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Draft Act introducing an age limit for social media use

Delivery of comments pursuant to Article 5(2) of Directive (EU) 2015/1535 of 9 September 2015

Excellency,

As part of the notification procedure provided for in Directive (EU) 2015/1535¹, on 8 May 2026 the Norwegian authorities notified to the Commission the “*Draft Act introducing an age limit for social media use*” (hereinafter, ‘the notified draft’).

According to the notification message, the notified draft aims at protecting children from the potential harmful effects of social media. To that end, the notified draft introduces an age limit for the use of social media in Norway to prevent children from accessing social media until they turn 16. In this regard, two alternative versions of the notified draft are currently being considered by the Norwegian authorities, including whether the age limit should apply to all social media services falling within the scope of the notified draft or only to “harmful social media”.

The notified draft applies to social media services defined as “*information society services that allow users to create a profile and establish contact with other users, and that store and disseminate to the public content uploaded by users without editorial control over the content*”. The notified draft further provides for a number of exemptions from the age limit. The Ministry² is empowered to grant exemptions to certain services or categories of services from the scope of the notified drafts and may adopt further provisions concerning what constitutes harmful social media.

¹ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and rules on Information Society services, OJ L 241 dated 17.9.2015, p. 1.

² The notified draft does not establish which Ministry is empowered under its §2.

In addition, the notification message explains that “*there is a presumption that the age limit can be enforced via the Digital Services Act (DSA) when this regulation has been incorporated into the EEA Agreement and implemented into Norwegian law*”. It further states that national authorities shall determine which social media according to the definition in the notified draft shall have an age limit under national law and supervise these. The notified draft also provides that the supervisory authority may draw up guidelines on what constitutes harmful social media and may, by individual decision, determine whether an information society service is considered harmful social media.

In the context of the notified draft, the Commission services addressed to the Norwegian authorities a request for supplementary information on 1 June 2026 to obtain clarifications on the measures of the notified draft. The answers provided by the Norwegian authorities on 12 June 2026 have been taken into account in the below assessment.

The examination of the relevant notified provisions led the Commission to issue the following comments.

1. Introduction

The Commission takes note of the notification message, according to which the notified draft pursues the objective of protecting minors from the potential harmful effects of social media.

The Commission shares the objective of the notified draft to protect minors online, in particular against the potential harmful effects of social media. To ensure that minors can use online services safely, providers of online platforms accessible to minors must play their part.

The Commission also notes that the notified draft covers matters within the scope of Directive 2000/31/EC (hereinafter the “Directive on electronic commerce”)³. Moreover, and without prejudice to the fact that Regulation (EU) 2022/2065 (the Digital Services Act, hereinafter “the DSA”)⁴ has not yet been incorporated into the EEA Agreement and Norwegian law, and therefore the DSA does not currently apply in Norway, for the reasons explained in Section 2.2. below, the Commission also notes that the notified draft covers matters that would fall within the scope of the DSA.

As regards the DSA, on 14 July 2025, the Commission adopted Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Regulation (EU) 2022/2065, (hereinafter “the Guidelines”)⁵. The Guidelines set out a non-exhaustive list of measures that the Commission considers that providers of online platforms accessible to minors should put in place to comply with their obligation under Article 28(1) DSA to ensure a high level of privacy, safety and security for minors on their services. As clarified in paragraph 12 of the Guidelines, the Digital Services Coordinators (“DSCs”) and competent national authorities may also draw inspiration from

³ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), OJ L 178, 17.7.2000, p. 1-16.

⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (DSA), OJ L 277, 27.10.2022, p. 1-102.

⁵ The text was amended and a consolidated version was published on 10 October 2025: Communication from the Commission - Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Regulation (EU) 2022/2065, C/2025/5519.

the Guidelines to apply and interpret Article 28(1) DSA in respect of providers of online platforms accessible to minors whose main establishment in the Union within the meaning of Article 56(1) of that regulation is in the territory of their Member State.

