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Decision No 009/21/COL

Ministry of Trade, Industry and Fisheries
P.O. Box 8090 Dep
0032 Oslo
Norway

Subject: Aid scheme for digital games 2021–2026

1 Summary

- (1) The EFTA Surveillance Authority (“ESA”) wishes to inform Norway that, having assessed the notified aid scheme for digital games 2021–2026 (“the scheme” or “the measure”), it considers that the scheme constitutes state aid within the meaning of Article 61(1) of the EEA Agreement and decides not to raise objections¹ to it, as the aid is compatible with the functioning of the EEA Agreement, pursuant to Article 61(3)(c) of the EEA Agreement. ESA has based its decision on the following considerations.

2 Procedure

- (2) The Norwegian authorities notified the scheme on 8 January 2021.²
- (3) On 8 and 11 January 2021, ESA requested information from the Norwegian authorities.³ On 12 January 2021, the Norwegian authorities replied to the information requests.⁴ On 15 January 2021, ESA requested additional information from the Norwegian authorities.⁵ The Norwegian authorities replied to the request on 25 January 2021.⁶ On 26 January 2021, ESA asked the Norwegian authorities for additional clarifications.⁷ The Norwegian authorities replied on 29 January 2021.⁸ With the information submitted on 29 January 2021, ESA deemed the notification complete.

3 Description of the measure

3.1 Background

- (4) By [Decision No 180/09/COL](#), ESA approved an aid scheme for audiovisual productions, together with an aid scheme for the development of educational measures and screenplays, with a duration until 31 December 2014. By [Decision No 518/14/COL](#), ESA approved a prolongation of a part of that scheme from 1 January 2015 to 31 December 2020, concerning the development, promotion and

¹ Reference is made to Article 4(3) of the Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

² Document Nos 1172056 and 1172058.

³ Document Nos 1171765, 1171774 and 1172686.

⁴ Document No 1172661.

⁵ Document No 1173287.

⁶ Document No 1175556.

⁷ Document No 1175814.

⁸ Document No 1177431.

distribution of interactive productions (“the 2015–2020 scheme”). The measure is partially a continuation of the 2015–2020 scheme.

3.2 The digital games market in Norway

- (5) The draft national legal basis of the scheme defines ‘digital game’ as fiction-based or documentary production through sound and images operated by user-participation and which is produced for public viewing or sale.
- (6) According to a report by the Federation of Norwegian Enterprise, Virke, there are around 20 active digital game producers in Norway.⁹ Their total turnover amounted to approximately NOK 550 million (EUR 52.1 million¹⁰) in 2018. Their annual turnover in Norway amounts to approximately NOK 17 million, which is only around 1% of the total game sales in Norway. The Norwegian gaming market is highly dominated by global titles developed mainly in the USA, Sweden and Finland.
- (7) According to the Norwegian authorities, the approximately 20 active digital game producers in Norway together produce approximately 5–10 culturally significant digital games yearly.
- (8) The Norwegian authorities stress that culturally significant digital games face difficulties given the smaller markets and higher economic risks compared to games with more globalised content. This is especially so considering that the Norwegian industry is comparatively small in the Nordic context and considering the limited reach of the Norwegian and Sami languages.¹¹ The Norwegian authorities therefore argue that what they consider culturally significant games developed in Norway usually do not achieve more than a marginal market share on the domestic market.

3.3 Objective

- (9) The purpose of the scheme is to contribute to the production, development, promotion and distribution of culturally significant Norwegian digital games, as well as to contribute to the common advancement of Norwegian digital games in general. The latter refers to support for projects which promote Norwegian game development and culture as a whole, including events for the industry as a whole, or participation in international seminars or conferences.
- (10) To this end, financial aid will be provided towards digital games placed in a Norwegian context of high artistic and technical quality that have a limited commercial potential, towards the Norwegian game development sector as such, and towards improving the audience’s perception of Norwegian games.
- (11) The scheme falls into three parts: (i) aid for the production and development of culturally significant digital games; (ii) aid for the promotion and distribution of culturally significant digital games; and (iii) aid for advancement of Norwegian digital games in general.

⁹ Virke (2019), [SPILLRAPPORTEN 2019/2020](#).

¹⁰ For currency conversions related to notifications, ESA uses the relevant exchange rate from the European Commission’s currency converter for the month when a complete notification was submitted. The complete notification was submitted on 29 January 2021 (see para (3) of this decision). The relevant exchange rate for January 2021 is NOK 1 – EUR 0.09481.

