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**Subject: State Aid SA.45735 – Denmark  
Scheme for the development, production and promotion of cultural  
and educational digital games**

Sir,

## **1. PROCEDURE**

- (1) On 24 February 2017, following pre-notification contacts, Denmark notified the Commission of its intention to introduce a scheme for the development, production and promotion of cultural and educational digital games (hereinafter "digital games scheme"). On 28 March 2017 and 25 April 2017, the Danish authorities submitted additional information.

## **2. DETAILED DESCRIPTION OF THE MEASURE**

### **2.1. Objectives of the measure**

- (2) The purpose of the digital games scheme is to promote Danish video games as a culture-bearing medium and to strengthen the cultural qualities of video games for play and learning. The scheme aims to provide an incentive for the production of Danish cultural and educational games. According to the Danish authorities, there is a lack of private investments into such games. The support has the objective to improve the conditions for realising and disseminating original

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Danish games with the aim of contributing to the quality and diversity of the overall range of Danish digital games.

- (3) In this context the Danish authorities point to the difficulties culturally significant games may have given the smaller markets and higher economic risks compared to games with a more globalised content. This is particularly true for Danish games in view of the small size of the country and its population<sup>1</sup> as well as the small reach of the Danish language. Indeed it is only spoken officially in Denmark itself.
- (4) Overall, the gaming market in Denmark had a turnover of almost EUR 192 million in 2013. Yet according to "top 10" data obtained from the joint Nordic Games Organisation ANGI (Association of the Nordic Game Industry), the Danish gaming market is highly dominated by global titles (such as *Minecraft*, *Fifa 15* or *Call of Duty: Advanced Warfare*). While there are no complete data available on the market shares of Danish (cultural/educational) games, the Danish authorities emphasise that, according to ANGI, the market for domestic games with a cultural and/or educational content in the individual Nordic countries is very small.
- (5) According to limited data (estimations) that could be collected by the Danish Film Institute (hereinafter "DFI") with the Royal Library of Denmark, the total number of commercially released games that were developed in Denmark<sup>2</sup> amounted to 32 in 2014 and 23 in 2015. Of these games, only one per year was released on the important console platforms (Playstation, Xbox, Wii U). The large majority of the games were instead released on mobile platforms (iOS/Android), on which they faced the competition of more than 600 000 available games. The Danish authorities conclude that, in general, games developed in Denmark cannot achieve more than a marginal market share on a domestic market that is defined by international distribution channels.

## **2.2. Legal basis, transparency, organisation and duration of the scheme**

- (6) The scheme has its origins in the Danish Film Act (*Lov 1997-03-12 nr. 186 om film*) and the Danish Film Agreement (*Filmaftale*) for 2015-2018. A set of (draft) Support Terms and Conditions set out the details of the scheme.
- (7) The DFI, operating under the Ministry of Culture, is the overall responsible authority for the implementation and operation of the scheme.
- (8) The DFI has set up a specialised unit called the games office to handle the operational side of the scheme. The games office performs a first eligibility check (see also section 2.4) and is responsible for handling the projects that were selected for support.
- (9) The games scheme editor has a role similar to that of film commissioners at the DFI. The games scheme editor is responsible for the presentation of projects to an expert committee.

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<sup>1</sup> According to Eurostat data submitted by the Danish authorities, in terms of population the country is the 12<sup>th</sup> smallest of the EU28 and its population constitutes only 1.11% of the overall EU28 population.

<sup>2</sup> excluding small non-commercial games like hobby development as well as advergaming.

- (10) This independent expert committee is responsible for deciding which projects can benefit from the scheme on the basis of a cultural assessment (see also section 2.5). The expert committee consists of the games scheme editor plus two external experts with a broad professional background and detailed knowledge about the Danish digital games market as well as games as a media and art form.
- (11) The scheme will run until 31 December 2018.
- (12) No aid will be granted before approval of the scheme by the European Commission, unless in accordance with the *de minimis* regulation<sup>3</sup>.
- (13) The Danish authorities have committed to comply with the transparency requirements as they are laid down in the Transparency Communication<sup>4</sup>.

