Proposal

for

Act Amending the Act on Products and Market Surveillance, the Act on Precious Metals and Conflict Minerals, and the Act on Accessibility Requirements for Products and Services[1]

(Adaptation of national law in accordance with EU regulations on toys and critical raw materials in relation to permanent magnets; powers to take decisions against persons associated with illegal products; legal basis for the inspection of goods offered for sale as precious metals; and adjustment of penalties, etc.)

Section 1

The Act on Products and Market Surveillance, cf. Consolidation Act No. 22 of 8 January 2026, is amended as follows:

1. In *Section 2 (1)*, the following *no. 44* and *45 are added:*

‘44) Regulation of the European Parliament and of the Council on safety requirements for toys.’

45) Regulation of the European Parliament and of the Council establishing a framework to ensure a secure and sustainable supply of critical raw materials, as regards provisions relating to permanent magnets.’

2. In *Section 3*, ‘no. 2-42’ is replaced by the following: ‘nos. 2-42, 44 and 45’.

3. In *Section 3a(1)* and *(3)* , ‘Section 37(7)’ is amended to: ‘Section 37(4)’.

4. In *Section 4(5)* ‘no. 26-43’ is amended to read: ‘no. 26 to 45’.

5. *Section 19* now reads:

[1] The act transposes parts of Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ 2019 L 151, p. 70.

‘The supervisory authority may issue a decision to any person associated with a product – even if that person has not placed the product on the market or made it available on the market – requiring them to remedy, in an appropriate manner, any instances of non-compliance with the rules laid down in this act, rules laid down pursuant to this act, product regulations or the Market Surveillance Regulation, insofar as the scope of this act is concerned.’

6. In *Section 22(1),* the words ‘must, where necessary,’ are replaced by: ‘can’.

7. In *Section 37(2)* and *(3),* the words ‘13-43’ are replaced by: ‘13-45’.

Section 2

Act No. 798 of 9 June 2020 on Precious Metals and Conflict Minerals is amended as follows:

1. Throughout the act, ‘Danish Safety Technology Authority’ is replaced with: ‘Danish Business Authority’ and the ‘Danish Safety Technology Authority's’ to: the ‘Danish Business Authority's’.

2. *Section 1* reads as follows:

‘Section 1 The act applies to articles made of precious metals and articles offered for sale as containing precious metals, without prejudice to (2).

(2) The following are exempt from this act:

1) Goods made from precious metals which are verified as having been manufactured before 1 July 1961;
2) Goods made from precious metals for dental and other medicinal purposes; and
3) Coins that are legal tender.

(3) The act also applies to EU importers that are covered by Regulation 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for EU importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas, with later amendments. The regulation is included in Annex 1 to this act’.

3. In *Section 3(1)*, the phrase ‘Articles made of precious metals may only be manufactured, sold or offered for sale’ is amended to read: ‘Articles may only be commercially manufactured, sold or offered for sale as articles of precious metals’.

4. In *Section 7(2)* and *Section 8(2)*, the word ‘companies’ is deleted.

5. In *Section 9(1),* ‘companies’ is replaced by: ‘it’.

6. In *Section 12(4),* ‘companies’ is changed in two places to: ‘it’, and ‘sells goods made of precious metals or offers them for sale’ are amended to read: ‘seller or supplier of goods covered by this act.’

7. In *Section 13(1),* the words ‘goods of precious metals’ are replaced by the following: ‘goods covered by this act’.

8. In *Section 15(1), first sentence*, ‘goods of precious metals’ is replaced by: ‘goods covered by this act’ and in *Section 15(1), second sentence,* the words ‘refunded by the undertaking’ are replaced by the following: ‘reimbursed by the party whose goods have been subject to inspection’.

9. In *Section 16(1), the words ‘goods of precious metals’ are replaced* by the following: ‘goods covered by this act, cf. Section 1(1)’ will be inserted after ‘the market’: ‘or order to stop marketing that is likely to mislead consumers’, and ‘for fineness and sponsor's marks’ is deleted.

10. In *Section 16(2), the words ‘goods made of precious metals as referred to in (1)’ are replaced* by the following: ‘goods covered by this act, cf. (1),’

11. In *Section 21(1)*, the words ‘relating to articles of precious metals’ are deleted; in *point 1*, the words ‘of precious metals’ are deleted; and in *point 5,* the following is added after ‘Section 12(3)’: ‘, in relation to goods covered by this act, cf. Section 1(1)’.

Section 3

Act No. 801 of 7 June 2022 on the accessibility requirements for products and services, as amended by Act No. 637 of 11 June 2024, is amended as follows:

1. The following is inserted as *(2)* in *Section 2*:

‘*(2).* The act does not apply to matters covered by copyright legislation.’

2. The following is inserted after Section 2:

‘**Section 2a.** Products and services which comply with the requirements laid down in this act or rules laid down pursuant to this are not prevented from being made available in Denmark or being provided in Denmark for reasons related to accessibility requirements.’

3. In *Section 5(2)*, the following is inserted after ‘self-service terminals’: ‘, cf. Section 1(1), points 2 and 3,’.

4. In *Section 25(2) no. 1*, ‘prepared’ is replaced by: ‘carried out’.

5. In *Section 45(2)*, ‘Danish Safety Technology Authority’ is replaced by: ‘The Danish Business Authority’ and in (*3)*, the words ‘Energy Agency’ are replaced by the following: ‘Agency for Digital Government.’

6. The following is inserted after Section 49:

Section 49a. If the relevant supervisory authority, cf. Section 45(1), finds that non-compliance with the accessibility requirements is not limited to products made available in Denmark, the inspection authority informs the Commission and the other Member States of the result of the inspection of a product taken pursuant to Section 48 and of the measures that the supervisory authority has required the economic operator to take pursuant to Section 49.

(2) If a measure taken by a market surveillance authority in another Member State is deemed to be justified, in accordance with Article 21(1) of Di-

rective 2019/882/EU of the European Parliament and of the Council, the relevant enforcement authority takes the necessary measures to ensure that the non-compliant product is withdrawn from the Danish market and informs the Commission of this. If the measure in question is deemed not justified, the relevant supervisory authority will withdraw the measure.

Section 4

(1). The act enters into force on 1 January 2027, without prejudice to (2).

(2) Section 1, no. 1-4 and 7, enter into force on 24 November 2026.

Comments on the draft act

General comments

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1. Introduction

Consumers in Denmark must be able to trust that the products and services they buy and use are safe and comply with applicable legislation and standards. Transparency and confidence for both consumers and businesses are key to a well-functioning market. It is therefore also essential to ensure that the rules are clear and that economic operators who breach them face sanctions that are proportionate to the seriousness of the breach.

The Danish Business Authority is responsible for carrying out inspections in a number of product areas covered by various laws. This draft act proposes amendments to several acts relater to products, aimed partly at ensuring that Danish legislation is in line with EU law, that businesses are subject to clear and comprehensible rules which do not distort competition or impose an unnecessary burden, and, finally, that there is an appropriate level of protection for consumers who purchase and use products in Denmark.

Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework to ensure a secure and sustainable supply of critical raw materials (the Critical Raw Materials Regulation), as amended by [COM(2025) 946 final], lays down rules on, among other things, permanent magnets with regard to their recyclability, composition and market surveillance.

Permanent magnets contain significant quantities of critical raw materials and are used in many products, including electric cars, heat pumps, dishwashers, microwave ovens and vacuum cleaners. For this reason, it is proposed that the scope of the Act on Products and Market Surveillance (Products Act) be extended in order to ensure that the necessary implementing measures are taken in relation to the Critical Raw Materials Regulation concerning permanent magnets.

In addition, a similar extension of the scope of the Products Act is proposed with regard to the Toy Safety Regulation. The Toy Safety Regulation will replace the Toy Safety Directive, which is already within the scope of the Product Act.

The Products Act also amends a supervisory power with a view to ensuring that the Danish Business Authority is in the best possible position to make decisions regarding relevant parties in connection with market surveillance of products sold to Danish consumers, regardless of whether the sale takes place in Danish shops or via global online marketplaces.

For a similar reason, a number of amendments are being made to the Act on Precious Metals and Conflict Minerals (Precious Metals Act). The amendments extend the scope of the act to include goods offered for sale as containing precious metals, and set out the necessary legal bases and powers for the Danish Business Authority to ensure compliance with the rules.