¹¹ Norwegian language encompasses both *nynorsk* and *bokmål*. Sami language refers to the languages used by the Norwegian Sami minority.

- (12) As for the support for the development of culturally significant digital games, the scheme provides support for the entire development process.

3.4 National legal basis and granting authority

- (13) The national legal basis for the scheme will be a new regulation (to be adopted) on state aid for the development, distribution and advancement of digital games.
- (14) The legal basis for the 2015-2020 scheme is [Regulation of 31 October 2016 No 1264](#) on aid to audio-visual works (“the Regulation”). The Regulation will be repealed when the new regulation enters into force.
- (15) The granting authority will be the Norwegian Film Institute (“the NFI”). The NFI may appoint expert committees, entirely or in part composed of independent external experts, to undertake parts of the assessments in the decision-making. The decision-making process for the development support will be divided between an advisor from the NFI and an expert panel. The formal decision is made by the NFI.

3.5 Aid beneficiaries

- (16) The beneficiaries of the scheme will be audiovisual production companies. These companies either have audiovisual production, as their main purpose and activity, or they are applicants who pursue, or are able to pursue, audiovisual production and related activities, as a meaningful part of their activity, even if it is not their main activity.
- (17) The scheme is open to beneficiaries from all EEA States. All beneficiaries are required to be registered in the Norwegian Register of Business Enterprises.¹²¹³ In addition, the companies must substantiate that they possess the necessary qualifications and resources to complete the projects.
- (18) Undertakings in difficulty¹⁴ and undertakings subject to a state aid recovery order from ESA or the Commission, and from which such aid has not been fully recovered, are not eligible under the scheme.

3.6 Duration, budget and aid instrument

- (19) The implementation of the scheme will start after ESA’s approval. The duration of the scheme is from 1 January 2021 to 31 December 2026.
- (20) The budget is NOK 80 million per year.
- (21) The aid instrument is in form of direct grants.

3.7 The selection process

3.7.1 The ‘culture test’

- (22) In order to receive support for production/development and/or promotion/distribution, the project/game must first pass the cultural test. The test

¹² For more on the Norwegian register of business enterprises see: <https://www.brreg.no/om-oss/oppgavene-vare/alle-registrene-vare/om-foretaksregisteret/>.

¹³ Beneficiaries from any other EEA States must be registered as a “Norwegian foreign entity” (*norsk utenlandsk foretak* - NUF).

¹⁴ As defined in the [Guidelines on state aid for rescuing and restructuring non-financial undertakings in difficulty](#).

consists of four ‘cultural criteria’. The criteria are applied to ensure that the project has a direct and important connection to Norwegian culture.

- (23) To pass this ‘culture test’, the project must fulfil at least three of the following four criteria:

Cultural criteria	
(i)	The design document or the literary material the digital game is based on must be originally written in Norwegian.
(ii)	The digital game is in a Norwegian or Sami language.
(iii)	The project focuses on Norwegian language, culture, history or topics that have relevance for a Norwegian target group.
(iv)	The digital game will receive a considerable contribution from copyright holders or performing actors residing in Norway or another EEA State.

3.7.2 Aid for production and development of culturally significant digital games

- (24) Once the project passes the culture test, the selection process for production and development of culturally significant digital games further favours projects with the highest artistic quality and/or cultural value. The following elements serve as a guide for the case handler’s assessment:

Criterion	Guiding elements
Esthetical qualities	in particular relating to a game’s audio or visual expression, its plot and gameplay
Norwegian relevance	including focus on Norwegian/Sami language, culture or history, or themes that are of particular relevance for a Norwegian audience
Originality	hereunder a game’s unique identity and features that distinguish it clearly from existing products
Creativity/creation/innovation	a game’s potential to contribute to the development of digital games as a medium or its rejuvenating nature as regards artistic expression, content, storytelling and/or interaction

- (25) When the project is considered to pass the culture test and to be of high artistic quality and/or cultural value, it will be presented to an expert panel that evaluates the quality and suitability of the project.
- (26) The expert panel carries out an overall assessment of the following:
- Artistic quality: Evaluation of content by level of originality, innovation, and artistic quality in terms of craftsmanship and creativity.
 - Feasibility: A project risk evaluation based on team composition, staff track record, project financing, budget and production schedule.

- Market: An estimation of the project's ability to realise its potential with its target audience in the market.

