



EUROPEAN COMMISSION

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

Message 961

Communication from the Commission - TRIS/(2026) 1588

Procedure for the provision of information EC - EFTA

Notification: 2026/9007/NO

Forwarding of the response of the EFTA surveillance authority to request for supplementary information (INFOSUP) / comments (5.2) from the European Union

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1. MSG 961 IND 2026 9007 NO EN 11-08-2026 12-06-2026 NO ANSWER 11-08-2026

2. Norway

3A. Royal Ministry of Trade, Industry and Fisheries
Departement of Trade Policy

3B. The Ministry of Children and Families
Department of Childhood, Youth and Family Affairs

4. 2026/9007/NO - SERV60 - Internet services

5.

6. TRIS 2026/ 9007 /NO - Reply to Request for supplementary information

The Ministry of Children and Families and the Ministry of Digitalisation and Public Governance (the Ministries) refer to the European Commission's letter of 1 June containing questions regarding the act notified to the Commission on 8 May 2026, entitled "Draft Act introducing an age limit for social media use" (hereinafter "the notified draft").

As a preliminary remark, the Ministries note that the Draft Act is intended only to impose obligations on users, and does not at present establish any obligations or requirements for service providers. However, the Regulation (EU) 2022/2065 (Digital Services Act - DSA) is expected to be incorporated into the EEA Agreement, and it is envisaged that this regulation - in combination with the Draft Act - will give rise to obligations for service providers. It is also envisaged that the DSA will provide the measures and mechanisms for enforcing such obligations.

The Ministries also note that the factual background of the Draft Act is the extensive evidence showing that minors' use of social media constitutes a significant societal concern. Reference in this regard is made to the impact assessment subject to consultation.

Please find the Ministries' responses below, and do not hesitate to contact us should you have any further questions.

1. The Norwegian authorities are kindly invited to clarify whether the notified draft Act is intended as a national transposition of Directive 2010/13/EU?

The notified draft Act is not intended as a national transposition of Directive 2010/13/EU.

2. The Norwegian authorities are kindly invited to clarify whether Article 4 of the notified draft Act is intended to apply to video-sharing platforms as per the meaning of Directive 2010/13/EU?

Section 4 of the notified draft Act is not intended to apply to video-sharing platform providers within the meaning of Directive 2010/13/EU. The subjects to the obligations under Section 4 are the users of the service, not the service providers. The definition of social media will, however, encompass video-sharing platforms within the meaning of Directive 2010/13/EU.

3. In the affirmative, the Norwegian authorities are kindly invited to clarify how Article 3 of the notified draft Act would be compatible with the country-of-origin jurisdiction principle of Directive 2010/13/EU?



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According to the notified draft, it is the user of the service, and not the service provider, who is subject to the obligation. As the notified draft does not lay down regulatory obligations for providers established in EEA States, it is not inconsistent with the Country of Origin Principle.

4. The Norwegian authorities are kindly invited to clarify the age limit referred to under §4 of the notified draft “until the year in which they turn 16”, in particular as to whether this is a reference to the year of birth and, how it will operate in practice.

The age limit refers to the year of birth and means that it applies to children until 1 January of the year in which they turn 16. Children born in the same calendar year will therefore gain access to social media at the same time.

5. Whether the notified draft would apply to minors with Norwegian nationality or with (IP) location in Norway;

The notified draft would apply to all minors present in Norway, irrespective of their nationality or IP location. Furthermore, the age limit would apply only to platforms targeting the Norwegian market.

6. According to §2 of the notified draft, its provisions are intended to apply to providers of information society services. The Commission services would like to receive confirmation on whether the notified covers information society services as per the meaning of Directive 2000/31/EC.

Section 2 of the draft contains definitions, and no material provisions. The notified draft covers information society services within the meaning of Directive 2000/31/EC, but does not impose obligations, or requirements, on the service providers. Nor does the draft Act in itself give rise to any sanctions or similar measures against service providers. As outlined above and in response to Question 8 below, any obligations on service providers, as well as any enforcement measures, are envisaged to be based on Regulation (EU) 2022/2065 (DSA) as incorporated into the EEA Agreement (and subject to any adaptations or modifications that may follow from its incorporation into the EEA Agreement).

In the affirmative, the Norwegian authorities are kindly invited to clarify the following:

- whether the notified draft would apply to providers of information society services established in the territory of Member States other than Norway;

- No, the provisions in the draft do not impose any obligation on providers of information society services.

- in the affirmative, 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 case law C-376/22 of the Court of Justice;

- whether the criteria under §2a and §2b) are considered to be cumulative conditions;

Yes, the criteria under Section 2 first paragraph a and b are considered to be cumulative conditions.