### **2.3. Budget of the scheme, types and form of the aid**

- (14) The scheme has a budget of DKK 10 million (approx. EUR 1.3 million<sup>5</sup>) per year.
- (15) The aid takes the form of direct grants.
- (16) Four types of aid are available:
  - (a) Development support: Support is available for different development phases that elaborate and demonstrate significant aspects of the game and prepare the game for production. Support can be awarded more than once to the same project provided that different phases of the project are concerned. Support of up to DKK 100 000 (approx. EUR 13 000) can be granted if the development is concluded with a technical test, prototype or other material demonstrating a significant aspect of the game. Higher support amounts can be awarded if the development phase is concluded with a demo-version<sup>6</sup>.
  - (b) Production support: Support can be awarded to production phases that lead to the completion and release of the game. Support is available when a demo-version of the game exists. A Danish-language release of the game must take place.
  - (c) Launch and distribution support: Support is only available for games that have received production support under the scheme. The aid supports the launch and distribution of the game and its promotion to Danish and international audiences, normally within a period of six months following the final release of the game. At least part of the activities funded under this support strand must target a Danish audience. Funded activities under

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<sup>3</sup> Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid, OJ L 352, 24.12.2013, p. 1, [http://ec.europa.eu/competition/state\\_aid/legislation/de\\_minimis\\_regulation\\_en.pdf](http://ec.europa.eu/competition/state_aid/legislation/de_minimis_regulation_en.pdf).

<sup>4</sup> Communication from the Commission amending the Communications from the Commission on EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks, on Guidelines on regional State aid for 2014-2020, on State aid for films and other audiovisual works, on Guidelines on State aid to promote risk finance investments and on Guidelines on State aid to airports and airlines (C(2014) 3349/2), [http://ec.europa.eu/competition/state\\_aid/modernisation/index\\_en.html#](http://ec.europa.eu/competition/state_aid/modernisation/index_en.html#).

<sup>5</sup> Currency conversion 24 March 2017 (DKK 1 = EUR 0.13).

<sup>6</sup> A demo-version is defined (Terms and conditions point 2.6) as "*a fully playable "vertical slice" of the game designed in the expected final quality and technological solution*".

this strand may also support the game experience including community management or the release of updates with bug fixes or supplemental content.

- (d) Game advancement support: Support is available for the general promotion of games and to promote the international advancement of Danish game development and culture. Support for a specific game is excluded under this support strand, as is support for game tournaments, gaming events, LAN parties<sup>7</sup> (or similar); activities aimed at news-oriented gaming journalism or reviews; or activities primarily aimed at basic education. Instead, according to the Danish authorities, the support is aimed at non-commercial activities with wide relevance for the sector. The following four areas of focus have been identified: 1) the organisation of courses, seminars and shorter-term continued education in Denmark; 2) publications and other knowledge sharing concerning Danish game development; 3) support for game developers participating in presentations (not game-specific) at international conferences and similar forums; 4) networking in the digital games industry and with other media industries or fields of art.

## 2.4. Eligibility criteria

(17) The general eligibility requirements are the following:

(a) With regard to the support applicant/beneficiary:

- The applicant must be a game producer or game production company that, at the time of applying for the aid, is established under applicable laws in Denmark, or in a member state of the EU, or in a state that is party to the Agreement establishing the European Economic Area (EEA), or in Switzerland.
- The applicant must have documented experience in game production.
- The applicant must be independent, i.e. not majority controlled<sup>8</sup> by a TV station or Video on Demand (VoD) service, either in terms of ownership or for business purposes.
- The beneficiary must, at the moment of the payment of the aid, be operating in Denmark by means of a permanent branch or similar in Denmark established under applicable law.

(b) With regard to the artistic and cultural nature of the game:

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<sup>7</sup> At LAN parties a group of people will establish a local area network (LAN) connection between their devices, in order to play multiplayer video games together.

<sup>8</sup> According to the draft terms and conditions, majority control is the case "when more than 25% of the production company is owned by a single TV station/VoD service (50% if several TV stations/VoD services are include among the owners) or when more than 90% of the production company's revenue over a three-year period derives from production agreements with a single TV station/VoD service. Considering the small size of the Danish market, the DFI may, upon application, waive the fixed revenue limit".

