



EUROPEAN COMMISSION

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

Message 201

Communication from the Commission - TRIS/(2025) 2090

Directive (EU) 2015/1535

Notification: 2025/0330/FI

Forwarding of the response of the Member State notifying a draft (Finland) to request for supplementary information (INFOSUP) of European Commission.

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4. 2025/0330/FI - S20E - Waste

5.

6. Thank you for the opportunity to supplement the draft 'Government proposal to Parliament for legislation supplementing the EU Batteries Regulation and implementing the amendment to the Waste Electrical and Electronic Equipment Directive'.

The Ministry of the Environment will answer your questions as follows.

The Commission services would like to better understand the reason for the reference to Article 30(7) of Regulation (EU) 2022/2065 (the Digital Services Act) within the context of the notified draft and the relation to Regulation 2023/1542 (the Batteries Regulation).

Reply:

Article 62(6) of the Battery Regulation requires that, in order to comply with Article 30(1)(d) and (e) of the Digital services Act, an online platform provider must obtain from the producer registration information and a declaration from the producer that the provider undertakes to offer only products for which the producer responsibility obligations are fulfilled in the Member State in which the consumer is located.

According to Article 30(7) of the Digital services Act, the provider of the online platform allowing consumers to conclude distance contracts with traders shall make the information referred to in paragraph 1, points (a), (d) and (e) available on



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its online platform to the recipients of the service in a clear, easily accessible and comprehensible manner. That information shall be available at least on the online platform's online interface where the information on the product or service is presented.

Article 30(1), points (a), (d) and (e) of the Digital services Act:

(a) the name, address, telephone number and e-mail address of the trader;

(d) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;

(e) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.

Article 30(1) point (d) of the Digital services Act mentions the trade register or a similar public register, but not the producer responsibility register. The Digital services Act does not require the publication of the producer responsibility registration number on an online platform. The Battery Regulation requires that the online platform shall obtain the producer responsibility registration data from the producer, but publishing the registration number on an online platform is not required under the Battery Regulation or the Digital services Act. The Battery Regulation refers only to Article 30(1) of the Digital services Act, not to paragraph 7.

In Finland, it had been proposed that the producer responsibility registration number should be published on an online platform along with other information. In our view, such a requirement cannot be laid down at the national legislation, as it is not required by the Digital services Act or the Battery Regulation. The authority cannot be empowered to supervise the publication of producer responsibility registration number on an online platform, unless such an obligation can be laid down.

Furthermore, the Commission services would like to understand whether this would affect the competences attributed to the Finnish Transport and Communications Agency by the national law designating and empowering that Agency as Digital Services Coordinator under the Digital Services Act.

Reply:

If the publication of a registration number on producer responsibility on an online platform were also required, it would be appropriate for the Finnish Transport and Communications Agency to supervise the publication. In this case, the supervisory authority could simultaneously supervise the publication of all the information required by Article 30 of the Digital services Act on an online platform. In our view, publishing the producer responsibility registration number on an online platform would also significantly facilitate the work of the authority supervising producer responsibility. The publication of the number would allow the authority supervising producer responsibility to see at one glance that the company offering goods on the online platform has fulfilled its producer responsibility obligations. In this case, both supervising authorities should possibly be given overlapping competence and the authorities should cooperate in the supervision.

Could the Finnish authorities also explain the rationale behind Article 25 of the notified draft, in particular the implications of excluding Chapter 3 of the Act on the Supervision of Network Intermediary Services (18/2024) from the competences attributed to the Finnish Transport and Communications Agency in relation to the application of the notified draft?

Reply:

According to the first proposal, the Finnish Transport and Communications Agency would supervise compliance all the obligations laid down for online platform providers in the Battery Regulation with the powers laid down in the in the Act on the Supervision of Network Intermediary Services. The first proposal also included a penalty payment laid down in the Waste Act for online platform operators who failed to comply with their obligations laid down in the Battery Regulation.

In its statement on the government proposal to parliament for legislation supplementing the Battery Regulation, the Ministry of Justice stated that the powers proposed to the authority supervising the obligations of an online platform provider are problematic in terms of the principle of legality, clarity and predictability of regulation. The proposed



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provisions leave it unclear whether all powers specified in the Act on the Supervision of Network Intermediary Services are suitable for monitoring the obligations of an online platform provider. An act related to a penalty payment would be sanctioned under the Waste Act, but other provisions on the penalty payment, for example in relation to the amount of the penalty payment, non-imposition and appeal, would at the same time be included in the Act on the Supervision of Network Intermediary Services.

Due to comments made by the Ministry of Justice, the legislative proposal was amended so that Chapter 3 of the Act on the Supervision of Network Intermediary Services was removed from the competence of the Finnish Transport and Communications Agency. Thus, the administrative sanctions laid down in Chapter 3 of the Act, such as the penalty payment of an online platform provider or the prevention of access to a service, would not fall within the competence of the Finnish Transport and Communications Agency.

According to the final proposal (the notified draft), the Finnish Transport and Communications Agency could use the procedures laid down in Chapter 2 of the Act on the Supervision of Network Intermediary Services. The chapter includes provisions on the authorities' right of access to information, exchange of information between authorities, inspections, summoning to be heard and conditional fines.

Introducing an administrative penalty payment in the supervision of the obligations of an online platform provider would require a more extensive reform of the sanction system of the Waste Act with the Act on the Supervision of Network Intermediary Services. An overhaul of the Waste Act is currently underway in Finland, as part of which the development needs of the sanction system of the Waste Act will also be examined. In this context, the intention is to examine the introduction of a penalty payment for online platform providers if they violate their obligations laid down in the Battery Regulation.

European Commission

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