- what would be the obligations applicable to information society services resulting from the notified draft;

The notified draft in itself does not impose obligations on providers of information society services.

- what would be the criteria to identify the services or categories of services exempted from the scope of §2 by the Ministry under notified draft, and does this empowerment extend to the exemption of individual services;

The criteria for identifying the services or categories of services that may be exempted from the scope of Section 2 have not yet been finally determined. It is intended that certain core elements of these criteria will be set out in the statutory provision itself, while further specifications will be established through secondary legislation adopted pursuant to the proposed regulatory authorisation. As described in the Draft Act, this authorisation will apply to both the first and second paragraphs of the provision and will accordingly extend to the exemption of individual services. See also Section 5 of the notified draft.

- what is the process for the adoption of the regulations under §2 and what is the process for updating these regulations;

In Norway, when a ministry has statutory authority to issue regulations, it follows a standard process based on the rules in Chapter 4 of the Instructions for Official Studies and Reports (the Norwegian Utredningsinstruksen). First the ministry prepares a draft regulation based on the legal mandate (statutory authority laid down in an Act of Parliament). After that there is a public consultation (hearing): The draft is circulated for consultation to relevant stakeholders (e.g. public agencies, organizations, experts). It is also published on the Governments website so that anyone can submit comments. The consultation period is usually at least three months. Based on the input received in the public consultation, the draft may be revised accordingly. The draft will be sent on an EEA consultation if this is required according to directive (EU)



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2015/1535. The regulation is formally adopted by the ministry. The adopted regulation is published in the Norwegian Lovdata system and enters into force on a specified date stated in the ministry's adoption of the regulation.

- whether the Norwegian authorities have already identified the information society services which would be subject to the notified draft;

The Ministries have not identified which social media services that would be affected by the notified draft. As stated in the submitted draft legislation, it is still under consideration whether the law should include a harm criterion and what exemptions should apply.

- what would be the criteria for the supervisory authority to determine whether an information society service is considered social media, set out in §5 of the notified draft;

The criteria for the supervisory authority's assessment would primarily follow from Section 2 of the draft Act. Section 5 does not establish separate substantive criteria; rather, it empowers the supervisory authority, by individual decision, to determine whether an information society service falls within the relevant definition in Section 2. In making that assessment, the authority would consider whether the service meets the conditions in Section 2, first paragraph, and whether any of the statutory exclusions in Section, second paragraph, apply.

If the final Act retains the concept of "harmful social media", the supervisory authority would, under Section 5, also assess whether the service meets the criteria in Section 2, third paragraph.

The draft also allows supplementary provisions to be adopted by regulations under Section 2, fourth paragraph, including, where relevant, provisions clarifying what constitutes harmful social media. In addition, Section 5 allows the supervisory authority to issue guidelines to support a consistent interpretation and application of the statutory criteria. Such guidelines would not replace the criteria laid down in the Act and regulations but would help clarify how those criteria are applied in practice.

- what would be the system for supervision of compliance and enforcement of the above obligations applicable to information society services, and whether an eventual lack of compliance would result in the imposition of fines or other type of sanctions or penalties.

The Draft Act in itself does not impose obligations on providers of information society services. It does not provide for a dedicated system of supervision, enforcement, or penalties as regards the users of information society services. All enforcement measures are envisaged to be based solely on Regulation (EU) 2022/2065 (the Digital Services Act), following its incorporation to the EEA Agreement, particularly with regard to obligations stemming from Article 28, cf. the answer to Question 8 below. Hence, all enforcement measures would be carried out in accordance with the supervisory and enforcement framework established in that Regulation, subject to any adaptations or modifications that may follow from its incorporation into the EEA Agreement.

7. The Commission services would welcome clarifications on the interaction between the powers granted to the Ministry to lay down provisions to determine what is harmful social media, as set out in §2 of the notified draft, and those granted to the supervisory authority to draw up guidelines on what constitutes harmful social media, set out in §5 of the notified draft. Furthermore, the Commission would welcome clarifications on the interaction between the powers granted to the Ministry to exempt certain services or categories of services, as set out in §2 of the notified draft, and those granted to the supervisory authority to, by individual decision, determine whether an information society service is considered harmful social media, set out in §5 of the notified draft. In this regard, the Commission would also welcome information on which is the designated supervisory authority.

At present, no national competent authority has been formally designated to determine which social media services are to be regarded as harmful and, consequently, subject to the statutory minimum age requirement.