- The game production must contain a unique artistic or technical effort that contributes to the advancement of Danish game development as an art form and a culture. This entails that:
  - The game must be released in a Danish version.
  - The main creative forces and main technical functions (i.e. the leading team members), regardless of nationality or ethnicity, must have an address or permanent residence in Denmark, or in other ways have a substantial and significant connection to Danish gaming art or gaming culture.

(18) Specifically with regard to international co-productions<sup>9</sup>, the Danish co-producer must be the support applicant and must meet the requirements stated in point (17)(a), whereas the game production must meet the requirements of point (17)(b). In certain cases, the requirement with regard to the Danish language version of the game may be waived. However, it is an additional eligibility requirement that the Danish co-producer holds the rights to the distribution of the game production directly targeted at a Danish audience, in order to ensure that the produced game is made available in the Danish market.

## 2.5. Selection process

- (19) The games office reviews whether the support applications meet the general requirements of the scheme (see section 2.4). If the project is eligible for financing, it is presented before the expert committee.
- (20) The expert committee evaluates the quality and suitability of projects applying for individual games funding (see paragraphs (16)(a), (16)(b) and (16)(c)) on the basis of a set of criteria. These criteria (cultural value, originality, implementation and responsibility) all have to be evaluated positively. They are described in the table below.

Criterion	Guiding elements
<i>Cultural value</i>	<p>The project must be outstanding in at least one of the four following aspects:</p> <ul style="list-style-type: none"> <li>- Aesthetic qualities: Games that particularly innovate the artistic expression of the game medium, for example by their audiovisual expression, their story or gameplay.</li> <li>- Educational qualities: Games that successfully use the singular characteristics of the digital game medium to perform a concrete learning task in a way that is better than traditional learning methods.</li> <li>- Social qualities: Games that are particularly successful at creating positive social communities and collaborative playful experiences.</li> </ul>

<sup>9</sup> An international co-production is defined as "a game production that meets the criteria of international co-production agreements, conventions, and bilateral agreements made between Denmark and the other country, or countries, with which the Danish game producer is partnering on the co-production."

	<ul style="list-style-type: none"> <li>- Danish relevance: Games focusing particularly on Danish language, culture and history, or on themes of particular relevance to Danish society.</li> </ul>
<i>Originality</i>	The game must be original and clearly differentiable from the existing range of games in the market. There is a priority on games with an own clear identity and on games that are innovative in their expression, content, story or interaction. Furthermore, the game is expected to be original in a way that will provide an engaging and challenging experience for the player.
<i>Implementation</i>	<p>This is evaluated primarily on the basis of:</p> <ul style="list-style-type: none"> <li>- The quality of craftsmanship: Games that represent the highest level of craftsmanship in design and realisation, including good cohesion between design, target group, tools and form of distribution. Accordingly, it is evaluated whether the right conditions are present, including whether the project team possesses the necessary professional competencies.</li> <li>- The realisability of the project: Projects that can reasonably be accomplished, artistically, financially and production-wise. In the case of applications for funding for early development, the goals of the development phase are evaluated, including whether the most significant uncertainties of the project are addressed.</li> </ul>
<i>Responsibility</i>	<ul style="list-style-type: none"> <li>- Suitability for the target group.</li> <li>- Transparency in payments relating to the game.</li> <li>- Responsible and secure handling of personal information.</li> <li>- Social responsibility in handling chat functions.</li> <li>- Enhanced focus on the responsibility of the game if the target group consists of children and young people.</li> </ul>

**Table 1: Selection criteria applied by the expert committee**

- (21) The above criteria are factors in an overall evaluation performed by the expert committee. The evaluation also takes into account the project's stage of development. The committee has the possibility to invite applicants to an in-depth talk about the project. Subsequently, the expert committee prioritises applicant projects and recommends the most suitable ones for funding, which is awarded by the DFI's management.
- (22) The Danish authorities have made an assessment of (estimated) data for 2014, from which it appears that approximately 6 to 8% of the Danish games that were produced in those years would have been eligible for production support under the proposed scheme.
- (23) In absolute terms, the Danish authorities expect that approximately 14 games will receive support on an annual basis, out of which approximately 10 games will receive only development support ranging between DKK 100 000 (approximately

EUR 13 000) and DKK 700 000 (approximately EUR 94 000). Four games are expected to receive all types of aid available for individual games (i.e. as described under paragraphs (16) (a), (b) and (c) above) of approximately DKK 2 million (approximately EUR 269 000) each.