The Guidelines follow a risk-based approach, recognising that online platforms accessible to minors may pose different types of risks to minors, depending on their nature, size, purpose, and user base, and are grounded in an age-appropriate design, as well as on a privacy-, safety- and security-by-design approach, and on the protection of children's rights. As acknowledged in the Guidelines, the DSA does not oppose national laws prescribing a minimum age to access certain products or services offered and/or displayed in any way on an online platform⁶. The Commission views the establishment of a minimum age at which the providers of online social networking services may allow access to minors as a worthy objective. Currently, the Special Panel of Experts on Child Safety Online convened by the President of the Commission is discussing ways to protect children online with a view to making recommendations to the President.

In parallel, the Commission has developed a Blueprint for a privacy-preserving EU age verification solution which – once implemented – will allow users to prove that they are over a certain age, without disclosing their exact age or identity and without disclosing their personal data. The Blueprint for this EU age verification solution is technically complete and ready to be implemented by the Member States as a stand-alone application or via the EU Digital Identity Wallet. The Blueprint for this EU age verification solution will provide a compliance example and an EU-wide reference standard for a device-based method of age verification.

The examination of the relevant provisions of the notified draft has led the Commission to issue the following comments.

2. Comments

2.1 Assessment in the light of the Directive on electronic commerce

Certain provisions of the notified draft and, in particular §2-4 thereof, may fall within the scope of the Directive on electronic commerce.

In the first place, it is unclear, in light of the wording of the notified draft and the notification message, whether the notified draft may be interpreted as imposing obligations on providers of information society services within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535 and thus also within the scope of Articles 1 and 2 of the Directive on electronic commerce, insofar as they fulfil the conditions set out therein.

In this regard, the Commission notes that the notified draft establishes a minimum age for minors to access [harmful] social media but does not explicitly establish obligations applicable to providers of information society services. However, the notification message states that it is assumed that providers of social media services will implement appropriate measures, including a privacy-preserving age verification solution complying with EEA law, to ensure compliance with the national age limit.

In the second place, according to Article 2(h)(i) of the Directive on electronic commerce, the coordinated field concerns requirements with which the service provider has to comply

⁶ Section 6.1.3.1, paragraph 37, point (d) of the Guidelines.

in respect of *inter alia* the pursuit of the activity of an information society service, such as requirements concerning the behaviour of the service provider.

In this regard, the Commission would like to note that the scope of the coordinated field as set out in Article 2(h) of the Directive on electronic commerce is not to be restricted to the harmonised areas of that Directive⁷. More particularly, the coordinated field covers all the requirements, be it in the form of ‘access requirements’ or of ‘exercise requirements’⁸, laid down by the national legal systems applicable to information society services or providers of information society services, that is to say, the law applicable to a service provider for its ‘online’ activity.

Moreover, the coordinated field also covers requirements for the provider of an information society service to set conditions for access to its service, by means of an obligation to provide information⁹. In particular, the Court has recently ruled that “[a] *mechanism for checking the age of users of an information society service allowing access to pornographic content is intended to set the conditions for access to that service by those users*”¹⁰.

Insofar as the notified draft does not place any obligations on service providers, the Commission considers that it would not fall within the coordinated field as defined by Article 2(h)(i) of the Directive on electronic commerce, as it would not establish requirements with which the service providers have to comply.

However, should the notified draft, also in light of the information supplied by the Norwegian authorities, be interpreted as providing for obligations concerning the pursuit of the activity of an information society service, they would fall within the coordinated field of the Directive on electronic commerce, as set out in Article 2(h)(i) thereof, and, if applicable to providers of information society services offering their services on the Norwegian territory irrespective of their Member State of establishment, they would be contrary to Article 3(1) and (2) of that directive.

In this regard, the Commission recalls that Article 3(1) and (2) of the Directive on electronic commerce establishes the principle of control by the country of origin according to which information society services must be regulated at the source of the activity. They are therefore, as a general rule, subject to the law of the Member State in which the providers of these services are established.

