



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/(2026) 1598

Directive (EU) 2015/1535

Notification: 2026/0248/DE

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 információkérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie 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

MSG: 20261598.EN

1. MSG 301 IND 2026 0248 DE EN 20-08-2026 15-06-2026 COM INFOSUP COM 20-08-2026

2. Commission

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

4. 2026/0248/DE - SERV60 - Internet 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 German authorities notified to the Commission on 19 May 2026 the draft "Act to strengthen cybersecurity" (hereinafter, "the notified draft").

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the German authorities are kindly invited to reply to the following request for supplementary information:

1. The notified draft intends to introduce rules governing the provision of digital services. In this context, the German authorities are kindly invited to confirm whether the digital services constitute 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:

- Whether the provisions in Article 4 of the notified draft, adding new paragraphs 5 and 6 to §19 of the Law on Data protection and privacy protection in telecommunications and digital services (hereafter the TDDG), would apply to providers of information society services established in the territory of other Member States than Germany?

In the affirmative, the Commission services would welcome clarification on:

- What would be the obligations applicable to those service providers resulting from the notified draft?
- Whether the German authorities have identified those providers or what would be the basis for identifying them?
- How the German authorities intend to comply with the requirements set out in Article 3(4) of Directive 2000/31/EC, in



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particular in view of the CJEU judgement in case C-376/22?

iv) What system is envisaged for supervision of compliance and enforcement of the above obligations applicable to information society services, and in particular whether non-compliance would result in the imposition of fines or other types of sanctions or penalties?

2. The German authorities are kindly invited to clarify whether the provisions of the notified draft, in particular Article 4 of the notified draft, adding new paragraphs 5 and 6 to §19 of the TDDG, are addressed to providers of intermediary services as defined in Article 3(g) of Regulation (EU) 2022/2065 the (Digital Services Act, hereinafter “DSA”).

In the affirmative, the Commission services would welcome clarifications on the following:

- What would be the specific obligations for providers of intermediary services as defined in Article 3(g) of the DSA that would arise from the notified draft?
- What would be the interplay of the notified draft, in particular the provisions on informing users, with the maximum harmonisation effect of the DSA, in particular but not limited to Article 16 of the DSA?
- What would be the interplay of the notified draft, in particular the new paragraph 5 to §19 of the TDDG on the provider of digital services becoming aware of a disruption arising in the course of a user's use of one of its services, with Articles 6 and 8 of the DSA?
- What would be the interplay of the notified draft, in particular the new paragraph 6 to §19 of the TDDG and the information on concrete threats to be shared by the Federal Office for Security in the Information Technology, with Article 10 of the DSA?
- How the notified draft takes into account Article 4(3) DSA in combination with Article 9(1) DSA?

The German authorities are kindly invited to reply by 29 June 2026.

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