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*Brussels, July 29<sup>th</sup>, 2025*

**Re: demand to cease and desist non-compliant practices regarding Windows 10 end-of-life policy under Directive (EU) 2019/770 and Regulation (EU) 2022/2065 (Digital Markets Act).**

*To whom it may concern*

On behalf of Euroconsumers<sup>1</sup>, we are reaching out regarding a significant concern raised by numerous consumers regarding Microsoft's Windows 10 End-of-Life Policy.

This policy has serious legal, consumer and environmental implications. The decision to end security updates for Windows 10 and the associated Extended Security Update (ESU) offers, raise significant legal concerns under European Union law, specifically Directive (EU) 2019/770 on certain aspects concerning contracts for the supply of digital content and digital services (the "Digital Content Directive" or "DCD") and Regulation (EU) 2022/2065 on contestable and fair markets in the digital sector (the "Digital Markets Act" or "DMA").

As you have announced, official security updates for Windows 10 are slated to conclude on October 14, 2025. Following this date, Microsoft will cease providing free security updates, technical support and general software updates for Windows 10 via its Windows Update service. While devices will remain functional, they will become increasingly vulnerable to security threats due to the absence of essential patches and fixes.

To address this, Microsoft offers several options, including an upgrade to Windows 11, paid Extended Security Updates (ESU) primarily for organisations and conditionally free ESU for

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<sup>1</sup> Gathering five national consumer organisations (Test-Aankoop / Test-Achats in Belgium, Altroconsumo in Italy, DECO/DECO Proteste in Portugal, OCU in Spain, Proteste in Brazil) and giving voice to a total of more than 6 million people, Euroconsumers is the world's leading consumer group in innovative information, personalised services and defence of consumer's rights.





individuals who utilise Windows Backup to sync settings to OneDrive or redeem Microsoft Rewards points.

## 1. VIOLATIONS UNDER THE DIGITAL CONTENT DIRECTIVE (DCD)

Windows 10, as a computer program and operating system, unequivocally falls within the definition of *"digital content"* under the DCD. Consequently, Microsoft, as the *"trader"* supplying Windows 10 to *"consumers"* is legally bound by the Directive's provisions concerning product conformity and the obligation to provide updates.

The DCD mandates that digital content must possess specific qualities and performance features, including *"functionality, compatibility, accessibility, continuity and security"*. A critical obligation for traders under the DCD is the continuous supply of updates, including security updates, that are *"necessary to keep the digital content or digital service in conformity"*. This is expressly recognised as an *"objective requirement for conformity"*.

The cessation of free security updates for Windows 10 after October 14, 2025, directly infringes upon the product's conformity under the DCD. Without these updates, Windows 10 devices will inevitably become susceptible to security threats. Given that *"security"* is an explicit and mandatory quality feature for conformity, withdrawing the means to maintain this security renders the operating system non-conforming. This is not a minor deviation: it fundamentally compromises the safety and usability of the product in a networked environment.

While the DCD distinguishes between different supply types, requiring updates for a *"single act of supply"* *"as long as the consumer can reasonably expect"*, recital 47 of the DCD clarifies that the period of reasonable expectation for updates *"may be longer for security updates, for example"*. For an operating system like Windows 10, its critical role, expected functional lifespan and the perpetual evolution of cyber threats necessitate ongoing patches. An operating system's security is paramount for a device to function securely in an online world. Forcing users to pay or upgrade for essential security on a still-functional product, especially when the threat landscape continuously evolves, directly undermines the DCD's aim to provide a *"high level of protection"* for consumers.

## 2. VIOLATIONS UNDER THE DIGITAL MARKETS ACT (DMA)

Microsoft has been designated a gatekeeper under the DMA, specifically for its Windows PC OS. Article 6 of the DMA imposes stringent obligations on gatekeepers to foster fairness and contestability within the digital market.

Microsoft's current ESU offers, which link access to essential security updates to engagement with Microsoft's own services (e.g., Windows Backup to sync settings to OneDrive or redeeming



Microsoft Rewards points), subtly but powerfully steer users away from non-Microsoft alternatives. While not a direct technical restriction, this creates a significant economic incentive that limits effective user choice and diminishes the viability of third-party competition in related markets. Such actions directly contradict the DMA's overarching goals of ensuring fairness and contestability in the digital sector.

