Message 301

Communication from the Commission - TRIS/(2026) 2373

Directive (EU) 2015/1535

Notification: 2026/0415/AT

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 - 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: 20262373.EN

1. MSG 301 IND 2026 0415 AT EN 05-11-2026 26-08-2026 COM INFOSUP COM 05-11-2026

2. Commission

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

4. 2026/0415/AT - 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 Austrian authorities notified to the Commission on 4 August 2026 the “Federal Act amending the Gambling Act and the Telecommunications Act 2021” (hereinafter, the “notified draft”).
To allow the Commission services to complete their analysis under the relevant provisions of EU law, the Austrian authorities are kindly invited to reply to the following request for supplementary information:
1. The Austrian authorities are kindly invited to confirm that the provisions in the notified draft in particular Article 37 (b) (the proposed § 52(1)(9)) and Article 48 (the proposed § 56c and 56d), 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 Austria;
b) what would be the obligations applicable to those service providers resulting from the notified draft;
c) how the Austrian 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 ;
d) 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 Commission services would welcome confirmation on whether the provisions of the notified draft, in particular Article 37 (b) (the proposed § 52(1)(9)), Article 48 (the proposed § 56c, 56d and 56e) and Article 51 (proposed § 59d(5)),

are intended to apply to providers of online intermediary services, including but not limited to providers of online platforms and online search engines, as defined respectively in Article 3 (g), (i) and (j) of Regulation (EU) 2022/2065.
In the affirmative, the Commission would welcome clarifications on:
a) the concrete obligations stemming from the notified draft, applicable to providers of intermediary services, including online platforms and online search engines, as defined in Regulation (EU) 2022/2065;
b) the way in which providers of intermediary services, including online platforms and online search engines, would be expected to comply with these obligations in a manner that would be compliant with Articles 6 and 8 of Regulation (EU) 2022/2065;
c) the intended interplay between the notified draft and Articles 9 and 10 of Regulation (EU) 2022/2065;
d) what system is envisaged for supervision of compliance and enforcement of the above obligations applicable to providers of intermediary service, including online platforms, and in particular whether non-compliance would result in the imposition of fines or other types of sanctions or penalties, and the intended interplay with Chapter IV of Regulation (EU) 2022/2065.

The Austrian authorities are kindly invited to reply by 7 September 2026.

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