- (27) The expert panel then formulates a recommendation and presents a list of suggested beneficiaries and a defined sum allocated per recipient.
- (28) The Norwegian authorities have highlighted that, when a digital game meets the culture test and is assessed favourably by the expert panel or by the case handler (for distribution/promotion aid, see below), the most important step in that assessment is an analysis of the submitted budget and financing of the project. This includes whether the presented budget is based on reasonable estimates, for example with respect to salaries, purchases of services and licenses, and administrative costs. Furthermore, it will be verified if all costs qualify as eligible costs under the scheme.
- (29) The Norwegian authorities have stated that the case-by-case assessment of each application is carried out for all parts of the support applied for in order to ensure that any project that qualify for aid under the scheme receives only the support that is necessary for it to succeed and not more.

3.7.3 Aid for distribution and promotion of culturally significant digital games

- (30) For distribution and promotion of culturally significant digital games, the NFI will first verify if the project passes the culture test (see section 3.7.13.7.1) and then conduct a financial assessment as described above.
- (31) In addition to the culture test and the financial assessment, the project's potential in the relevant market or markets will be taken into consideration. The NFI will in this context assess the market strategy document submitted by the applicant, entailing a market, competition and target group analysis, as well as a description of the steps to be taken and how they would practically be implemented.
- (32) The Norwegian authorities have also pointed out that it will most likely be only the digital games/projects that have already received development/production aid which are granted distribution/promotion aid.

3.7.4 Aid to the advancement of Norwegian digital games

- (33) The applications for support for advancement of Norwegian digital games will be assessed financially, in addition to the objective of the scheme. Further, the NFI will favour projects that have a broad representation from the sector and are capable of strengthening the sector going forward. For example, a project to participate in an international conference on digital games will be regarded more positively if a large number of Norwegian actors or games are involved than if the project were to be limited to just a few actors/games.

3.8 Aid intensity and eligible costs

3.8.1 Aid for production and development of culturally significant digital games

- (34) The maximum aid intensity for production and development of digital games is 50%. This ceiling increases to 75% if the game qualifies as a "difficult audiovisual work", see section 3.8.4.

- (35) Eligible costs are costs that are relevant and directly related to the project, such as salaries, renting of equipment, administrative costs and costs related to office premises.
- (36) Grants for the production and development of a culturally significant digital game can also be awarded when the production company enters into a co-production agreement with a foreign company.¹⁵

3.8.2 Aid for the promotion and distribution of culturally significant digital games

- (37) The scheme includes the possibility to give grants for the purpose of stimulating the promotion and distribution of culturally significant digital games.
- (38) Similar to the aid for development, the maximum aid intensity is 50%. This ceiling increases to 75% if the game qualifies as a “difficult audiovisual work”.¹⁶
- (39) Eligible costs are costs that are relevant and directly related to the project. This includes for example costs related to marketing or participation in trade fairs or other industry events.

3.8.3 Aid for the advancement of Norwegian digital games

- (40) The scheme is open for aid for common advancement projects that promote Norwegian digital games as a whole.
- (41) The eligible projects supported under this category shall promote the knowledge of Norwegian cultural games in Norway and abroad, and facilitate and heighten the quality and number of events such as fairs, festivals or other relevant international exhibitions.
- (42) Support is not granted for the purpose of promoting a specific Norwegian game. Aid is therefore only awarded if several actors are involved in the project.
- (43) Eligible costs must be relevant and directly related to the project, such as travel costs, stands, production of common PR and marketing materials, and festival participation fees.
- (44) For this category, the maximum aid intensity is 100% of the project’s eligible costs.

3.8.4 “Difficult audiovisual work”

- (45) As noted above, the aid intensity for production/development and promotion/distribution of digital games can be increased to 75% if the game qualifies as a “difficult audiovisual work”.
- (46) A production can be considered a “difficult audiovisual work” and be eligible for the higher maximum aid intensity, if it fulfils at least one of the following criteria:
 1. The game is developed principally for the Norwegian market.
 2. The game contains more than 50% dialogue in a Norwegian or Sami language.
 3. The game has distinct artistic characteristics.

¹⁵ “Foreign company” is defined as any company registered abroad, and not in Norway.

¹⁶ See section 3.7.4.

4. The game makes use of language in an experimental or otherwise innovative manner.
5. The game revolves around Norwegian culture or stories.
6. The game is an original creation aimed at youth and children.

