



EUROPEAN COMMISSION

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

Message 301

Communication from the Commission - TRIS/(2025) 2837

Directive (EU) 2015/1535

Notification: 2025/0545/PL

Request for supplementary information from the Commission.

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 informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

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1. MSG 301 IND 2025 0545 PL EN 29-12-2025 10-10-2025 COM INFOSUP COM 29-12-2025

2. Commission

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

4. 2025/0545/PL - B20 - Safety

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 Polish authorities notified to the Commission on 26th September 2025 the draft "Act on the protection of minors from pornographic content on the Internet and amending the Telecommunications Act" (hereinafter, the "notified draft"). In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Polish authorities are kindly invited to reply to the following request for supplementary information:

1. The Polish authorities are kindly invited to clarify whether the provisions of the notified draft are intended to apply to providers of video-sharing platform services as defined in Article 1(1)(aa) and Article 1(1)(da) of Directive 2010/13/EU. In the affirmative, the Commission services would like to receive further clarifications as to whether the provisions of the notified draft would apply to providers of video-sharing platform services established in the territory of other Member States than Poland.
2. The Polish authorities are kindly invited to clarify whether the provisions in 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 other Member States than Poland;
 - b) what would be the obligations applicable to those service providers resulting from the notified draft;
 - c) whether the Polish authorities have identified those providers or what would be the basis for identifying them;
 - d) how the Polish 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.



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2. The Commission services would welcome more information on whether the provisions of the notified draft, in particular Article 2(2)(b) and 2(2)(c), are also intended to apply to providers of online intermediary services as defined in Article 3(g) of Regulation (EU) 2022/2065.

In the affirmative, the Commission would welcome more information on:

- a) the intended interplay between the notified draft and the Regulation (EU) 2022/2065 in view of its maximum harmonization effect and in particular as regards its Article 28 and the Guidelines adopted pursuant to it (), as well as Articles 34 and 35 concerning the aim of protecting minors online;
- b) the various types of service providers covered by the notified draft and the exact obligations that would apply to them;
- c) the legal consequences of the notified draft in relation to the obligations for intermediary services as defined in Regulation (EU) 2022/2065;
- d) the system for supervision of compliance and enforcement of the above obligations applicable to intermediary service providers, in particular its interplay with Chapter IV of Regulation (EU) 2022/2065.

3. Could the Polish authorities clarify the scope of “enabl[ing] the making available of pornographic content” in Article 2(2)(b) of the notified draft, in relation with Article 3 of the notified draft, and its interplay with Article 8 of Regulation (EU) 2022/2065?

4. Could the Polish authorities please clarify whether a domain name that would not comply with the notified draft, namely by allowing minors under 18 years of age to access pornographic content, would be deemed illegal content under Polish law in accordance with Article 3 (h) of Regulation (EU) 2022/2065?

5. Could the Polish authorities clarify the interplay of Article 7(3) of the notified draft with Article 16 and Article 53 of Regulation (EU) 2022/2065?

6. The Commission services would further welcome more information on the way in which the proposed Registry, and the obligation for telecommunications undertakings providing internet access services to prevent access to websites entered in the Registry, interact with Article 9 of Regulation (EU) 2022/2065.

The Polish authorities are kindly invited to reply by 22 October 2025.

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