Finally, a small number of amendments are proposed to the Act on Accessibility Requirements for Products and Services (Accessibility Act) with a view to ensuring that the Act adequately transposes the Accessibility Directive, including, in particular, its relationship with other legislation on copyright, the free movement of products and services that comply with accessibility requirements, and the Danish Business Authority's obligations in accordance with the EU safeguard procedure concerning products covered by EU harmonisation legislation. This is done on the basis of discussions with the Commission.

1.1. Background regarding the Critical Raw Materials Regulation

The Critical Raw Materials Regulation entered into force on 23 May 2024 and most of the provisions of the regulation already apply. However, a large number of provisions in the regulation require the adoption of implementing and delegated acts by the Commission, which is why supplementary regulation will be adopted in the coming years. Member States are required to lay down rules on penalties for infringements of the regulation by 24 November 2026 at the latest.

The Critical Raw Materials Regulation establishes a European Union framework to ensure a secure, resilient and sustainable supply of critical raw materials. This regulation introduces new, cross-cutting EU regulation in an area that has hitherto been unregulated.

It follows from Article 1(1) of the regulation that the overall objective of the regulation is to improve the functioning of the internal market by establishing a framework to ensure that the Union has access to a secure, resilient and sustainable supply of critical raw materials, including by promoting efficiency and circularity throughout the value chain.

Against this background, the Critical Raw Materials Regulation sets out measures designed to reduce the risk of disruption to the supply of critical raw materials by supporting strategic projects, diversifying imports and encouraging technological progress and resource efficiency. Furthermore, actions have been set out to improve the EU's ability to monitor and respond to supply risks, and finally, actions have been taken to ensure that critical raw materials and products can move freely within the EU while complying with high environmental, social and governance standards. The framework set out in the Critical Raw Materials Regulation therefore covers the supply of critical raw materials in the broadest sense.

The regulation has been adopted in recognition of the fact that the EU is heavily dependent on critical raw materials from third countries and, for some critical raw materials, the EU is almost entirely dependent on China, see preamble recital no. 12 of the regulation. The demand for critical raw materials, including rare earths such as boron, nickel or cobalt, is sharply increasing as a result of the EU's transition to a green and digital economy. One example is permanent magnets, which are increasingly being used in the manufacture and development of products and new technologies, including, for example, electric cars. The vast majority of the rare earth elements used in these magnets currently come from third countries, and the regulation is therefore intended to minimise dependence on countries outside the EU.

According to the Commission, since the regulation entered into force on 23 May 2024, the geopolitical aspect of the supply of critical raw materials has been reinforced by, inter alia, a number of Chinese export restrictions on rare earths and other critical raw materials. In addition, other global actors have stepped up efforts to ensure access to critical raw materials for their industries by funding critical raw materials projects and diversifying their supplies through partnerships.

In view of this, on 3 December 2025, the Commission adopted the RESourceEU Action Plan, which accelerates the implementation of the regulation, among other things, in order to rapidly increase the production of critical raw materials. This includes extending the circularity framework to increase the recovery and recycling of critical raw materials, in particular permanent rare earth magnets.

The Critical Raw Materials Regulation has therefore been amended by [COM(2025) 946 final], which implies, among other things, an extension of the scope of products subject to labelling requirements relating to permanent magnets and a clarification of information obligations. In addition, waste generated prior to the consumer stage must also be included in the obligation to recycle content in relation to rare-earth permanent magnets.

This legislative proposal (draft act) concerns only the provisions of the regulation relating to permanent magnets. This primarily concerns the recyclability of magnets, see Article 28; the recycled content of magnets, cf. Article 29; the conformity of magnets and the market surveillance thereof, cf. Article 33; implementation and alignment with EU harmonisation legislation, cf. Article 34; and, finally, the establishment of penalties to be applied in the event of infringements of the regulation, cf. Article 47.

2. Main points of the draft act

2.1. Amendment of the Act on Products and Market Surveillance

2.1.1. Extension of the scope of the act, etc. as a result of EU regulations on critical raw materials and toys

2.1.1.1. Legislation currently in force

Regulation (EU) 2025/2509 of the European Parliament and of the Council on safety requirements for toys (Toy Safety Regulation) entered into force on 1 January 2026. The Toy Safety Regulation lays down essential safety requirements for toys in order to ensure a high level of protection of the health and safety of children when using toys. The regulation applies to all products designed or intended to be used by children under 14 years of age during play.

First and foremost, the Toy Safety Regulation aims to better protect children from harmful chemicals. In addition, the regulation must contribute to the digitalisation of the internal market and strengthen its coherence. These objectives are to be achieved by imposing a general ban on several groups of hazardous chemicals, introducing the digital product passport, converting a directive into a regulation, and tightening the requirements regarding safety, online sales and technical documentation.

Some provisions of the Toy Safety Regulation already applied from 1 January 2026. This applies to the provisions on notified bodies authorised to carry out conformity assessments, as well as to the provisions on the Commission's delegated powers, confidentiality and penalties.

Regulation 2019/1020/EU of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011 (Market Surveillance Regulation) establishes the overall framework for market surveillance and compliance of products at Union level for products covered by Union harmonisation legislation listed in Annex 1 to that regulation. This applies unless there are specific provisions with the same purpose in EU harmonisation legislation that more precisely regulate particular aspects of market surveillance and enforcement, cf. Article 2(1) of the Market Surveillance Regulation.

The Toy Safety Regulation will repeal and replace Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (Toy Safety Directive) when the Toy Safety Regulation becomes fully applicable from 1 August 2030. These criteria are set out in Annex 1 to the Market Surveillance Regulation. As the Toy Safety Regulation replaces the Toy Safety Directive, the provisions of the Market Surveillance Regulation concerning market surveillance will continue to apply to toys. References to the repealed Toy Safety Directive, including those in the Market Surveillance Regulation, will therefore refer to the Toy Safety Regulation, in accordance with the second paragraph of Article 56 of the Toy Safety Regulation.

On entry into force of the Critical Raw Materials Regulation, the regulation is included in Annex 1 to the Market Surveillance Regulation, with the proviso that the Critical Raw Materials Regulation is subject to the Market Surveillance Regulation insofar as it relates to the requirements laid down in Articles 28, 29 or 31 of that regulation. While Articles 28 and 29 of the Critical Raw Materials Regulation concern the recyclability of permanent magnets and recycled content, Article 31 on the declaration of environmental footprints may relate to critical raw materials in a broader sense, depending on the Commission's further work, including prior impact assessments, the preparation of reports and the adoption of delegated acts concerning the environmental footprint of various critical raw materials. What these provisions have in common is that they relate to products.

As regards the provisions on permanent magnets in Articles 28 and 29 of the Critical Raw Materials Regulation, the Ministry of the Environment is the competent authority, but the Danish Business Authority will carry out market surveillance in accordance with the requirements set out in those provisions and in the legal acts adopted pursuant to it. The provisions in question are therefore subject to the general requirements of the Market Surveillance Regulation, including requirements relating to the obligations and powers of the authorities in connection with the performance of market surveillance in this area.

Furthermore, Article 4 of the Market Surveillance Regulation, concerning the obligations of economic operators in relation to products covered by certain EU harmonisation acts, has been amended to also include products covered by the Critical Raw Materials Regulation, in accordance with Article 4(5) of the Market Surveillance Regulation. This means that products covered by the Critical Raw Materials Regulation may only be placed on the market in the EU if an economic operator established in the Union is responsible for specific tasks, including, amongst other things, the verification of the EU declaration of conformity and cooperation with market surveillance authorities, etc., cf. Article 4(3).

In Denmark, supplementary provisions to the Market Surveillance Regulation are laid down in various laws and regulations, depending on which authority is responsible. This applies, for example, to the Products Act, the Chemicals Act and the Ecodesign Act.

Within the remit of the Danish Business Authority, the supplementary provisions to the Market Surveillance Regulation are laid down in the Products Act. This includes, for example, powers to carry out inspections and authorisations to establish detailed rules on product-specific requirements, designation of authorised bodies, and provisions on penalties, etc. Furthermore, the Products Act and the regulations issued under it contain supplementary provisions to the EU harmonisation acts for which the Danish Business Authority is the competent authority. This applies, for example, to the Toy Safety Directive, which will be replaced by the Toy Safety Regulation.

It follows from Section 8(3) of the Product Act that the Minister of Industry, Business and Financial Affairs may lay down rules necessary to implement and enforce acts adopted by the institutions of the European Union concerning products falling within the scope of the act. It also follows from Section 37(4) of the act that the Minister of Industry, Business and Financial Affairs may lay down rules providing for penalties of a fine or imprisonment for up to two years for breaches of the product regulations, cf. Section 4, no. 5.

The Product Act applies to a wide range of different product sectors, the majority of which are covered by EU legislation. It therefore follows from Section 2(1) of the Product Act that the act applies to more than 40 product areas that are subject to EU legal acts, such as products covered by the Toy Safety Directive, cf. (1) no. 11, Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (Low Voltage Directive), cf. (1), no. 9, and Regulation (EU) 2023/1230 of 14 June 2023 on machinery (Machinery Regulation), cf. (1), no. 42.

In accordance with applicable European Union law, a product may be subject to more than one European Union harmonisation act. For example, industrial robots, as defined in Article 2 no. 42 of the Critical Raw Materials Regulation and dishwashers, as defined in Article 2 no. 52 of the Critical Raw Materials Regulation, will be subject to product-specific requirements under the Machinery Regulation and the Low Voltage Directive, respectively, while the requirements concerning permanent magnets for products covered by the Critical Raw Materials Regulation also apply, cf. Articles 28 and 29 of the Critical Raw Materials Regulation.

The majority of the legal acts listed in Section 2(1) of the Product Act are EU harmonisation acts relating to sector-specific product areas, as set out in Annex 1 to the Market Surveillance Regulation, including the Toy Safety Directive.

It is stated in the explanatory notes to the Product Act, cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 10, that one of the primary objectives of the Product Act has been to consolidate the regulation of various types of products into a single piece of primary legislation within the remit of the Danish Business Authority. This applies, on the one hand, to product areas covered by Union harmonisation legislation and, on the other hand, to areas not covered by Union harmonisation legislation. It is therefore stated in the preparatory work for the Product Act, cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 35, that the structure of the Product Act must allow for other product areas to be covered by the Act through an amendment, whereby new or amended areas may be added to the scope of application set out in Section 2 of the act.

Against this background, the Products Act provides for a number of supervisory powers which may be exercised to ensure consistent and effective market surveillance across product sectors.

2.1.1.2. Provisions concerning permanent magnets in the Critical Raw Materials Regulation

It follows, among other things, from recital 57 of the Critical Raw Materials Regulation that permanent magnets are used in a wide range of products, and that permanent magnets should be a priority product in order to increase circularity, promote a secondary market for permanent magnets and ensure the security of supply of critical raw materials.

Furthermore, it follows, among other things, from Recital 58 that an effective recycling of permanent magnets requires that recycling operators have access to the necessary information on the quantity, type and chemical composition of permanent magnets in a product, as well as their location and the coating(s), adhesives and additives used, and information on how to safely remove permanent magnets from the product.

Accordingly, and in line with the overall purpose of the Critical Raw Materials Regulation, cf. point 1.1. above, the Critical Raw Materials Regulation contains a number of provisions concerning permanent magnets. Permanent magnets are defined in Article 2 no. 53 of the regulation as a magnet that retains its magnetism after being removed from an external magnetic field.

Article 28 concerning the reusability of permanent magnets

It follows from Article 28(1) that a number of products, as defined in Article 2 no. 40 to 52, must bear a conspicuous, easily legible and indelible label indicating whether the products contain one or more permanent magnets, cf. (1)(a). Specifically, this applies to the following product categories: Magnetic resonance imaging equipment, wind turbines, industrial robots, motor vehicles, light vehicles, refrigeration units, heat pumps, electric motors – including where such electric motors are integrated into other products – automatic washing machines, tumble dryers, microwave ovens, vacuum cleaners or dishwashers.

It is the responsibility of any natural or legal person placing one of the aforementioned products on the market to ensure that the product bears the required labelling. If the product contains one or more permanent magnets, it must also be indicated whether the magnets belong to a specific type as referred to in (1)(b).

The scope of products covered by Article 28(1) has been extended by [COM(2025) 946 final], which brings five additional product categories within its scope: hard disk drives, transducers, loudspeakers, drones for civilian use and motorised toys.

In accordance with Article 28(2), the Commission is required to adopt an implementing act by 24 November 2026 at the latest, laying down the format for the labelling of permanent magnets. Two years after the adoption of the implementing act, the person who has placed a product covered by (1) on the market must ensure the availability of a data carrier as referred to in Article 28(3).

A data carrier, as defined in Article 2 no. 54, must be linked to a unique product identifier, as defined in Article 2, no. 55, which provides access to the necessary information. This means that information on traceability can be obtained for responsible persons, information on permanent magnets, including content, etc., and information on how magnets are removed from products, cf. Article 28(4). The information must be complete, up-to-date and accurate and must be kept for the typical lifetime of a product plus 10 years in accordance with Article 28(7), which lays down detailed requirements for the information.

Where a product is subject to other Union legislation requiring a product passport, the information must be included in the product passport referred to in Article 28(6). This applies, for example, to products covered by the Ecodesign Regulation, cf. Regulation (EU) 2024/1781, Chapter III of which sets out the framework for the digital product passport. Furthermore, information requirements concerning the recycling of permanent magnets set out in other EU harmonised legislation take precedence over the application of Article 28 of the Critical Raw Materials Regulation, cf. (8).

Article 28(9) and (11) exempt a number of products, including, for example, products for defence and space applications and special purpose vehicles, and Article 28(10) defers their application until 24 May 2029 for magnetic resonance imaging equipment, motor vehicles and light means of transport that are type-approved L-category vehicles.

Finally, the Commission may adopt a delegated act relating to the work of the customs authorities with regard to products covered by Articles 28 and 29.

Article 29 concerning the recycled content of permanent magnets

It follows from Article 29(1) that persons placing the products covered on the market containing certain magnets with a total weight exceeding 0.2 kg must disclose the proportion of a number of specified critical raw materials contained in the magnets, such as boron, nickel and cobalt. This applies to the proportion of raw materials recovered from waste both before and after the consumer stage, including the proportion of waste generated within the EU, in accordance with the amendment pursuant to [COM(2025) 946 final].

The publication must be made on a free access website by 24 May 2027 or two years after the entry into force of a delegated act to be adopted by the Commission by 24 May 2026, as referred to in Article 29(2), whichever is later. However, with [COM(2025) 946 final] there is no deadline for the Commission to adopt the implementing act, as provided for in Article 29(2), which is why the publication requirement applies from 24 May 2027.

The delegated act referred to in Article 29(2) concerns the calculation and verification of the proportion of critical raw materials recovered from waste, both before and after the consumption stage, in permanent magnets, as referred to in Article 29(2), as amended by [COM(2025) 946 final]. The act will also have to contain the applicable conformity assessment procedure.

Article 29(3) requires the Commission to adopt delegated acts, following the entry into force of the act referred to in (2) or by 31 December 2031 at the latest, laying down detailed requirements concerning the minimum proportions in permanent magnets of certain critical raw materials that have been recycled both before and after the consumption stage, including the proportion of waste produced in the EU, as set out in the amendment made by [COM(2025) 946 final].

It follows from Section 29(4) that requirements concerning the content of recycled materials in permanent magnets set out in other EU harmonisation legislation relating to one or more of the products listed in (1) take precedence over the application of Article 29.

It further follows from Section 29(5) that, from the date on which Article 29(1) applies, persons offering the covered products for sale or placing the covered products on the market must provide their customers with access to the information on the recycled content of magnets referred to in (1) in a manner that is not misleading.

Article 29(6) provides that, as regards magnetic resonance imaging equipment, motor vehicles and light means of transport that are type-approved L-category vehicles, (1) and (5) on information obligations of liable persons applies five years after the Commission has adopted a delegated act pursuant to (2). This must be no later than 24 May 2031.

Finally, the second paragraph of Article 29(5) and Article 29(7) exclude a number of products from the scope of Article 29, including, for example, products for defence and space applications and special-purpose vehicles.

Article 33 concerning compliance and market surveillance

Article 33(1) obliges responsible persons to ensure that the applicable conformity assessment procedure has been completed and that the required technical documentation has been drawn up before placing a product covered by Article 28 or 29 on the market. It follows from the second sentence of (1) that the responsible person must also ensure that an EU declaration of conformity has been drawn up and that the CE marking has been affixed if the conformity of a product with the applicable requirements has been documented in the conformity assessment procedure.

It follows from Article 33(2) that the conformity assessment procedure for products subject to the requirements of Article 28 on the reusability of permanent magnets is the procedure set out in Annex IV to Directive 2009/125/EC, subsequently replaced by the ecodesign regulation, unless these products are also subject to the requirements of Article 29 of the regulation, in which case it is the procedure set out in the calculation and verification rules adopted by the Commission pursuant to Article 29(2).

Finally, it follows from Article 33(3) that it does not apply to products covered by type-approval under Regulation (EU) 2018/858 or Regulation (EU) No. 168/2013, both of which concern motor vehicles. It follows from the last sentence of recital 62 of the regulation that the conformity assessment of products to be type-approved under Regulation (EU) 2018/858 or Regulation (EU) No. 168/2013 of the European Parliament and of the Council should be enforced through the existing type-approval system.

Article 34 on the implementation and adaptation of Union harmonisation legislation

In addition to the Commission's obligation to supplement Article 28 with implementing acts in accordance with the examination procedure laid down in Article 39(3), and Article 29 by means of delegated acts in accordance with Article 38 on the exercise of delegated powers, Article 34 further confers on the Commission the power to adopt delegated acts to supplement, inter alia, Articles 28, 29 and 33, also in accordance with Article 38. The Commission's framework for these delegated acts follows from Article 34(1)(a) to (f).

It follows, for example, from Article 34, first paragraph, point (a), that the Commission may adopt delegated acts to lay down requirements for the technical design and operation of the data carrier and the unique product identifier referred to in Article 28(3) and (4), or to lay down requirements concerning the EU declaration of conformity and the general principles, rules and conditions for affixing the CE marking, as set out in paragraph 1(f).

The second paragraph of Article 34 states that the delegated acts refer to or ensure alignment with other Union harmonisation legislation, in particular Directive 2009/125/EC. They must also take into account the need to limit the administrative burden while ensuring the effective implementation of Articles 28, 29 and 31 of this regulation.

Article 47 on sanctions

It follows from Article 47 that national provisions must be laid down concerning penalties, which must be effective, proportionate to the infringement and have a deterrent effect. The Commission must be notified of the provisions and their application. In addition, the Commission must be informed if changes are made to the provisions. In accordance with preamble recital no. 71 of the regulation, the penal provisions must be applied to companies that do not comply with obligations laid down in the regulation, including, among other things, information on recyclability.

2.1.1.3. Considerations of the Ministry of Industry, Business and Financial Affairs and the proposed scheme

The Ministry of Industry, Business and Financial Affairs continues to consider the Product Act to be a suitable legislative framework, under which the Danish Business Authority has the necessary and consistent powers of supervision and sanctions across all product sectors. This applies both when existing rules are replaced by more up-to-date rules, which update relevant safety requirements and better respond to new business models and changed user behaviour, which is the case with the Toy Safety Regulation. However, this also applies when new requirements are introduced to hitherto unregulated areas, as is the case with the regulation of permanent magnets in the Critical Raw Materials Regulation.

The Ministry of Industry, Business and Financial Affairs has learned that directives are increasingly being replaced by regulations and that product-related requirements are increasingly being laid down in regulations that apply across product areas. As a result of the direct effect of the Regulations, the Ministry of Industry, Business and Financial Affairs considers that it will only be necessary to introduce supplementary implementing measures in the Product Act and, to a lesser extent, in rules laid down pursuant to that Act, if the Toy Safety Regulation and the Critical Raw Materials Regulation – insofar as they concern provisions on permanent magnets – are brought within the scope of the Product Act.

The Ministry of Industry, Business and Financial Affairs has considered the appropriateness of bringing the provisions of the Critical Raw Materials Regulation relating to permanent magnets within the scope of the Product Act. The Product Act primarily covers EU harmonisation legislation in the product sector, which lays down specific product requirements and obligations for economic operators, and which in many cases has been drawn up in accordance with the ‘new legislative framework’, as stated in the preparatory works for the Product Act; cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 16.

The provisions concerning permanent magnets in the Critical Raw Materials Regulation represent only a small part of a range of measures taken by the EU to ensure that the Union has access to a secure, resilient and sustainable supply of critical raw materials; cf. point 1.1 above for further details on the background to the Critical Raw Materials Regulation. In this sense, the Critical Raw Materials Regulation differs from the majority of the other EU legal acts listed in Section 2(1) of the Product Act and from the Toy Safety Regulation.

However, the Critical Raw Materials Regulation has been adopted on the understanding that the provisions relating to permanent magnets are to be applied within the framework of the Market Surveillance Regulation. It therefore follows, among other things, from preamble recital no. 62 of the Critical Raw Materials Regulation that compliance of products or critical raw materials with the requirements for improving the circularity of permanent magnets and declaring the environmental footprint of critical raw materials should be assessed by the responsible manufacturers before they are placed on the market, and the competent national authorities should enforce these requirements in an effective manner. It also follows from the same recital that the provisions on conformity and market surveillance under Regulation (EU) 2019/1020 of the European Parliament and of the

Council (the Market Surveillance Regulation) and Directive 2009/125/EC, which have since been replaced by the Ecodesign Regulation, are designed to address this challenge and should therefore also apply to these requirements.

Accordingly, the Critical Raw Materials Regulation has been added to Annex 1 to the Market Surveillance Regulation insofar as it relates to the requirements laid down in Articles 28, 29 or 31 of that regulation. Please refer to points 2.1.1.1. and 2.1.1.2. above.

Given that the implementing measures relating to the Market Surveillance Regulation within the Danish Business Authority's remit have been laid down in the Products Act, the Ministry of Industry, Business and Financial Affairs considers that the scope of the Products Act should be extended to include the Critical Raw Materials Regulation insofar as it concerns provisions relating to permanent magnets.

The Ministry of Industry, Business and Financial Affairs considers that this could create synergies in connection with the Danish Business Authority's market surveillance in this product area, as products covered by the Critical Raw Materials Regulation, insofar as it relates to provisions on permanent magnets, will to a large extent be covered by one or more other EU harmonisation acts which are already covered by the Product Act.

This assessment is reinforced by the fact that the Danish Business Authority also carries out market surveillance of products on behalf of other authorities, including products covered by the Radio Equipment Directive, cf. Consolidated Act No. 958 of 22 June 2022, and the Ecodesign Regulation, cf. Act No. 431 of 6 May 2025.

Furthermore, it is the view of the Ministry of Industry, Business and Financial Affairs that the Critical Raw Materials Regulation can be accommodated within the act's definition of product regulations in Section 4, No. 5, without this being contrary to the intention of the definition, provided that the Critical Raw Materials Regulation is limited to provisions concerning permanent magnets, which constitute product-related requirements, etc.

Finally, a corresponding amendment has been made to the Products Act in respect of products that use materials coming into contact with drinking water in 2024, cf. Act No. 412 of 23 April 2024, as Directive (EU) 2020/2184 of the European Parliament and of the Council on the quality of drinking water has been incorporated into Section 2 of the Products Act, together with a number of consequential amendments.

As regards the Toy Safety Regulation, the Ministry of Industry, Business and Financial Affairs considers that, within the existing legislative framework, the regulation is suitable for inclusion within the scope of the Product Safety Act. This is because the Toy Safety Directive, which the Toy Safety Regulation will finally replace in 2030, is already covered by the scope of the Product Safety Act, and the regulation maintains the safety framework for toys whilst introducing a number of new measures, including a ban on harmful chemicals, stricter requirements for online sales and increased digitalisation. The inclusion of the Toy Safety Regulation in Section 2(1) of the Products Act therefore gives no cause for concern.

Against this background, it is proposed that the Toy Safety Regulation and the Critical Raw Materials Regulation, insofar as they contain provisions relating to permanent magnets, be added as no. 44 and 45 of Section 2(1), whereby the provisions of the Product Act will henceforth apply to the product areas in question. Accordingly, a number of consequential amendments are made to Sections 3, 4 no. 5 and 37(2) and (3) of the Product Act insofar as the applicable provisions refer to the scope of the act.

Furthermore, the Ministry of Industry, Business and Financial Affairs considers that, as with other product areas covered by the Product Act, it is appropriate for detailed rules to be laid down by executive order. This applies in particular to provisions on penalties for infringements of the Critical Raw Materials Regulation insofar as they relate to permanent magnets, with a view to implementing Article 47 of that regulation on penalties.

As regards the Toy Safety Regulation, a similar obligation to lay down rules on penalties follows from Article 55 of the regulation. Furthermore, as a result of the Toy Safety Regulation, there will be a need to lay down supplementary rules on the authorisation of bodies for the conformity assessment of toys and on language requirements for instructions for use and safety information, etc.

The proposed scheme would therefore entail the adoption, by administrative means, of supplementary provisions to the Toy Safety Regulation and to the Critical Raw Materials Regulation, insofar as the provisions on permanent magnets are concerned. In this way, the overall framework of the Product Act will be retained and additional provisions will follow from orders.

It is assumed that the existing enabling provisions in the Product Act, in particular Section 8(3) and Section 37(4), can be used to lay down the required provisions, including provisions on penalties. It is also assumed that enterprises, etc. (legal persons) may be rendered criminally liable in accordance with the provisions in Chapter 5 of the Penal Code, cf. Section 37(5) of the act.

2.1.2. Power to take action against any person associated with an illegal product

2.1.2.1. Legislation currently in force

Section 19 of the Product Act provides that the supervisory authority may issue a decision to any other economic operator associated with the product, other than the one who has placed the product on the market or made it available on the market, requiring them to contribute, as appropriate, to limiting risks and preventing them from arising.

It follows from the preparatory work on the provision, cf. the Danish Parliamentary Journal 2019–2020, Supplement A, L 179 as tabled, page 81, that the purpose of the provision is to ensure that supervisory authorities have flexible and adequate means to address the risks posed by a product, by permitting the involvement of all relevant parties, including those not regarded as economic operators, but who may nevertheless be able to make a relevant contribution to limiting and preventing risks.

It also follows from the preparatory work, cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 81, that the supervisory authority will, under this provision, be able to decide that any other business operator associated with the product, other than those involved in its marketing, must contribute to limiting and preventing risks from arising, if this is necessary in connection with decisions taken pursuant to Sections 18, 19, Section 20(2) and (3), Section 21(1) and (2), and Section 22 (Sections 13, 14, Section 15(2) and (3), Section 16(1) and (2), and Section 17 of the adopted legislative proposal).

2.1.2.2. Considerations of the Ministry of Industry, Business and Financial Affairs and the proposed scheme

Since the entry into force of the Products Act on 1 July 2020, the provision in Section 19 of the Act has been applied to a limited extent. The reason for this is that the Danish Business Authority has found that there are various practical challenges associated with applying the provision as it is currently worded.

According to the wording of the provision in force, its application is subject to the condition that the addressee of a decision is an economic operator other than the economic operator who has placed or made the product available on the market. It therefore seems clear from the wording that the provision can only be applied if this other party constitutes an economic operator, as defined in Section 4(1) of the act. This means that the practical scope of the provision is narrow. The provision has only been applied in isolated cases where it has been relevant to involve an authorised representative who constitutes an economic operator within the meaning of Section

4(1) of the act, but where that representative has not placed the product in question on the market or made it available on the market.

The Ministry of Industry, Business and Financial Affairs considers that it is precisely in those situations where a party does not constitute an economic operator within the meaning of the Aact that the provision may be relevant in practice. This applies, for example, in the context of proceedings against online marketplaces which, depending on the circumstances, do not constitute economic operators within the meaning of the law, but which nevertheless play a crucial role in enabling a large volume of products to be sold and dispatched directly to Danish consumers by businesses in third countries. These stakeholders will be able to make relevant contributions with a view to limiting and preventing non-compliance of products with the rules. In the view of the Ministry of Industry, Business and Financial Affairs, the requirement that the addressee of a decision must be an economic operator creates an inappropriate situation which does not afford the supervisory authority the powers that appear to have been envisaged in the preparatory work for the provision. It is therefore proposed that the wording of the provision be clarified to state that it also applies to parties who are not economic operators, provided that they have the necessary connection to the product.

The condition in the current provision that the supervisory authority must be able to identify an existing or potential risk from the product further narrows the scope of the provision, making it inapplicable in a large number of cases. In the many cases in which a risk associated with a product cannot be identified on the basis of a visual inspection, actual tests of the product's functionality will be required in order to establish the presence of such a risk. Such functional tests are both time-consuming and resource-intensive. In many cases, it may not even be necessary to carry them out. This is because products that pose a serious risk will, in many cases, also be subject to other objectively verifiable non-conformities, such as a lack of labelling or accompanying instructions for use. This condition therefore plays a significant part in rendering the provision impracticable in the situations described above.

The prerequisite in the preparatory work that a decision under the provision must have an supporting and secondary function in relation to another decision constitutes another essential restriction of its scope. The possibility to take action against a party other than the one who placed the product on the market or made it available on the market is, for the most part, only relevant in cases where such a link in the supply chain cannot be identified by the supervisory authority, or where, for other reasons, it is not possible to take a decision in accordance with the provisions referred to. However, that provision is inapplicable in those cases as it is currently worded.

In order to ensure that the provision in Section 19 is practicable and serves the purpose which, in the view of the Ministry of Industry, Business and Financial Affairs, was envisaged in the preparatory works, cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 81, whilst at the same time broadening the scope of the provision, it is therefore proposed that the provision be amended.

It is therefore proposed that the supervisory authority should be able to issue a decision to any person associated with an unlawful product, requiring them to remedy the non-compliance in an appropriate manner. A prerequisite for the application of this provision is that the operator's connection to the unlawful product is of such a nature that they are able to remedy the product's lack of conformity, either in whole or in part. Such a connection could exist, for example, depending on the circumstances, if an actor has facilitated the sale of an illegal product, including by making its physical or online trading platform available. The necessary link may also exist if a business established in a third country has sold an illegal product directly to a consumer in Denmark. The non-compliance may relate to the Products Act, rules laid down pursuant to the Products Act, product regulations (as defined in Section 4(5) of the Products Act), or the Market Surveillance Regulation, insofar as the scope of the Products Act is concerned.

The proposed amendment would therefore mean that it would not be a prerequisite that the addressee of a decision under the provision is an economic operator within the meaning of the act. At the same time, it will not be a prerequisite that the supervisory authority can identify a risk from the product, and it will not be a requirement that a decision has previously been taken against an economic operator who has been part of the marketing chain.

Under the proposed amendment, an economic operator's connection to the product would have to be assessed on a case-by-case basis, as is the case under the current provision. In addition, the way in which an economic operator could be required to address a product's non-compliance with the rules will depend on a proportionality assessment.

For more details on the expanded game definition, see Section 1, no. 5 of the legislative proposal and the explanatory notes to it.

2.2. Amendment of the Precious Metals Act

2.2.1. Scope of the act

2.2.1.1. Legislation currently in force

According to the explanatory notes to the Precious Metals Act, cf. the Danish Parliamentary Journal 2019-20, Supplement A, L 122 as tabled, page 5, the purpose of the current rules is to ensure that Danish consumers can continue to trust that the jewellery and similar items they purchase meet the promised specifications. This applies both to goods sold in brick-and-mortar shops and through online shopping. The rules must therefore ensure that there continue to be no incentives for businesses to obtain competitive advantages at the cost of consumers or at a cost to Denmark's international obligations. In this connection, it is crucial that businesses that comply with the legislation are not at a competitive disadvantage than businesses that do not.

It is stated in Section 1 of Act No. 798 of 9 June 2020 on Precious Metals and Conflict Minerals (Precious Metals Act) that the act applies to articles made of precious metals. Precious metals are defined in Section 2(4) as gold, silver, platinum and palladium. Articles made of precious metals are defined in Section 2(5) as any article made wholly or partly of precious metals or their alloys. However, Section 1(2) provides that the act excludes certain articles of precious metal. More specifically, this concerns articles made of precious metal which: 1) are proven to have been manufactured before 1 July 1961, 2) are intended for dental or other medical purposes, or 3) are circulating coins.