(47) The Norwegian authorities have stressed that it is up to the NFI to assess the needs of higher aid intensity of each individual projects.

3.9 Transparency, control mechanisms and monitoring

(48) The Norwegian authorities will publish the full text of the measure and any individual aid award exceeding EUR 500 000 in the Norwegian state aid register <https://data.brreg.no/rofs/eng>.

(49) The NFI will monitor the implementation of the scheme. The NFI will also perform *ex ante* and *ex post* control of the projects.

(50) The first disbursement is subject to an *ex ante* verification mechanism. The beneficiary must request the payment of the first tranche electronically and provide information to ensure that a set of criteria are fulfilled, including financing for the aided phase of the project.

(51) The second disbursement takes place after the project is completed and comes with *ex post* control. The NFI will check that the project has been implemented according to the application. The NFI will also review the accounts for the project and the grant can be reduced if costs were lower than estimated.

(52) In case a beneficiary breaches the set conditions and regulations, the NFI will claw back the aid and, in case of serious breaches, exclude the beneficiary from the scheme for a period of up to three years.

4 Presence of state aid

4.1 Introduction

(53) Article 61(1) of the EEA Agreement reads as follows: "Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement."

(54) The qualification of a measure as aid within the meaning of this provision therefore requires the following cumulative conditions to be met: (i) the measure must be granted by the State or through State resources; (ii) it must confer an advantage on an undertaking; (iii) favour certain undertakings (selectivity); and (iv) threaten to distort competition and affect trade.

4.2 Presence of State resources

(55) The measure is financed from the State budget, and therefore involves State resources.

4.3 Confer an advantage on an undertaking

(56) The eligible beneficiaries under the scheme are undertakings, as they engage in economic activities by offering goods and services on a market.

- (57) The scheme favours certain undertakings in the interactive audiovisual products sector by reducing the costs for the development, promotion, distribution and advancement of digital games.
- (58) The aid provides an economic advantage to the beneficiaries in the form of direct grants, which they would not have received under normal market conditions.
- (59) Accordingly, the scheme strengthens the financial position of the eligible companies and puts them in a more favourable position compared to other companies developing and/or promoting interactive audiovisual productions within the EEA.
- (60) In conclusion, the scheme confers an advantage on undertakings.

4.4 Selectivity

- (61) The scheme is selective by nature, as digital game producers and production companies are the only beneficiaries of the scheme.
- (62) Consequently, the measure confers a selective advantage on the beneficiaries.

4.5 Distortion of competition and effect on trade

- (63) The beneficiaries of aid to development, promotion and distribution of digital games may be involved in intra-EEA trade. Digital games can be produced and distributed in various alternative locations within the EEA, and subsequently be traded between the Contracting Parties to the EEA Agreement. The beneficiaries may also compete to attract users located all over the EEA.
- (64) Aid to production and distribution can potentially alter the competition for digital games and may influence the trading conditions for their commercialisation. The provided description of the market for digital games (see section 3.2) further shows a high degree of cross-border trade.
- (65) Therefore, the scheme threatens to distort competition and affect trade.

4.6 Conclusion

- (66) On the basis of the above, ESA concludes that the scheme constitutes an aid scheme within the meaning of Article 61(1) of the EEA Agreement.

5 Procedural requirements

- (67) Pursuant to Article 1(3) of Part I of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ("Protocol 3"): "The EFTA Surveillance Authority shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. ... The State concerned shall not put its proposed measures into effect until the procedure has resulted in a final decision."
- (68) The Norwegian authorities have notified the measure and have not let the scheme enter into force yet. They have therefore complied with the obligations under Article 1(3) of Part I of Protocol 3.

6 Compatibility of the aid

6.1 Introduction

- (69) According to paragraph 22 of the 2014 Film and Audiovisual Guidelines¹⁷ (“the 2014 Film and Audiovisual Guidelines”), although games may represent one of the fastest growing forms of mass media in the coming years, not all games necessarily qualify as audiovisual works or cultural products. Since games have other characteristics regarding production, distribution, marketing, and consumption than films, the rules designed for film production cannot apply automatically to games.
- (70) Therefore, the 2014 Film and Audiovisual Guidelines do not cover aid granted to games and provide that aid measures in support of games will continue to be addressed on a case-by-case basis.
- (71) In light of the above, ESA will assess the measure directly under Article 61(3)(c) of the EEA Agreement. In this context, ESA further notes that there is nothing to indicate that the scheme would entail any breach of other relevant EEA law.
- (72) Article 61(3)(c) of the EEA Agreement states that aid to facilitate the development of certain economic activities or of certain economic areas may be considered to be compatible, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.
- (73) ESA therefore considers it appropriate to assess the following:
- development of an economic activity;¹⁸
 - need for state intervention;
 - appropriateness of state aid as a policy instrument;
 - existence of an incentive effect;
 - proportionality of the aid amount (aid limited to the minimum necessary);
 - avoidance of undue negative effects on competition and trade; and
 - transparency.