Article 3(4) of the Directive on electronic commerce lays down the circumstances and procedures under which a Member State of destination, i.e. the Member State in which information society services are provided by a provider established in another Member State, may derogate from the home state control principle where necessary, for the reasons exhaustively listed in Article 3(4)(a) of the Directive and in compliance with the substantive and procedural requirements set out in its Article 3(4)(a) and (b).

⁷ Judgment of 16 June 2026 in Joined Cases C-188/24 and C-190/24, *WebGroup Czech Republic, a.s. and Others v Ministre de la Culture and Others*, para. 56.

⁸ These expressions stem from the Opinion of Advocate General M. Szpunar delivered on 11 January 2024 in Cases C-662/22 to C-667/22, *Airbnb Ireland UC e.a.*, paragraph 143.

⁹ Judgment of 16 June 2026 in Joined Cases C-188/24, C-190/24, *WebGroup Czech Republic and Others*, paragraph 67.

¹⁰ Judgment of 16 June 2026 in Joined Cases C-188/24, C-190/24, *WebGroup Czech Republic and Others*, paragraph 68.

The Commission draws the attention of the Norwegian authorities to the case law of the Court of Justice, which recalls the limits of the scope of Article 3(4) of the Directive on electronic commerce for this purpose. According to that case law, measures of general and abstract application that are not limited to a given information society service cannot benefit from the exemption provided for in Article 3(4) of Directive on electronic commerce¹¹. It also follows from the case-law that Article 3(4)(a) of the Directive on electronic commerce does not preclude a Member State from being able to adopt legal provisions on the basis of which an individual measure can be served on providers of an information society service¹². In light of their individualised nature, such measures can be classified as measures taken against a given information society service which prejudice the objectives referred to in Article 3(4)(a)(i) of the Directive on electronic commerce or present a serious and grave risk of prejudice to those objectives, within the meaning of that provision¹³.

The Commission takes note of the replies by the Norwegian authorities to the request for supplementary information sent by the Commission services, where they indicated that the notified draft is intended only to impose obligations on users and does not in itself establish obligations or requirements for providers of information society services.

In light of the above, the Commission would like to stress that any interpretation of the notified draft as establishing requirements in respect of the taking up or pursuit of the activity of an information society service or with which providers of information society services offering their services on the Norwegian territory would have to comply, irrespective of their Member State of establishment, would contravene Article 3(1) and (2) of the Directive on electronic commerce and would have to comply with the requirements set out in Article 3(4) of that Directive, as set out above.

Should the notified draft in fact contain obligations applicable to providers of information society services offering their services on the Norwegian territory, irrespective of their Member State of establishment, the Commission would also like to stress that the notified draft would need to comply with the procedural obligations set out in Article 3(4)(b) of that directive.

2.2 Assessment in light of the Digital Services Act

The Commission acknowledges that currently the DSA has not yet been incorporated into the EEA Agreement and Norwegian law and therefore the DSA does not currently apply in Norway. However, the Norwegian authorities themselves explain in the “Supplementary

¹¹ Judgment of 9 November 2023 in Case C-376/22, *Google Ireland and Others*, paragraphs 59 and 60:

“59. On the contrary, the consequence of such an interpretation is that Member States are not, as a matter of principle, authorised to adopt such measures, so that verification that those measures are necessary to satisfy overriding reasons in the general interest is not even required.

60. Having regard to all the foregoing considerations, the answer to the first question must be that Article 3(4) of Directive 2000/31 must be interpreted as meaning that general and abstract measures aimed at a given category of information society services described in general terms and applying indiscriminately to any provider of that category of services do not fall within the concept of ‘measures taken against a given information society service’ within the meaning of that provision.”

See also Judgment of 30 May 2024 in joint cases *Airbnb Ireland UC and Amazon Services Europe Sàrl v Autorità per le Garanzie nelle Comunicazioni*, C-662/22 and C-667/22, paragraph 70.

¹² Judgment of 16 June 2026 in Joined Cases C-188/24, C-190/24, *WebGroup Czech Republic and Others*, paragraph 87. Judgement of 27 February 2025 C-517/23 *Apothekerkammer Nordrhein v DocMorris NV* paragraph 80.