Accordingly, it is stated in Section 3(2) of the Precious Metals Act that articles of precious metals must in all their individual parts of precious metals have a fineness of at least 333 thousands of gold, at least 800 thousandths of silver, at least 500 thousandths of platinum or at least 500 thousandths of palladium or they must legally be placed on the market in another EU/EEA country or countries that have ratified the Convention on the Control and Marking of Articles of Precious Metals, of 15 November 1972, as amended.

The explanatory notes to the Precious Metals Act, cf. the Danish Parliamentary Journal 2019-20, Supplement A, L 122 as tabled, page 7, state that precious metals in their unprocessed state are no longer to be covered by the act. In addition, it is stated that the act must follow the Convention on the Control and Marking of Articles of Precious Metals of 15 November 1972 (the Precious Metals Convention) to the greatest extent possible. Annex I to the Precious Metals Convention states that raw materials such as ingots, sheets, metal wire and tubes, as well as parts or incomplete semi-finished products, are not covered by the Convention.

Under current legislation, the Danish Business Authority is thus empowered to inspect goods containing gold, silver, platinum and palladium, and to issue prohibitions and injunctions relating to goods made of these metals.

Precious metals in their unprocessed state, such as ingots, sheets, wire, tubes, and parts or incomplete semi-finished products, are, however, not covered by the act.

This also applies to goods placed on the market as containing precious metals, if those goods do not meet the act's definition of goods made of precious metals.

2.2.1.2. Considerations of the Ministry of Industry, Business and Financial Affairs and the proposed scheme

It is proposed that the scope of the Precious Metals Act be extended to articles offered for sale with the indication that they contain precious metals. This will make it possible to impose sanctions on legal and natural persons who market goods as being made of gold, silver, platinum and palladium, when this is not the case. The scheme also specifies that not only companies but also individuals may register as hallmark holders and will thus be legally entitled to manufacture and sell goods made of precious metals.

Under the current legal framework, a business may be penalised if a correctly hallmarked item is offered for sale as a 'silver ring' but contains only 700 parts per thousand silver. The item therefore does not meet the minimum fineness requirement for silver of 800 parts per thousand and the supplier of the item will be ordered to withdraw it from the market. If, on the other hand, the ring turns out not to contain any silver at all, it will be an item that does not meet the definition of a precious metal article under the Precious Metals Act, and will therefore not be covered by the act.

A breakdown of the first nine months of 2025 shows that 15 per cent of the infringements in this area concerned goods that did not contain precious metals. During the period, 66 infringements were identified, 10 of which concerned goods that did not contain precious metals. A total of 364 inspections were carried out during the period.

It is the experience of the Ministry of Industry, Business and Financial Affairs that the majority of cases concerning base metal goods relate to goods marketed as silverware. In addition to the fact that, in such cases, consumers typically end up paying more than the actual market price of the goods, these goods may also pose a potential health risk to people with allergies to, for example, nickel, cobalt and chromium. The Allergy Knowledge Centre reports that up to 10 per cent of Danish women have a nickel allergy and that treatment primarily involves avoiding products containing nickel. There is therefore also a public health consideration in ensuring that consumers can have confidence in goods marketed as precious metals.

The Ministry of Industry, Business and Financial Affairs considers that the rules should be amended, as it is inappropriate that goods offered in a misleading manner cannot be ordered to be withdrawn from the market. The Ministry of Industry, Business and Financial Affairs considers that this is contrary to the purpose of the act, which is to ensure that consumers can be confident that jewellery and similar items offered on the market meet the promised specifications.

In this context, the Ministry of Industry, Business and Financial Affairs considers that, despite the provisions on misleading marketing in the Marketing Practices Act, it would be appropriate to introduce lex specialist rules in the Precious Metals Act to regulate the specific issue mentioned above. This assessment is based primarily on the fact that misleading marketing is expected to be identified overwhelmingly in connection with the Danish Business Authority's inspections of operators in the sector. An ordinary consumer will only in rare cases be able to assess for themselves whether an item meets the minimum purity requirements for precious metal articles set out in Section 3(2) of the Precious Metals Act, as this would, as a rule, require a laboratory analysis.

It is not the intention of the bill to alter the activities of the Consumer Ombudsman, including its powers to monitor compliance with the Marketing Practices Act and the regulations issued pursuant thereto. The Consumer Ombudsman will therefore continue to be able to act on its own initiative, including on the basis of information from the Danish Business Authority, or on the basis of complaints from others, if there is a suspicion of unlawful practices relating to goods that constitute breaches of the Marketing Practices Act.

On the basis of information from the Consumer Ombudsman, the Ministry of Industry, Business and Financial Affairs is not aware of comparable cases decided in accordance with the provisions of the Marketing Practices Act. It is therefore considered that cases arising in connection with the ongoing supervision of the precious metals sector could advantageously be dealt with within the Danish Business Authority's existing supervision and case-handling system. This is considered to be the most effective way to handle such cases, and it will also make it possible to align the penalties in cases of misleading advertising with the general level of penalties in the precious metals sector. Finally, it is ensured that cases involving both illicit precious metal goods and goods that are misleadingly offered as precious metal goods can be settled jointly and in accordance with the same set of rules.

The proposed scheme would also mean that goods which have been marketed in a misleading manner would also be subject to the Danish Business Authority's standard practice, cf. Section 15(2) of the Precious Metals Act, under which costs relating to, amongst other things, laboratory analysis may be claimed for reimbursement from the party served with a prohibition or injunction. This ensures that the fundamental principle of the Precious Metals Act is upheld, namely that parties in breach of the act bear the cost of inspecting their own goods when those goods do not comply with the regulations.

By maintaining the current legal framework, there will, overall, be fewer funds subject to scrutiny, and such scrutiny will be financed primarily by those economic operators who have registered in the name-stamp register and who pay an annual fee for this. In addition to a general decline in consumer confidence in products offered on the precious metals market, this means that the competitive environment is distorted to the detriment of compliant operators in the sector. The Ministry of Industry, Business and Financial Affairs believes that this would be inappropriate.

Precious metals in their unprocessed state were excluded from the scope by the adoption of the existing Precious Metals Act in 2020. Until then, previous regulations in this area had covered unprocessed precious metals; cf., for example, Act No. 308 of 17 May 1995 on the control of articles made of precious metals, etc., and Act No. 499 of 29 November 1972 on the control of articles made of precious metals, etc.

The change in 2020 was primarily due to a desire for the Precious Metals Act to align more closely with the Precious Metals Convention, which exempts all forms of raw materials, semi-manufactured goods, etc. It was assessed at the time that the exemption of, for example, semi-finished products would not affect the general consumer, as the consequences would only affect businesses, which would thus be responsible for ensuring the quality of purchased raw materials through stricter internal controls.

However, in the opinion of the Ministry of Industry, Business and Financial Affairs there is a not insignificant market for the sale of semi-finished products for jewellery manufacture. The market is addressed to both a B2B segment, but also to non-professional end users. Many after-school clubs, institutions, associations and private consumers therefore purchase individual precious metal components, such as wire, clasps, ear hooks and studs, etc., for use in jewellery making. The Ministry of Industry, Business and Financial Affairs considers the fact that this market is exempt from the Danish Business Authority's supervision to be an unintended consequence of incorporating the Precious Metals Convention's definition of unprocessed precious metals into the Precious Metals Act. In the view of the Ministry of Industry, Business and Financial Affairs, this is due in particular to the fact that certain parts of the aforementioned semi-manufactured goods are difficult to distinguish from finished articles made of precious metal.

In light of the above, the proposed scheme means that semi-finished products in the form of components for jewellery making and similar purposes, which are offered for sale to non-professional consumers, are covered by the definition of precious metal articles in the Precious Metals Act. In the view of the Ministry of Industry, Business and Financial Affairs, such an interpretation would be consistent with the purpose and intent of the Precious Metals Act, which is to ensure consumer confidence in the quality of precious metal goods offered on the market.

2.2.2. Level of sanctions

2.2.2.1. Legislation currently in force

It follows from Section 21(1) of the Precious Metals Act that a number of acts or omissions are punishable by a fine, unless a more severe penalty is provided for under other legislation. This applies to breaches of the provisions on minimum holdings, cf. Section 3(2); incorrect or missing use of holding or name stamps, cf. Section 4(1) and (3); Sections 5(1)-(3) and 6(2); failure to comply with the obligation to have a registered name stamp, cf. Section 6(1); failure to comply with prohibitions or orders, cf. Section 16; and failure to comply with the duty to provide information under Section 6(4) or Section 12(3).

