



EUROPEAN COMMISSION

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

Message 931

Communication from the Commission - TRIS/(2024) 3103

Procedure for the provision of information EC - EFTA

Notification: 2024/9018/NO

Request for supplementary information from the European Union

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prošba o uzupeňnienie informacjii - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20243103.EN

1. MSG 931 IND 2024 9018 NO EN 10-02-2025 20-11-2024 COM INFOSUP COM 10-02-2025

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2024/9018/NO - SERV - INFORMATION SOCIETY SERVICES

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the Norwegian authorities notified to the Commission on 7 November 2024 the draft "Proposed amendments to the Norwegian Marketing Control Act - strengthening children's digital consumer protection" (hereinafter, the "notified draft"). In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Norwegian authorities are kindly invited to reply to the following request for supplementary information:

1. The Norwegian authorities are kindly requested to clarify whether the obligation resulting from new section 21a of the notified draft:

a. Would apply to audiovisual commercial communications as defined in Article 1(1)(h) of the Audiovisual Media Services Directive 2010/13/EU, as revised by Directive (EU) 2018/1808;

b. Would apply to on-demand audiovisual media services and Article 1(1)(g) of the Audiovisual Media Services Directive 2010/13/EU, as revised by Directive (EU) 2018/1808.

c. Would apply to providers of video-sharing platform services as defined in Article 1(1)(aa) of the Audiovisual Media Services Directive 2010/13/EU, as revised by Directive (EU) 2018/1808, in view of Recital 5 of Directive (EU) 2018/1808, according to which although the aim of the Directive 2010/13/EU is not to regulate social media services as such, a social media service falls under the scope of the Directive to the extent that it meets the definition of a video-sharing platform service, notably if the provision of programmes and user-generated videos constitutes an essential functionality of the service.

In the affirmative, the Norwegian authorities are requested to clarify whether:

a. The notified draft is also applicable to providers of video-sharing platform services or on-demand audiovisual media services not established in the territory of Norway; and



EUROPEAN COMMISSION

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

b. The notified draft is addressed to video-sharing platform providers regardless of whether the concerned audiovisual commercial communication is marketed, sold or arranged by the video-sharing platform or not.

2. The Norwegian authorities are kindly requested to clarify whether the obligation resulting from new section 21 a of the notified draft are intended to apply to providers of information society services as per the meaning of Directive 2000/31/EC. In the affirmative, the Commission services would like to receive further information on:

- a. whether the notified draft would apply to providers of information society services established in the territory of Member States other than Norway;
- b. what would be the obligations applicable to those service providers resulting from the notified draft;
- c. whether the Norwegian authorities have identified those providers or what would be the basis for identifying them;
- d. how do the Norwegian authorities intend to comply with the requirements set out in Article 3(4) of Directive 2000/31/EC, in particular, in view of the CJEU judgement in case C-376/22;

3. The Norwegian authorities are kindly requested to clarify whether the obligation resulting from new section 21 a of the notified draft are intended to apply to providers online intermediary services as defined in Article 3 of Regulation (EU) 2022/2065, in particular to providers of online platforms. In the affirmative, the Commission services would like to receive further information on the intended interplay between the notified draft and Regulation (EU) 2022/2065, in view of the maximum harmonization effect of this Regulation, and in particular as regards its Articles 6, 8, 28, 34 and 35.

The Norwegian authorities are kindly invited to reply by 4 December 2024.

Mary Veronica Tovsak Pleterski
Director
European Commission

Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu