



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0064/DK (Denmark)

# Draft Act amending the Act on tobacco products etc. and various other acts (Implementation of parts of the prevention plan targeted at children and young people – tobacco, nicotine and alcohol)

Date received : 08/02/2024

End of Standstill : 13/05/2024

## Message

Message 001

Communication from the Commission - TRIS/(2024) 0340

Directive (EU) 2015/1535

Notification: 2024/0064/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 - Ne zahajuje 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 késések - 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: 20240340.EN

1. MSG 001 IND 2024 0064 DK EN 08-02-2024 DK NOTIF

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### 4. 2024/0064/DK - S00S - HEALTH, MEDICAL EQUIPMENT

5. Draft Act amending the Act on tobacco products etc. and various other acts (Implementation of parts of the prevention plan targeted at children and young people – tobacco, nicotine and alcohol)

6. The proposed draft Act concerns the following products:

Tobacco products, tobacco substitutes, herbal products for smoking, electronic cigarettes and refill containers with and without nicotine, and alcoholic beverages.

7.

8. The draft Act consists of three main elements:

1. Prohibition of import, purchase, possession etc.

The draft Act prohibits the import, purchase, supply, receipt, manufacture, processing and possession of electronic cigarettes and refill containers with nicotine that have a characterising flavour other than one of menthol or tobacco, or which exceed the limit of 20 mg/ml nicotine in a nicotine-containing liquid.

In that regard, it should be noted that the nicotine content limit in a nicotine-containing liquid follows from Article 20(3(b)) of the Tobacco Products Directive. It should also be noted that the placing on the market of electronic cigarettes and refill containers with nicotine with a characterising flavour other than menthol or tobacco is already prohibited in Denmark (see notification 2020/0228/DK).

The prohibition does not apply to goods carried by travellers of up to 10 units nor possession of up to 10 units for personal use. Additionally, the prohibition does not apply to the import, purchase, supply, receipt, manufacture, processing or possession for the purpose of marketing in other countries or to consumers in countries other than Denmark. Likewise, the prohibition does not apply to import, purchase, supply, receipt, manufacture, processing or possession for scientific or control purposes.

2. Seizure

The draft Act provides a legal basis, going forward, for the Danish Safety Technology Authority (which is the competent control authority in this area) to carry out seizures of tobacco and nicotine products, as well as equipment and flavourings intended to be used in conjunction with such, if there is reason to believe that they violate penal provisions of the relevant acts, penal provisions laid down by virtue of such acts or penal provisions in regulations concerning the scope of the acts.

Currently, in order to get a seizure carried out, the Danish Safety Technology Authority must contact the police, and the police then carry out the seizure.

3. Strengthened age verification

The draft Act authorises the Danish Safety Technology Authority (which is the competent control authority in this area) to use young mystery shoppers for a period of two years in order to check whether retailers are complying with the age limits on the sale of tobacco, nicotine and alcohol.

The draft Act also requires the implementation of more effective electronic age verification for online sale of alcoholic products, just as the requirements for more effective electronic age verification for online sale of tobacco and nicotine products are put into force. Notification 2020/0228/DK stipulated a requirement for all retailers of tobacco and nicotine products to have a system that effectively verifies the age of the purchaser. The requirement for a more effective electronic age verification for online sales will not apply to online platforms as defined in Article 3(i) of the Digital Services Act.

Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture,



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presentation and sale of tobacco and related products and repealing Directive 2001/37/EC

9. The draft Act is an implementation of the agreement of 14 November 2023 on a prevention plan targeting the use of tobacco, nicotine and alcohol by children and young people, concluded between the government (the Social Democratic Party, the Liberal Party of Denmark and the Moderates), the Socialist People's Party, the Denmark Democrats, the Conservative People's Party and The Alternative.

The agreement contains 30 initiatives, and together they are intended to contribute to reducing the consumption of tobacco, nicotine and alcohol by children and young people and to support more inclusive communities.

The draft Act implements parts of the prevention agreement. The remaining initiatives, which are to be transposed into legislation, will be implemented via other draft acts. The initiatives implemented via this draft Act aim to support control authorities with more tools for the enforcement of existing regulations and to ensure better enforcement of the existing age limits for tobacco, nicotine and alcohol.

Reference is also made to the proposed draft Act, which describes the relationship to EU law.

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

SPS aspects: No

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European Commission

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