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Decision No 131/26/COL

Ministry of Trade, Industry and Fisheries
P.O. Box 8090 Dep
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Norway

Subject: Prolongation of the Norwegian aid scheme for digital games

1 Procedure and description of the measure

- (1) On 9 September 2026, Norway notified the EFTA Surveillance Authority (“ESA”) of a planned prolongation (the “measure”) of the Norwegian aid scheme for digital games (the “existing scheme”). ESA approved the existing scheme on 11 February 2021 (the “approval decision”),¹ which expires on 31 December 2026.
- (2) The measure is notified under the simplified procedure under Article 4 of ESA’s decision on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (“Decision No 195/04/COL”).²
- (3) The measure prolongs the existing scheme by one year, until 31 December 2027. The Norwegian authorities submit that a prolongation of the scheme is necessary for the reasons set out in the approval decision, as the market situation has not materially changed since the adoption of that decision.³ According to the Norwegian authorities, culturally significant Norwegian digital games continue to face market failures arising from high production costs, limited commercial prospects and difficulties in obtaining financing at all stages of development, such that many of these games would not be produced in the absence of aid.
- (4) For clarity, the Norwegian authorities have explained that the scheme's annual budget for the notified period has been increased slightly,⁴ and that the aid-granting

¹ ESA [Decision No 009/21/COL](#), *Aid scheme for digital games 2021–2026*.

² ESA [Decision No 195/04/COL](#), *on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice*, OJ L 139, 25.5.2006, p. 37, and EEA Supplement No 26/2006, 25.5.2006, p. 1, as amended by ESA Decision No 319/05/COL of 15 December 2005 (OJ L 113, 27.4.2006, p. 24), ESA Decision 387/06/COL of 13 December 2006 (OJ L 148, 11.6.2009, p. 35), ESA Decision 789/08/COL of 17 December 2008 (OJ L 340, 22.12.2010, p. 1) and ESA Decision 108/17/COL of 4 July 2017.

³ ESA [Decision No 009/21/COL](#), *Aid scheme for digital games 2021–2026*, paragraphs 6-8 and 78-81.

⁴ The annual budget of the scheme is increased from NOK 80 million to NOK 90 million. This means that the total budget of the scheme (for the original period 2021-2026 and the prolongation until 31 December 2027) is increased from NOK 480 million to NOK 570 million.

authorities have now been specified in greater detail.⁵ However, the Norwegian authorities consider, and ESA agrees, that neither the budget increase nor specifying the aid-granting authorities constitute notifiable amendments.⁶

2 Applicability of the simplified procedure

- (5) The measure consists of a prolongation of the existing scheme by one year. Therefore, it falls within the scope of Article 4(2) of Decision No 195/04/COL.
- (6) ESA confirms that the Norwegian authorities have submitted annual reports in accordance with Articles 5 to 7 of Decision 195/04/COL. The requirement of Article 4(3) of Decision No 195/04/COL is therefore fulfilled.

3 Lawfulness of the aid

- (7) The Norwegian authorities notified the measure and have not yet let it enter into force, thereby respecting their obligations under Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ("Protocol 3").

4 Assessment of the measure

4.1 Existence of aid within the meaning of Article 61(1) of the EEA Agreement

- (8) By its approval decision, ESA concluded that the existing scheme constitutes State aid within the meaning of Article 61(1) of the EEA Agreement.⁷ The one-year prolongation of the existing scheme does not alter ESA's conclusion in this regard.

4.2 Compatibility of the aid

- (9) ESA's assessment of the measure does not raise any doubts and confirms that the measure does not modify the original compatibility assessment in the approval decision, where it considered the existing scheme to be compatible with the functioning of the EEA Agreement under Article 61(3)(c).⁸
- (10) For the sake of completeness, ESA takes note of the budget increase and the further specification of the aid-granting authorities.⁹
- (11) In ESA's assessment, the prolongation of the scheme is justified by the fact that culturally significant Norwegian digital games continue to face financing difficulties and that the market situation has not materially changed since the adoption of the approval decision (see paragraph (3) above).¹⁰ Furthermore, the existing scheme

⁵ The Norwegian authorities have clarified that the granting authorities are: The Norwegian Film Institute; Arktisk Film Norge Invest; Filminvest; Mediefondet Zefyr; Oslo filmfond; Filmkraft Rogaland; Midtnorsk filmsenter; Arktisk Film Norge; Østnorsk filmsenter; Sørnorsk filmsenter; Vestnorsk filmsenter; Viken filmsenter.

⁶ As regards the budget increase, it remains below 20% and therefore does not constitute a notifiable amendment within the meaning of Article 4(1) of [Decision No 195/04/COL](#). As regards the specification of the aid-granting authorities, this constitutes a modification of a purely formal or administrative nature that cannot affect the assessment of the compatibility of the aid measure and, accordingly, does not constitute a notifiable amendment within the meaning of Article 4(1) of [Decision No 195/04/COL](#).

⁷ ESA [Decision No 009/21/COL](#), *Aid scheme for digital games 2021–2026*, paragraphs 53-66.

⁸ ESA [Decision No 009/21/COL](#), *Aid scheme for digital games 2021–2026*, paragraphs 69-102.

⁹ See paragraph (4).

¹⁰ ESA [Decision No 009/21/COL](#), *Aid scheme for digital games 2021–2026*, paragraphs 78-81.

remains substantively unchanged. Accordingly, ESA sees no reason to depart from its previous positive compatibility assessment.

5 Conclusion

- (12) On the basis of the foregoing assessment, ESA considers that the measure constitutes State aid within the meaning of Article 61(1) of the EEA Agreement. ESA has no doubts that the aid is compatible with the functioning of the EEA Agreement pursuant to its Article 61(3)(c) and therefore, ESA has no objections to its implementation.¹¹
- (13) The Norwegian authorities have confirmed that the notification does not contain any business secrets or other confidential information that should not be published.

Yours faithfully,

For the EFTA Surveillance Authority

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This document has been electronically authenticated by Arne Roeksund, Melpo-Menie Josephides.

¹¹ Reference is made to Article 4(3) of Part II of Protocol 3.