



# Dutch Government Proposes a Ban on Loot Boxes

## QUICK READ:

- The Dutch Minister for Economic Affairs has outlined her Consumer Agenda, which includes a ban on loot boxes at national and European level.
- The Minister will seek to influence the outcome of the European Commission's Digital Fairness Consultation, which is assessing the adequacy of the consumer protection framework in the digital environment - the outcome is currently scheduled for Q2 2024.
- Domestically, policymaking may be impacted by the collapse of the Government.

## RISK BAROMETER



## JURISDICTION RELEVANCE

EU/Netherlands

## REGULATOR

Authority for  
Consumers and  
Markets

## TIMELINE

June 28th, 2023

## KEY INSIGHTS:

- In March 2022, the State Council, Netherlands' highest administrative court, overruled a 2020 decision involving EA and FIFA, which banned loot boxes that can be cashed out.
- Following this, in June 2022, six MPs submitted a bipartisan motion to ban the use of paid loot boxes. In response, the Dutch Minister for Legal Protection favoured consumer protections. However, it was explicitly said that an outright ban was still on the table.
- As of June 28th, the Dutch Minister for Economic Affairs and Climate, Micky Adriaansens, has sent a letter to the President of the House of Representatives, outlining her [Consumer Agenda](#), which seeks improvement at national and European level, where the European Commission is currently investigating whether the current rules are adequate for protecting consumers online.
- As such, the Minister is asking the Commission, among other things, to address 'information overload', to future-proof consumer regulations in order to remain flexible enough to cover, for instance, 'dark patterns', and for virtual currencies to be regulated more tightly as it 'is difficult for consumers to maintain oversight of the total amount of money they spend' in a game.
- Additionally, the proposals include amending European legislation so that loot boxes qualify as an

unfair commercial practice under all circumstances. Domestically, 'as far as the cabinet is concerned, there will be a ban' on loot boxes.

- Adriaansens will now convert her announced national actions into regulations and actively promote her agenda at EU level – a discussion paper has already been shared with the Commission.
- Nevertheless, since the announcement, as of July 7th, the Dutch Government has collapsed, with an election expected for November at the earliest. The cabinet will stay on in a caretaker capacity.

## MOST TELLING:

**'Loot boxes have a high potential to distort the economic behaviour of consumers. Especially minors are at risk of excessive spending when they're presented with the option to pay for opening a loot box'**

## DELANY & CO HOT TAKE:

Calls to ban the controversial mechanic, particularly to protect minors, may find a receptive audience in the EU, who favour a consumer protection law approach and where last year, 'own initiative' reports by two different Parliamentary committees recommended banning paid loot boxes for children. Nationally, while a complete prohibition looms, the timeline is less clear due to political uncertainty.