- (24) Support can be awarded regardless of the target group, genre, technological platform or anticipated distribution process of the game.
- (25) Applications for support for game advancement (paragraph (16)(d)) are evaluated by the games scheme editor. In the evaluation, the emphasis is put on:
  - (a) The accordance between the purpose of the digital games scheme and the focus areas of game promotion (see paragraph (16)(d)).
  - (b) The initiative's openness in terms of its inclusion of relevant parties.
  - (c) The initiative's impact on the target group.

## **2.6. Aid intensities**

- (26) Development support normally constitutes up to 60% of the total development costs. On an exceptional basis, higher aid intensities (up to 100%) can be granted if this is considered necessary for realising the development phase due to circumstances of distribution, production or content. If the project later obtains production support, the development support is considered to be part of the total support.
- (27) Production support may normally constitute up to 50% of the total production costs. An exception to this (i.e. higher aid intensities up to 100%) can be granted if this is judged necessary for realising the project due to circumstances of distribution, production or content.
- (28) With regard to the higher aid intensities allocated on an exceptional basis, the Danish authorities have underlined that a large part of the eligible projects will likely only be released in a Danish-language version, which inherently limits their audience reach. More generally and taking into account the selection criteria and the overall characteristics of the Danish games market, the Danish authorities expect all the games supported under the scheme to be "difficult works". They argue that such games may require higher levels of support, in analogy with the 2013 Cinema Communication<sup>10</sup>.
- (29) At the same time, the Danish authorities have stressed that the indicative aid intensities (of 50 and 60%, see above) will only be exceeded on a case-by-case basis when this is deemed necessary for the realisation of the project. In this context, the Danish authorities have provided some examples of circumstances as regards distribution, production or content that could warrant higher aid intensities because they bring about particular commercial risks for the projects in question. These examples refer for instance to non-profit distribution models, first or second releases supported as "talent development", experiments with unexplored new technologies, or very "Danish-specific" content that makes it impossible to find commercial investors for the project.

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<sup>10</sup> Communication from the Commission on state aid for films and other audiovisual works, Official Journal of the European Union, 15.11.2013, C 332, pp. 1-11.

- (30) There is a specific exception for minority co-productions, which can receive production support of up to 60% of the Danish producer's share of the budget, up to a maximum of 50% of the total production budget.
- (31) Launch and distribution support can constitute up to 50% of the total budgeted launch and distribution costs.
- (32) Game advancement support may constitute up to 100% of the eligible costs. The Danish authorities state that the absence of a support limit for this type of aid is due to the particular (general, industry-wide) nature of the activities funded under this support strand. According to the Danish authorities, it is not possible to obtain other types of financing for such activities as they are of a non-profit nature.
- (33) Aid granted under the digital games scheme can be cumulated with other support. The DFI ensures that there is no overcompensation.

### **3. ASSESSMENT OF THE MEASURE**

#### **3.1. Existence of aid**

- (34) The Danish authorities consider the scheme to constitute State aid within the meaning of Article 107 (1) TFEU.
- (35) According to Article 107 (1) TFEU, *"Save as otherwise provided in the Treaties, any aid granted by a Member State 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 Member States, be incompatible with the internal market"*.
- (36) The funds used to grant aid under this scheme are derived from the State budget. Consequently, State resources are involved in the scheme.
- (37) The scheme is selective in nature and independent games producers and production companies are the main targeted beneficiaries. Accordingly, the State favours certain undertakings and the production of certain goods. Therefore the scheme threatens to distort competition.
- (38) Since digital games are traded at an international level, the financial advantage granted to the beneficiaries affects trade between Member States.
- (39) The "game advancement support" available under the scheme (paragraph (16)(d)) targets activities that are not directly related to games development, production and distribution and are developed on a non-commercial basis. This strand includes support for conference participation, networking events, training, research and education activities. These types of activities are unlikely to be economic activities in the Danish context. This means that support for these activities would not constitute State aid within the meaning of Article 107(1) of the TFEU. Nevertheless, even if some of them were considered to be economic activities, they can be declared compatible with the internal market in analogy with the argumentation developed below, in section 3.2.
- (40) Therefore, the Commission considers that, with the possible exception of the support for certain activities under the "game advancement" submeasure of the

scheme, the scheme constitutes State aid within the meaning of Article 107 (1) of the TFEU.