Guidelines drawn up by the supervisory authority will be based on, and stay within, the framework of the draft Act and any accompanying regulations laid down by the Ministry. The guidelines will be advisory in nature and provide more detailed and practical information on how the definition of harmful social media is to be understood, including practical examples. This corresponds to the system for classifying audiovisual content in Norway, where the Norwegian Media Authority establishes advisory guidelines for age classification of cinema films, videograms, programmes in television and on-demand audiovisual services, pursuant to the Act relating to the protection of minors against harmful audiovisual



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programmes.

The supervisory authority's power to make individual decisions is limited to determining whether a specific information society service qualifies as harmful social media within the meaning of the Draft Act. Such decisions are thus purely classificatory in nature. Any individual decisions made by the supervisory authority must be based on, and remain within, the framework of the Act and any accompanying regulations laid down by the Ministry, including regulations exempting certain types of social media from the age limit. In practice, individual decisions will be needed in cases of doubt or where the supervisory authority disagrees with the social media service's own assessment. This also corresponds to the system under Act relating to the protection of minors against harmful audiovisual programmes.

8. In the Impact Assessment on the notified draft, the Norwegian authorities refer to the interaction between this notified draft and Regulation (EU) 2022/2065. The Commission services would welcome clarifications on the interaction between the notified draft and Regulation (EU) 2022/2065, in view of its incorporation into the EEA. In particular, the Commission services would welcome more information on whether §3 of the notified draft is 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:

- the providers of intermediary service, including online platforms, covered by the notified draft and the exact obligations that would apply to them;
- the legal consequences of the notified draft in relation to the obligations for providers of intermediary services as defined in Regulation (EU) 2022/2065;
- the system for supervision of compliance and enforcement of the above obligations applicable to providers of intermediary services, including of online platforms, and in particular its interplay with Chapter IV of Regulation (EU) 2022/2065.

The Ministries assume that the provision referred to in question nr. 8 is Section 2 of the draft legislation concerning definitions, rather than Section 3 concerning its geographical scope. Section 3 of the proposed legislation addresses the territorial scope of the Act, which is defined to apply to services directed at the Norwegian market. Accordingly, the Act establishes a connecting factor that applies universally to operators in Norway, within the EEA, and in third countries. The limitations imposed by the E-Commerce Directive and the Digital Services Act (DSA) will therefore apply.

If the question is in fact intended to refer to Section 3 of the draft legislation on geographical scope, the Ministries would appreciate further clarification and elaboration of the question.

On the basis of that interpretation, the answer is that the draft legislation is not intended to apply to all intermediary services as defined in Article 3(g) of Regulation (EU) 2022/2065. The scope of the draft legislation is limited to (harmful) social media services and is not intended to cover all other intermediary services that fall within the definition set out in the Digital Services Regulation.

- The Norwegian authorities understand the Commission's Guidelines to Article 28 DSA to imply that, where a Member State introduces a minimum age requirement for access to social media services, providers of online platforms must implement effective and proportionate age assurance measures in accordance with Article 28 Regulation (EU) 2022/2065 (DSA) and the guidelines adopted pursuant thereto.

- The Commission's Guidelines on the Protection of Minors under Article 28 clarify that age assurance measures, including age verification and age estimation where appropriate, may constitute necessary compliance measures where specific risks to minors have been identified. Consequently, where national legislation lawfully establishes a minimum age for access to certain social media services, compliance with that age limit may be regarded as part of the platform's obligation to adopt appropriate and proportionate protective measures under Article 28(1).

- Providers of online platforms will be required under Article 28 DSA to ensure a high level of privacy, safety and security for minors. Compliance measures adopted by providers pursuant to Article 28 DSA, including age assurance mechanisms, risk-mitigation measures and child-protection safeguards, may also contribute to compliance with the national age-limit requirement.

Any enforcement of obligations imposed directly by the DSA would take place through the procedures, powers, cooperation mechanisms and country-of-establishment principle laid down in Chapter IV of Regulation (EU) 2022/2065, including the respective competences of Digital Services Coordinators, other competent authorities and, where relevant,



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the European Commission.

In this respect, the national supervisory authority would be expected to cooperate with the authorities responsible for DSA enforcement where necessary, while respecting the allocation of competences established by Union law and the EEA framework. The draft legislation therefore complements the objectives pursued by Article 28 DSA concerning the protection of minors online, while leaving intact the supervisory and enforcement architecture established by Chapter IV of Regulation (EU) 2022/2065.

9. The Commission services would welcome clarifications on at which point during the legislative process will the Norwegian authorities decide which of the proposed alternatives to pursue.

The Ministries will decide which of the proposed alternatives to pursue after the EEA consultation, and before we submit the legislative proposal to the Norwegian Parliament (Stortinget). The Ministries will incorporate the input from the EEA consultation into this assessment and are planning to send the legislative proposal to Stortinget in December 2026.

European Commission

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