Specifically, Article 6(6) of the DMA prohibits gatekeepers from technically or otherwise restricting end users' ability to switch between and subscribe to different software applications and services. By conditioning access to essential security updates on engagement with its ancillary services, Microsoft is self-preferencing its own offerings over those of third parties. This arrangement constitutes a form of mixed bundling, leveraging Microsoft's dominant position as a gatekeeper in the operating system market to unfairly promote its cloud storage and loyalty programs. This type of market distortion is precisely what the DMA is designed to prevent.

This self-preferencing not only restricts user choice but also indirectly nudges consumers toward discarding usable devices. Many users unable or unwilling to engage with these services may conclude that the only safe option is to buy new hardware compatible with Windows 11. The environmental cost of such Software Induced Obsolescence is incompatible with the DMA's broader goal of promoting fair digital ecosystems that serve users.

### 3. Consumer Impact and Environmental Implications

Beyond the legal violations outlined above, the decision to end free security support for Windows 10 will have significant real-world impacts on both consumers and the environment. By limiting critical security features, Microsoft is effectively reducing the product life of these devices, which Euroconsumers consider to be planned software-induced obsolescence. The remedies proposed by Microsoft offer little solace.

Consumers with laptops 2018 or earlier will need a newer device to upgrade to Windows 11 and receive up-to-date security provisions from Microsoft. A recent Euroconsumers survey found that 22% of consumers still run Windows 10 on a PC or laptop from 2017 or before, and therefore cannot upgrade to Windows 11.<sup>2</sup> The vast majority of these devices remain fully functional; however, the end of free security updates effectively renders them unsafe for everyday use online, exposing users to unacceptable risks or forcing them to replace otherwise viable hardware.

The Extended Security Update (ESU) program, meanwhile, offers only a temporary reprieve. The program is only available until October 2026 and comes at an additional cost.<sup>3</sup> For many, the additional costs for time-limited security will be the tipping point, ultimately driving premature device replacement and increasing electronic waste.

<sup>2</sup> <https://www.euroconsumers.org/microsoft-security-windows-10-planned-obsolescence/>

<sup>3</sup> <https://support.microsoft.com/en-gb/windows/windows-10-consumer-extended-security-updates-esu-program-33e17de9-36b3-43bb-874d-6c53d2e4bf42>



Very concretely, this means that millions of individual users across the globe will be forced to throw away their old devices and buy new ones. This isn't a decision they want to make. It's a decision that is made for them by Microsoft. Because of the software changes, hopes of circularity are also dashed. Individual users will not be able to sell their computers on second-hand markets, while the professionally organised refurbished markets will suffer too.

This comes at a time when longer-lasting products are more essential than ever. Euroconsumers' 2025 report "How Good is As Good as New?" highlights the vital role refurbished devices play in addressing both environmental and geo-strategic challenges, as we seek to tackle supply chain dependencies and environmental concerns.<sup>4</sup> While consumer interest in refurbished laptops and desktops is growing, software support remains a critical enabler. Ending security updates for functional Windows 10 devices erodes trust and undermines the circular economy by making second-hand products artificially obsolete.

The decision to offer extended support under the ESU programme, albeit for a limited time and at an additional cost, demonstrates that Microsoft has the technical capacity to continue providing security updates for Windows 10. The choice to restrict this support to paid or conditional offers is therefore not a question of feasibility, but of policy, one that places the burden on consumers. In light of the aforementioned violations of EU digital law and the significant implications for consumers, Euroconsumers demands that Microsoft immediately cease and desist from its current non-compliant practices and undertake the following actions:

- ✓ **Re-evaluate update duration:** Microsoft must reassess the "*reasonable expectation*" period for Windows 10 security updates under the DCD. This re-evaluation must lead to an extension of free security support for a longer, consumer-centric duration, especially given that the operating system remains functionally viable.
- ✓ **Decouple ESU offers:** to comply with DMA prohibitions on self-preferencing and tying, Microsoft must immediately decouple ESU offers from any conditional engagement with its other services, such as OneDrive or Microsoft Rewards.

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<sup>4</sup> <https://www.euroconsumers.org/wp-content/uploads/2025/01/How-good-is-as-good-as-new.pdf>



- ✓ **Enhance transparency:** Microsoft must ensure clear, comprehensive and transparent communication regarding its update obligations, product lifecycles, and consumer rights under EU law, providing users with unambiguous information about their options and entitlements.

Euroconsumers expects a substantive response to this notice within thirty (30) days of its receipt. Failure to address these critical concerns and implement the requested changes will leave Euroconsumers with no alternative but to pursue all available legal remedies to protect consumer rights and ensure compliance with EU law.

Sincerely,

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