales 16986530. Registered address 4 Station View, Hebden

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²⁹

²⁸ [UNESCO Charter on the preservation of digital heritage](#)

²⁹ [The United Nations Convention on the Rights of the Child](#)