



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/(2024) 0604

Directive (EU) 2015/1535

Notification: 2024/0064/DK

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: 20240604.EN

1. MSG 301 IND 2024 0064 DK EN 13-05-2024 05-03-2024 COM INFOSUP COM 13-05-2024

2. Commission

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

4. 2024/0064/DK - S00S - HEALTH, MEDICAL EQUIPMENT

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 Danish authorities notified to the Commission on 8 February 2024 the “Draft Act amending the Act on tobacco products etc. and various other acts (Implementation of parts of the prevention plan targeted at children and young people – tobacco, nicotine and alcohol)” (hereinafter, the “notified draft”).

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

1. The Commission services would welcome further information on the personal and territorial scope of the notified draft. In particular, could the Danish authorities clarify whether certain obligations introduced by the notified draft are intended to apply to information society services within the meaning of Article 2(a) of the Directive 2000/31/EC (E-Commerce Directive). In the affirmative:

- whether those obligations would apply to providers of information society services not established in Denmark or intermediary services within the meaning of the e-Commerce Directive;
- what would be the obligations applicable to those service providers resulting from the notified draft;
- whether the Danish authorities have identified those providers or what would be the basis for identifying them; and
- how do the Danish 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).

2. The Commission services would also welcome some clarifications on whether the obligations set out in the notified



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draft are intended to apply to providers of online platforms, as defined in Article 3(i) of the Regulation (EU) 2022/2065.

3. In the affirmative, the Commission services would welcome clarification on the obligation of the age verification system imposed on those online platforms. More specifically, in its notification message, the Danish authorities exclude the imposition of age verification obligations for online sales to online platforms as defined in Article 3(i) of the Digital Services Act. Could the Danish Authorities confirm that the obligations concerning age verification and are not intended to apply to providers of online platforms within the meaning of Regulation (EU) 2022/2065, and indicate which provision of the notified draft lays down such exclusion?

4. The Commission services would welcome further information on the territorial scope of the notified draft. In particular, could the Danish authorities clarify whether the obligation to use age verification system concerns all online purchases of tobacco, alcohol and electronic cigarettes?

5. The Commission services would also welcome some clarifications on how the Minister for the Interior and Health will lay down rules on the age verification system, including requirements for the system and on the retailer's obligation to provide the Danish Safety Technology Authority with information on the content and use of the system (Section 15(5) of the Act).

The Danish authorities are kindly invited to reply by 19 March 2024.

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