6.2 Development of an economic activity

- (74) Under Article 61(3)(c) of the EEA Agreement the measure must contribute to the development of certain economic activities.¹⁹
- (75) The scheme aims to support the development and production of Norwegian high quality, cultural and artistic digital games. It further supports the general advancement of Norwegian digital games.
- (76) ESA notes that the measure contributes to the development of the digital games market in Norway, by diversifying and complementing the digital games available

¹⁷ [State aid for films and other audiovisual works \(“the 2014 Film and Audiovisual Guidelines”\)](#).

¹⁸ Judgment of the Court (Grand Chamber) of 22 September 2020 in *Republic of Austria v European Commission*, [C-594/18 P](#), EU:C:2020:742, paras 20 and 24.

¹⁹ Judgment of the Court (Grand Chamber) of 22 September 2020 in *Republic of Austria v European Commission*, [C-594/18 P](#), EU:C:2020:742, paras 20 and 24.

on the market and by supporting the general advancement of Norwegian digital games.

- (77) ESA therefore concludes that the notified aid measure supports the development of certain economic activities, in a manner that facilitates the promotion of the Norwegian culture and the diversification of the Norwegian digital games market.

6.3 Necessity of the scheme and incentive effect

- (78) The Norwegian authorities have pointed out that the market share for culturally significant digital games is very small and that such digital games have higher economic risks associated with the production. This is due to the fact that culturally significant games can have production costs equal to games with more globalised content, but that they have a significantly smaller market impact. It is therefore more difficult for producers of such productions to find a sufficient level of upfront investment capital.
- (79) The combination of the high investment required and the limited market for such productions means that many culturally significant games would not be made without the direct grants.
- (80) The Norwegian authorities have stressed that culturally significant games have difficulties to obtain financing on the market also during later stages of the game development. Therefore, the possibility of providing aid in form of direct grants throughout the whole development cycle of the game is considered necessary for culturally significant Norwegian games.
- (81) In light of the above, ESA concludes that the necessity of support, in view of incentivising the production of Norwegian high quality culturally significant digital games, is demonstrated.

6.4 Aid as an appropriate policy instrument

- (82) The Norwegian authorities have considered whether the same development of the economic activity could be achieved through other less distortive policies or aid instruments, but have concluded that there were no alternative instrument that could deliver equally efficient outcomes.
- (83) Considering the above, ESA is of the view that the measure is the appropriate instrument to facilitate the development of economic activities related to the digital games market in Norway.
- (84) In addition, the design of the scheme, in particular the eligibility and selection criteria, allow public support to be channelled to digital games of cultural value, making it an appropriate instrument for the achievement of the cultural objectives of the Norwegian authorities.
- (85) ESA therefore considers that the aid provided by the scheme is an appropriate instrument to support the targeted economic activity.

6.5 Proportionality

- (86) According to paragraph 22 of the 2014 Film and Audiovisual Guidelines, to the extent that the necessity of an aid scheme targeted at games which serve a cultural or educational purpose can be demonstrated, ESA can apply the aid intensity criteria of the guidelines by analogy.