¹³ Judgment of 16 June 2026 in Joined Cases C-188/24, C-190/24, *WebGroup Czech Republic and Others*, paragraph 87.

information about the draft Act and Impact Assessment,” which accompanies the notified draft, that they have relied on Article 28 of the DSA and the Guidelines issued thereunder as a basis for the notified draft. Moreover, in their notification message the Norwegian authorities explain that “[t]here is a presumption that the age limit can be enforced via the Digital Services Act (DSA) when this regulation has been incorporated into the EEA Agreement and implemented into Norwegian law.” In the abovementioned Impact Assessment, the Norwegian authorities specifically explain that the requirements for “effective age verification” can be enforced through the DSA. They also explain that “the enforcement mechanism established by the DSA will be used for supervision, compliance and penalties instead of creating completely new national enforcement mechanisms”.

Given the intention of the Norwegian authorities to incorporate the DSA in the EEA agreement and implement it into Norwegian law, the Commission would like to raise the following considerations:

As explained above, the notified draft establishes a minimum age for minors to access social media services, which would qualify as providers of online intermediary services pursuant to Article 3(g) of the DSA, including online platforms pursuant to Article 3(i) of the DSA.

In this regard, the Commission notes that the notified draft currently does not appear to contain any explicit obligations on providers of online platforms accessible to minors. Rather, the notified draft, in the Commission’s understanding, seems to limit itself to establishing a minimum age for minors to access certain services. To the extent that the notified draft is limited to that objective, it appears that it would not conflict with Article 28 DSA, as interpreted by the Guidelines, once the DSA has been incorporated into Norwegian law. Nevertheless, the Commission recalls that Article 28(1) DSA fully harmonises the obligations imposed on providers of online platforms accessible to minors to ensure a high level of privacy, safety and security of minors on their service. Accordingly, for the purpose of the future incorporation of the DSA into Norwegian law, the notified draft should not be construed in such a way as to put obligations on the providers of online platforms.

Moreover, in establishing a minimum age to access social media services, the notified draft provides two alternative proposals which are currently still being considered by the Norwegian Government, i.e., an age limit applying to social media, and one applying to only “harmful” social media. In the second proposal, the responsible Ministry is empowered to establish further provisions as to what constitutes “harmful social media” (§2). Furthermore, the supervisory authority is empowered to draw up guidelines on what constitutes “harmful social media” and may by individual decision determine whether any information society service is considered a “harmful social media”. In defining what constitutes “harmful social media”, the notified draft refers to a service that through “its design, features or content” may be harmful to children’s health, development or safety. It also explains that particular consideration would be given to the services characteristics, and that emphasis would be given to whether the service has implemented “effective protective measures”.

In the event that the Norwegian authorities opt for the second proposal, an age limit applying to “harmful” social media, given that the notified draft empowers the Minister to establish further provisions to determine what constitutes “harmful” social media, this may have implications with regards to the DSA. The Commission reminds the Norwegian authorities of their obligations in relation to the notification procedure provided for in

Directive (EU) 2015/1535, in order for the Commission to carefully assess such notification(s) inter alia with a view to preserving the fully harmonising effect of the DSA once it has been incorporated into Norwegian law.

Finally, the Commission understands Norway's wish to introduce measures within its jurisdiction in compliance with EU law. The Commission nevertheless takes the opportunity to underline on-going work on rules at EU level in relation to these matters. In this context, national law could provide for a transitional solution, but it should also envisage a mechanism to withdraw or repeal any national measures in the event that EU rules in the field are adopted and become applicable under the EEA Agreement.

The Norwegian authorities are invited to ensure compatibility with the provisions of said regulation, once the incorporation of the DSA is completed. Finally, the Commission invites the Norwegian authorities to ensure that the DSA is duly incorporated in the EEA agreement.

The Norwegian authorities are invited to take these comments into account.

The Commission furthermore invites the Norwegian authorities to communicate the definitive text of the notified draft to the Commission once it has been adopted, in accordance with Article 5(3) of Directive (EU) 2015/1535.

Yours faithfully,

For the Commission

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