This is stated in the explanatory notes to the Precious Metals Act, cf. the Danish Parliamentary Journal 2019-20, Supplement A, L 122 as tabled, page 11, that the intention behind the bill was to tighten the level of sanctions in the precious metals sector, partly by increasing the maximum penalties and partly by reporting more offences than previously. The intention was that economic operators who fail to meet their obligations and place a product on the market that does not comply with the rules would be reported to the police.

In practice, the Danish Business Authority has been reluctant to report all violations of the Precious Metals Act to the police. This is primarily because in the case of most infringements, the parties involved are natural persons or small sole economic operators, for whom the manufacture and sale of articles made of precious metals constitutes a hobby or is of a similarly limited nature, without any significant financial gain. At the same time, it is the Danish Business Authority's experience that the infringing party often rectifies the unlawful situation immediately after the Authority has contacted them. In the light of considerations of proportionality and reasonableness, breaches in these cases have only led to reports being made to the police in cases of repeat offences.

There is a time and content overlap between the Precious Metals Act and the Products and Market Surveillance Act (Products Act). When the main acts came into force on 1 June 2020, stricter penalties were introduced in both areas of law, for example. The level of penalties under the Product Act was reduced by Act No. 637 of 11 June 2024, with effect from 1 June 2024; this act provides greater scope for imposing less severe penalties than reporting the matter to the police or imposing a fine in cases of less serious offences.

2.2.2.2. Considerations of the Ministry of Industry, Business and Financial Affairs and the proposed scheme

The Ministry of Industry, Business and Financial Affairs has learned that violations of the Precious Metals Act are primarily divided into two main areas. Firstly, there are a number of infringements where goods made of precious metals do not meet the requirements for stamping, cf. Section 4(1). Secondly, breaches of the minimum fineness requirements for precious metals in articles have been identified, cf. Section 3(2).

As a general rule, infringements are detected when articles made of precious metals are taken for inspection from a person who, on a commercial basis, manufactures, sells or offers the articles for sale. The Danish Business Authority is the supervisory authority, but it may authorise a legal person to carry out the supervision, cf. Section 13 of the Precious Metals Act. FORCE Technology is authorised to carry out inspections in the precious metals sector on behalf of the Danish Business Authority until the end of 2027.

In the event of an inspection of a precious metal article of it is found that the article does not comply with the regulations, an order is generally issued requiring the article to be withdrawn from the market. The manufacturer may then choose to affix the correct stamps to the product or otherwise change the product in order to ensure that it complies with the rules. The product may then be lawfully made available on the market again. Where the rules are breached and prohibitions or injunctions are issued, the Danish Business Authority may require the party in breach to reimburse the costs of the inspection, cf. Section 15(2).

In light of the above, the Ministry of Industry, Business and Financial Affairs proposes that the level of penalties under the Precious Metals Act be relaxed, so that the level of penalties and the practice regarding reporting offences to the police are brought into line with the Product Act. The proposed scheme would mean that police reports would not necessarily have to be made in all cases of breaches of the provisions of the act. Consequently, the scheme will mean that offences are subject to a greater extent to a holistic assessment based on the overall circumstances of the case, including whether reporting the matter to the police would be a proportionate consequence of the offence.

This would mean, for example, that if a manufacturer, having placed individual items of jewellery on the market without a registered hallmark, immediately registers following a request from the Danish Business Authority, a report need not necessarily be made to the police. It will therefore be a matter of assessing on a case-by-case basis whether the circumstances are such that they should result in a fine. In this context, weight may be given, among other things, to the turnover of the undertaking, the economic advantage obtained or intended, and other relevant factors. The assessment should also take into account the party's level of professionalisation, as well as its willingness to cooperate with regard to product withdrawal or recall from the market.

It remains the intention that, in the event of a repeat offence, a report should, as a general rule, be made to the police. 'Repeated offences' refers to situations where infringements of the law are found during several separate inspections. It is not a requirement that all the circumstances relate to breaches of the same provisions of the Act.

2.3. Amendment of the Accessibility Act

2.3.1. Legislation currently in force

Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services (Accessibility Directive) has been transposed into Danish law by Act No. 801 of 7 June 2022 on accessibility requirements for products and services (Accessibility Act), as amended by Section 4 of Act No. 637 of 11 June 2024.

The Accessibility Act represents the minimum implementation of the Accessibility Directive; the act therefore stipulates that selected products and services must be accessible, so as to ensure that people with disabilities or other functional limitations can use those products and services. As the act introduced a number of new requirements with which businesses were required to comply, it was stipulated at the time of its adoption that work on drawing up guidance to assist with compliance with the accessibility requirements would continue after the act came into force. In the explanatory notes to the Accessibility Act, the following is therefore stated: 'It is therefore also the Ministry of Industry, Business and Financial Affairs' view that until the rules come into force, work should continue at the ministerial level to draw up guidelines or similar documents illustrating how businesses in the various sectors can comply with the requirements. This work must be carried out in close cooperation with the interest organisations in the respective areas' cf. the Official Record of Danish Parliamentary Proceedings 2021-22, Appendix A, L 131, page 32. However, the Accessibility

Act does not contain any specific provisions obliging the relevant ministries to draw up guidelines in this area.

The Accessibility Act also sets out a number of obligations for economic operators who sell products or provide services, provisions governing inspections carried out by the authorities in this area and provisions on penalties, etc.

The enforcement provisions of the Accessibility Act include, among other things, the supervisory authority's power under Section 49 to issue orders in the event of a breach of the accessibility requirements. This means that the supervisory authority may require the economic operator to rectify the situation within a specified time limit in respect of a product or service that does not comply with the accessibility requirements. If the economic operator fails to rectify the situation within the specified time limit, the supervisory authority may subsequently order the econoimc operator to cease the sale or offering of the product or service, or to withdraw the product from the market.

2.3.2. Considerations of the Ministry of Industry, Business and Financial Affairs and the proposed scheme

Since the entry into force of the Accessibility Act in 2022 and following the last amendment to the act resulting from Act No. 637 of 11 June 2024, the Ministry of Industry, Business and Financial Affairs has been made aware that some of the provisions of the Accessibility Directive have still not been adequately implemented into Danish law. The Ministry of Industry, Business and Financial Affairs therefore considers it necessary to make a few adjustments to the Accessibility Act to ensure that Denmark meets its obligations under EU law.

The Ministry of Industry, Business and Financial Affairs proposes that it should be stated directly in the text of the act that the act does not apply to matters covered by copyright rules. Although copyright rules already take precedence over accessibility requirements, the proposal will ensure the explicit implementation of Article 2(5) of the Accessibility Directive. It follows from that provision that the Accessibility Directive does not concern specific copyright legal acts.

The Ministry of Industry, Business and Financial Affairs further proposes to insert a provision in the Accessibility Act clarifying that the principle of the free movement of goods on the EU internal market also applies within the scope of the act.

Furthermore, the Ministry of Industry, Business and Financial Affairs proposes that, in accordance with Article 21(2), the text of the act should stipulate that the supervisory authority must take the necessary measures to ensure that any product which does not meet the requirements is withdrawn from the Danish market and must notify the Commission of this. In addition, the supervisory authority must withdraw the national measure if it is found not to be justified.

Finally, a small number of amendments are proposed, which are primarily of a technical nature and are intended to clarify the text.

The proposed scheme will result in the Accessibility Directive being sufficiently transposed into Danish law in the view of the Ministry of Industry, Business and Financial Affairs.

For more details on the implementation of the Accessibility Directive, see Section 3(1), (2) and (6) of the legislative proposal and the comments on it.

3. Impact on achievement of the UN Sustainable Development Goals

The Critical Raw Materials Regulation, insofar as it concerns provisions on permanent magnets, is expected to contribute positively to the achievement of Sustainable Development Goal 12 on responsible consumption and production.