### 3.2. Compatibility of the aid measure

#### 3.2.1. General legality

- (41) Regarding the general legality of the scheme, the Commission notes that it is open to all applicants established in the EEA or in Switzerland. Only at the moment of the payment of the aid, a permanent branch or similar must be established in Denmark. There are no other provisions that discriminate on the basis of nationality or residence in the scheme. There are no territorial spending conditions, requiring the beneficiaries to spend a certain amount (of aid) in the Danish territory, attached to the scheme. The eligibility criteria that have been set to ensure the Danish cultural character of the scheme, do not require team members to have the Danish nationality or residence.

#### 3.2.2. Promotion of culture in line with Article 107(3) (d) TFEU

- (42) According to the Danish authorities, the aid has a cultural objective and therefore can be considered compatible with the internal market under Article 107(3) (d) of the TFEU.
- (43) Article 107 paragraph 3 (d) of the TFEU states that “*aid to promote culture and heritage conservation may be considered to be compatible with the common market where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest*”.
- (44) The Commission has not developed guidelines for the application of this provision on aid to games. Recital 24 of the 2013 Cinema Communication states that aid measures to support games are addressed on a case-by-case basis. Nevertheless, the Commission applies the aid intensity of the Cinema Communication by analogy to aid schemes for educational or cultural games of which the necessity can be demonstrated.
- (45) The assessment of video games support on the basis of Article 107 (3) (d) TFEU is in line with Commission practice<sup>11</sup> in this sector.
- (46) The Danish digital games scheme has indeed been set up in order to foster cultural objectives (see section 2.1). Only games with significant cultural or educational content can be supported under the scheme. The Danish authorities have set up a comprehensive selection system, with the final selection of games done by an expert committee on the basis of clear criteria and guiding elements. Moreover, the eligibility criteria ensure that the beneficiaries are experienced and that the game has a Danish cultural affiliation.

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<sup>11</sup> In the video games sector, the Commission has so far approved aid on the basis of the cultural derogation in cases C47/2006 – France – Crédit d’impôt pour la création de jeux vidéo, [http://ec.europa.eu/competition/elojade/isef/case\\_details.cfm?proc\\_code=3\\_C47\\_2006](http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=3_C47_2006); SA.36139 (2013/C) – UK – Video games tax relief, [http://ec.europa.eu/competition/elojade/isef/case\\_details.cfm?proc\\_code=3\\_SA\\_36139](http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=3_SA_36139); SA.33943 – France – Prolongation du régime d’aide C 47/2006 – Crédit d’impôt en faveur de la création de jeux vidéo, [http://ec.europa.eu/competition/elojade/isef/case\\_details.cfm?proc\\_code=3\\_SA\\_33943](http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=3_SA_33943) ; SA.39299 (2014/N) – France – Crédit d’impôt en faveur de la création de jeux vidéo – modifications, [http://ec.europa.eu/competition/elojade/isef/case\\_details.cfm?proc\\_code=3\\_SA\\_39299](http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=3_SA_39299).

- (47) According to estimates provided by the Danish authorities, the pass rate of the digital games scheme is very low and amounts to 6 to 8% of the production output (paragraph (22)). In comparison, in its 2007 Decision on the French video games tax incentive and its 2014 Decision on the UK video games tax relief<sup>12</sup> the Commission found that an eligibility of around 30% of games indicated that the cultural test was sufficiently selective.
- (48) The Commission is therefore satisfied that Denmark applies a truly selective cultural test ensuring that the aid is granted only for the promotion of culture in line with Article 107 (3) d) TFEU.

### 3.2.3. *Appropriateness, necessity and proportionality of the measure*

#### Aid is the appropriate instrument

- (49) The characteristics of the Danish digital games market make it difficult for cultural and educational games to find sufficient funding. The direct grants that will be made available under the digital games scheme will contribute to the production of such games and hence will adequately ensure that the objective of the scheme is met.
- (50) The design of the scheme, in particular the eligibility and selection criteria, allow public support to be channelled to Danish cultural and educational games and it is therefore an appropriate tool to achieve the cultural objectives of the Danish authorities.
- (51) The Commission therefore considers aid to be an appropriate measure to reach the cultural objectives of the scheme.

