



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2024/0410/DK (Denmark)

Draft Act on trade in second-hand goods and pawnbroking activities.

Date received : 19/07/2024

End of Standstill : 22/10/2024 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2024) 1956

Directive (EU) 2015/1535

Notification: 2024/0410/DK

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20241956.EN

1. MSG 001 IND 2024 0410 DK EN 19-07-2024 DK NOTIF

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5. Draft Act on trade in second-hand goods and pawnbroking activities.

6. The draft Act concerns traders, including online operators, operating activities in the trade in or purchase of second-hand goods, sale of second-hand goods by online auctions, lending of money against pledges or the negotiation of such loans (pawnbroking activities).

7.

8. The draft Act makes covered economic operators established in Denmark (both service providers in general and providers of information society services) subject to licence requirements from the police as a condition for operating their activities (Section 2 of the draft Act).

The scheme also requires licence holders to be subject to detailed rules concerning the actual operation of activities, etc., which are set out both in the wording of the draft Act and in provisions more specifically laid down in the corresponding draft Order. The key content in particular is that:

- * Licence holders are subject to police supervision, which means, inter alia, that they must notify the police of the location of their stocks of goods, accounting documents and any business premises (Section 9 of the draft Act).
- * Licence holders who are offered goods for purchase or as mortgage in circumstances which may justify suspicion of illicit provenance must notify the police (Section 11(1) of the draft Act).
- * Licence holders must examine goods offered to them for purchase or as mortgage, which includes searching for them in relevant registers of stolen goods which may be established (Section 11(2) of the draft Act).

Notification is given about the draft Act in relation to Directive (EU) 2015/1535 (Information Procedures Directive).

It should be noted that there is no reason to provide at the same time notification under Directive 2006/123/EC (the Services Directive), since, on the one hand, the draft Act does not regulate access to temporary provision of services in Denmark and, on the other hand, the specific content of the regulation with regard to service providers established in Denmark falls outside the scope of the calculations in Article 15 of the Directive on requirements to be evaluated.

9. The draft Act aims to help ensure the control of the trade in second-hand goods and the resale of stolen, falsified or illegally exported goods.

It is considered that the scheme under the draft Act, including the licence requirement, is necessary, proportionate and justified by an overriding reason relating to the public interest in particular for the prevention of and fight against financial crime.

10. References in the basic text: No basic text(s) are available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No



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SPS aspects: No

European Commission

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