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**'Bold'
statement:
loot boxes in
football**

game FIFA now allowed

March 9, 2022 in **Automobile**



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Game publisher Electronic Arts will not have to pay a fine for the gaming elements in its popular football game FIFA. The Gaming Authority had designated the so-called 'loot boxes', a kind of digital surprise eggs with football players in them, as games of chance that require a license.

According to the highest administrative court of the Council of State, this is incorrect: the packages are part of a game of skill, not a separate game of chance in itself. That is why the fine of up to 10 million euros that the authority imposed on Electronic Arts in 2020 for exploiting an illegal game of chance has been lifted.

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The loot box works something like this: you use game points or real money to buy digital packages with football players. You don't know in advance who you will get or how good that player is. With the

players you can play soccer against someone else. An individual loot box can therefore be very valuable – or not.

The Netherlands Gaming Authority decided in 2018 that these boxes could be seen as separate games of chance within a game – at least, as long as they could be traded for real money. Many games with such

'loot boxes' do not actively offer this option, but do make it possible to send the contents of a box to someone else. Online, some players set up black markets.

Big consequences

The ruling of the gambling authority had major consequences: games like *pokemon masters* and *Lost Ark* were not playable by Dutch gamers, other makers adapted their games. Wrongly, says the Council of State now, at least for FIFA. 92 percent of

the FIFA boxes are not bought with real money, but unlocked via football matches and are therefore simply part of the game of skill.

If the Council of State maintains this line, then loot boxes are in fact allowed again in the Netherlands, concludes lawyer René Otto van Van Iersel Luchtman Advocaten. He specializes in the game

industry. He calls the statement “unexpected and daring.” “I expected that if Electronic Arts won this, it would be because players from FIFA loot boxes have no economic value.” EA simply acts actively against black markets and does not itself offer the possibility to resell digital football players for real money. “In that case, the judge

would have to look per game with lootbox whether gamers can really earn money from the content.”

However, the decision of the Council of State means that “many games that were in the danger zone are now suddenly safe,” says Otto. “Now the judge says: a loot box that is an integral part of a game of skill is not gambling now

that it falls under the large umbrella of skill games.” A game with loot boxes can still contain an illegal gambling element, but then the gambling authority must be able to demonstrate that it is also played primarily as a game of chance. In the case of FIFA, that is not the case.

Otto finds it difficult to say what consequences this will have for the market. “A game like Pokémon Masters probably could have just come out of this. I am very curious what the legislator will do now.”

The Gaming Authority itself does not want to make any statements about this for the time being. “The Council of State has now called us

back,” the spokesman said. “We are going to study the ruling and refocus on loot boxes, but we can’t say yet what the consequences will be.”

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