- (87) As held by the Commission in case C 47/06 on the existence of a cultural purpose, the video game industry has been recognised by UNESCO as a cultural industry, and for the role it plays in the field of cultural diversity. Even if the main objective of video games is to provide interactive entertainment, it does not prevent certain video games from also having a cultural dimension and be regarded as cultural products.²⁰
- (88) In light of the above, considering the objective of the scheme and the selection process created by the Norwegian authorities, it must be concluded that eligible digital games under the scheme may constitute cultural products.
- (89) Accordingly, the aid intensity criteria of the 2014 Film and Audiovisual Guidelines can be applied by analogy in this case.
- (90) The aid intensity for the production and development and promotion and distribution of culturally significant digital games, is limited to cover up to 50% for normal projects and up to 75% for “difficult audiovisual work”.
- (91) Paragraph 51(2) of the 2014 Film and Audiovisual Guidelines allows, on a general basis, for aid to production/development and distribution/promotion aid of up to 50%.
- (92) As regards the aid intensity of up to 75% for difficult audiovisual works, it follows from the 2014 Film and Audiovisual Guidelines, paragraph 51(2), that aid for difficult audiovisual works are excluded from the general aid intensity limitations. In line with the subsidiarity principle, it is up to each EEA State to establish a definition of difficult audiovisual works, according to national parameters.²¹
- (93) The Norwegian authorities have explained that the aid intensity assessment will be carried out on a case-by-case basis. Further, a higher aid intensity will be awarded only exceptionally, and will be limited to what is considered absolutely necessary for the realisation of the digital game.
- (94) As regards the aid intensity of up to 100% for common advancement projects, the Commission has approved a Danish scheme for cultural and educational digital games, which allowed for aid intensity of up to 100% for common advancement projects.²² The Commission found aid intensities up to 100% for these types of activities to be justified, as they have a broad supportive character that benefits the whole gaming sector.²³
- (95) In light of the above, ESA concludes that the aid intensities are in line, by analogy, with the provisions of the 2014 Film and Audiovisual Guidelines, and that the aid intensities are proportionate.

²⁰ Commission Decision in C 47/06, [OJ L 118, 6.5.2008, p.16](#), concerning a French aid scheme for video games, para. 65.

²¹ [State aid for films and other audiovisual works \(“2014 Film and Audiovisual Guidelines”\)](#) paragraph 51(2) and footnote 28.

²² Commission Decision in SA.52951 (Denmark), Prolongation and amendment of scheme for cultural and educational digital games, [OJ C 109, 22.3.2019, p. 1](#).

²³ Commission Decision in SA.52951 (Denmark), Prolongation and amendment of scheme for cultural and educational digital games, [OJ C 109, 22.3.2019, p. 1](#), paragraph 40.

6.6 Avoidance of undue negative effects on competition and trade

- (96) For state aid to be compatible with the functioning of the EEA Agreement, the negative effects of the aid measure in terms of distortions of competition and impact on trade between Contracting Parties must be limited and outweighed by the positive effects in terms of contribution to the objective of common interest.
- (97) ESA notes that the scheme is open to all beneficiaries established in the EEA.
- (98) Furthermore, the Norwegian authorities have pointed out that the negative effects of the scheme are minimal due to the limited Norwegian games output in general, and especially the ones supported by the scheme, compared to the overall Norwegian gaming market.
- (99) Considering the total budget and the proportion of eligible games among the digital games manufactured in Norway, the distortive effects of the aid is considered very small.
- (100) ESA is therefore of the view that the aid will not unduly strengthen the market power of the production companies or impact the dynamic incentives for market operators, but rather increase diversity in the digital games available on the market.
- (101) Based on this, the distortion of competition and the negative effect of the measure on trade between Contracting Parties are limited and outweighed by the positive effects of the measure in terms of its contribution to the economic activities at issue, and to an increased diversity in the digital games available on the market. Therefore, ESA considers the aid at issue to facilitate the development of certain economic activities while not adversely affecting trading conditions to an extent contrary to the common interest, as required by Article 61(3)(c) of the EEA Agreement.

6.7 Transparency

- (102) The Norwegian authorities will publish the full text of the measure and any individual aid award exceeding EUR 500 000 in the Norwegian state aid register: <https://data.brreg.no/rofs/eng>. The transparency requirement is therefore fulfilled.

7 Conclusion

- (103) ESA finds that the notified aid scheme for digital games 2021–2026 constitutes state aid with the meaning of Article 61(1) of the EEA Agreement. Since no doubts are raised that this aid is compatible with the functioning of the EEA Agreement, pursuant to its Article 61(3)(c), ESA has no objections to the implementation of the scheme.
- (104) The Norwegian authorities have confirmed that the notification does not contain any business secrets or other confidential information that should not be published.

For the EFTA Surveillance Authority,

Yours faithfully,

Bente Angell-Hansen
President
Responsible College Member

Frank J. Büchel
College Member

Högni Kristjánsson
College Member

Carsten Zatschler
Countersigning as Director,
Legal and Executive Affairs

*This document has been electronically authenticated by Bente Angell-Hansen,
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