#### Necessity

- (52) Cultural or educational games may have equal production costs but a significantly smaller market than the games that are popular on a global scale. Their production thus involves a higher economic risk. Danish cultural and educational games therefore are less commercially viable than those with more globalised content. The Danish authorities have underlined the difficulties for such games to attract private funding.
- (53) In this context, the Danish authorities have underlined the specificities of Denmark as a small Member State and the limited reach of the Danish language (see paragraph (3)).
- (54) The available data on the Danish games market (see paragraphs (4) and (5)) confirm that the market is dominated by globalised games.
- (55) The proposed scheme promotes the development, production, distribution and advancement of Danish digital games with a cultural and educational content as opposed to games that are purely for entertainment.
- (56) In light of the above, the Commission concludes that the necessity of the support in view of incentivising the production of Danish cultural or educational games is demonstrated.

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<sup>12</sup> See footnote 11 for concrete references.

### Proportionality

- (57) The scheme has a limited budget and the estimated aid amounts are also relatively small.
- (58) As mentioned, the scheme will support only a very small part of the total Danish game production output (see paragraphs (5), (22) and (23)).
- (59) The aid intensities available for specific games under the scheme (see paragraphs (26) - (32)) are generally limited to 50% (production, launch and distribution support) and 60% (development support). The Danish authorities have underlined the exceptional nature of higher aid intensities when games have particularly high cultural and/or educational value and hence are likely to fail to attract other sources of finance.
- (60) The aid intensities are in line with the provisions of the Cinema Communication, which can be applied by analogy. Indeed, the Cinema Communication (in its paragraphs 52 (2) and 52 (4)) allows for production and distribution aid of 50%, with increased aid intensities possible for co-productions (60%) and for "difficult works"(up to 100%). In line with the subsidiarity principle, it is up to each Member State to establish a definition of difficult works according to national parameters.
- (61) The Commission notes that the Danish authorities have put forward relevant arguments and examples (see paragraphs (28) and (29)) with regard to the exceptional allocation of higher production aid intensities for difficult works, by pointing to particular circumstances of distribution, production or content that may make such increased aid intensities necessary for the realisation of the project. The Cinema Communication in this regard refers to the limited territory of the original language in which a work is produced and, more generally, to the commercially difficult nature of supported works as possible indicators that a work can be considered difficult.
- (62) For development support, the Cinema Communication (in its paragraph 52 (3)) allows aid up to 100% of the aided project, provided that the aid is included in the overall aid intensity calculation when the project enters production. This is the case here.
- (63) Insofar as the aid for game advancement can be considered aid, the higher aid intensities (up to 100%) for these types of activities seem warranted as they have a broad supportive character that benefits the whole games sector.

#### *3.2.4. Limited distortion of competition and effect on trade*

- (64) Given the small overall budget, limited aid amounts and the low estimated number of supported projects, the distortive effects of the aid can be considered very small. The Danish authorities have emphasised the limited weight of the Danish games output in general and the support scheme in particular, compared to the overall Danish gaming market (see annual turnover in paragraph (4)).

#### *3.2.5. Conclusion*

- (65) The Commission takes the view that the aid will not unduly strengthen the market power of beneficiary firms or hamper the dynamic incentives for market

operators, but, on the contrary, will increase the diversity of supply on the market. The possible distortions of competition are outbalanced by the expected positive cultural results of the scheme. The Commission therefore concludes that the Danish digital games scheme can be considered compatible with the internal market pursuant to Article 107 (3) (d) TFEU.

#### 4. CONCLUSION

The Commission has accordingly decided not to raise objections to the aid on the grounds that it is compatible with the internal market pursuant to Article 107 (3) (d) of the Treaty on the Functioning of the European Union.

If this letter contains confidential information which should not be disclosed to third parties, please inform the Commission within fifteen working days of the date of receipt. If the Commission does not receive a reasoned request by that deadline, you will be deemed to agree to the disclosure to third parties and to the publication of the full text of the letter in the authentic language on the Internet site: <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

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Yours faithfully  
For the Commission

Margrethe VESTAGER  
Member of the Commission