The provisions of the regulation on permanent magnets are expected to contribute to the achievement of sub-goal 12.2 on efficient use of resources resulting from the regulation's requirements for the recyclability and recycled content of permanent magnets. Natural and legal persons placing a range of products, such as washing machines, microwave ovens and cars, on the market must clearly state whether the products contain one or more permanent magnets and provide information on the recycling potential of their critical raw materials.

As the legislative proposal supplements the Critical Raw Materials Regulation with regard to provisions on permanent magnets, it is considered to have an indirect positive impact on the UN Sustainable Development Goals. The proposed amendment to the Product Act would therefore mean that the Danish Business Authority can carry out market surveillance of the products covered and that failure to comply with the requirements and obligations of the regulation as regards provisions on permanent magnets may be subject to penalties.

4. Financial impact and implementation impact on the public sector

The legislative proposal is expected to have financial implications for the government as a result of the Danish Business Authority's market surveillance of requirements relating to permanent magnets, etc., arising from the

Critical Raw Materials Regulation. The financial implications are estimated to be less than DKK 1.0 million per year from 2027 onwards.

The draft act is not considered to have economic consequences for regions and municipalities and the draft act is not considered to have any implementation impact on the public sector.

The draft act is assessed to comply with the seven principles for digital-ready legislation.

5. Economic and administrative impact on trade and industry, etc.

The draft act is not considered to have any financial impact for trade and industry.

The draft act has been submitted to the Danish Business Authority's *Område for Bedre Regulering* (OBR) (area for better regulation). It is estimated that, insofar as it relates to the amendments to the Act on Precious Metals and Conflict Minerals, the legislative proposal will have minor administrative implications for the business sector, amounting to less than the de minimis threshold of DKK 4 million; consequently, these implications are not quantified further.

6. Administrative impact on citizens

The draft act is deemed to have no administrative impact on citizens.

7. Climate impact

The draft act is deemed to have no climate impact.

8. Impact on the environment and nature

The draft act is considered to have an indirect positive impact on the environment, as it complements the Critical Raw Materials Regulation. Under the regulation, permanent magnets will be designated as a priority product with a view to increasing the circularity of permanent magnets. This should lead to the promotion of a secondary market for permanent magnets and ensure the security of supply of critical raw materials. The additional implementing measures of the legislative proposal will contribute to achieving the objectives of the regulation as regards provisions on permanent magnets.

9. Relationship to EU law

Section 1 of the draft act aims to implement parts of Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework to ensure a secure and sustainable supply of critical raw materials and amending Regulations (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, OJ L of 3 May 2024 (Critical Raw Materials Regulation). The legislative proposal concerns only the provisions of the regulation relating to permanent magnets.

The Critical Raw Materials Regulation entered into force on 23 May 2024. Denmark is obliged to lay down rules on penalties applicable to infringements of the regulation by 24 November 2026 and to notify the Commission of this, in accordance with Article 47 of the regulation.

Section 1 of the legislative proposal is also intended to transpose Regulation (EU) 2025/2509 of the European Parliament and of the Council of 26 November 2025 on safety requirements for toys and repealing Directive 2009/48/EC, Official Journal of the European Union, L of 12 December 2025 (Toy Safety Regulation).

The Toy Safety Regulation entered into force on 1 January 2026. Denmark is obliged to lay down rules on penalties applicable to infringements of the regulation by 1 August 2028 and to notify the Commission of this, in accordance with Article 55 of the regulation.

The Toy Safety Regulation also requires Denmark to lay down supplementary provisions concerning language requirements for instructions for use and safety information, etc., and concerning the authorisation of conformity assessment bodies, including the designation of a notifying authority.

The proposed addition to Section 2(1), no. 44 and 45, of the Products Act ensures that the Products Act applies and that the necessary supplementary provisions to the Toy Safety Regulation and Critical Raw Materials Regulation may be laid down with regard to provisions concerning permanent magnets.

As regards Section 2 of the draft act amending the Act on Precious Metals and Conflict Minerals, the proposed act has been notified as a draft in accordance with 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 of rules on information society services.

The proposed amendments to the Accessibility Act in Section 3 of the legislative proposal ensure a correct implementation of Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ 2019 L 151, p. 70. The amendments relate in particular to Article 2(5) of the directive, concerning its scope, including its relationship with Directive (EU) 2017/1564 on copyright and related rights and Regulation (EU) 2017/1563 implementing the Marrakesh Treaty in the EU, Article 6, concerning the free movement of products that meet the requirements of the Accessibility Directive, and Article 21(2), concerning the EU protection procedure.

The Accessibility Directive should have been implemented on 28 June 2022 with effect from 28 June 2025. The amendments to the Accessibility Act are being made following discussions between the Ministry of Industry, Business and Financial Affairs and the Danish Business Authority and the Commission regarding its implementation in Denmark.

10. Consulted government authorities/agencies and organisations, etc.

In the period from 7 July 2026 to 21 August 2026 (45 days), a draft act was submitted for consultation with the following authorities and organisations, etc.:

…

11. Summary table

	Positive consequences/reduction in expenditures (if yes, please specify extent/if no, enter ‘None’)	Negative impact/additional expenditures (if yes, state the extent/if no, enter ‘None’)
Economic impact on the state, municipalities and regions	None	The legislative proposal is estimated to have financial implications for the state of less than DKK 1.0 million annually from 2027 onwards, relating to the Danish Business Authority’s market surveillance of permanent magnets, etc.
Implementation impact on the government, municipalities and regions	None	None
Economic impact on trade and industry, etc.	None	None
Administrative	None	None

impact on trade and industry, etc.		
Administrative impact on citizens	None	None
Climate impact	None	None
Impact on the environment and nature	The legislative proposal is expected to have minor indirect positive effects, as it lays down supplementary provisions to the Critical Raw Materials Regulation with regard to the recyclability of permanent magnets and the market surveillance of this.	None
Relationship to EU law	Section 1 of the draft act aims to implement parts of Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework to ensure a secure and sustainable supply of critical raw materials and amending Regulations (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, OJ L of 3 May 2024 (Critical Raw Materials Regulation). The legislative proposal concerns only the provisions of the regulation relating to permanent magnets. The Critical Raw Materials Regulation entered into force on 23 May 2024. Denmark is obliged to lay down rules on penalties applicable to infringements of the regulation by 24 November 2026 and to notify the Commission of this, in accordance with Article 47 of the regulation. Section 1 of the legislative proposal is also intended to transpose Regulation (EU) 2025/2509 of the European Parliament and of the Council of 26 November 2025 on safety requirements for toys and repealing Directive 2009/48/EC, Official Journal of the European Union, L of 12 December 2025 (Toy Safety Regulation). The Toy Safety Regulation entered into force on 1 January 2026. Denmark is obliged to lay down rules on penalties applicable to infringements of the regulation by 1 August 2028 and to notify the Commission of this, in accordance with Article 55 of the regulation. The Toy Safety Regulation also requires Denmark to lay down supple-	

	mentary provisions concerning language requirements for instructions for use and safety information, etc., and concerning the authorisation of conformity assessment bodies, including the designation of a notifying authority. The proposed amendments to the Accessibility Act in Section 3 of the legislative proposal ensure a correct implementation of Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ 2019 L 151, p. 70. The amendments relate in particular to Article 2(5) of the directive, concerning its scope, including its relationship with Directive (EU) 2017/1564 on copyright and related rights and Regulation (EU) 2017/1563 implementing the Marrakesh Treaty in the EU, Article 6, concerning the free movement of products that meet the requirements of the Accessibility Directive, and Article 21(2), concerning the EU protection procedure. The Accessibility Directive should have been implemented on 28 June 2022 with effect from 28 June 2025. The amendments to the Accessibility Act are being made following discussions between the Ministry of Industry, Business and Financial Affairs and the Danish Business Authority and the Commission regarding its implementation in Denmark.	
Conflicts with the five principles for the implementation of business-oriented EU regulation (which, where relevant, also applies to the implementation of non-business-oriented EU regulation) (enter X)	Yes	No X

Explanatory notes on the individual provisions of the draft act

Re Section 1

Re no. 1

It follows from Section 2(1) of the Products Act that the act applies to a number of products, etc., which are covered by the directives and regulations specified in no. 1 to 43 of that provision.

It follows from the explanatory notes to Section 2, cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 46, that the proposed Section 2 sets out the products to which the draft act applies. A common feature of the products referred to in Section 2(1) of the draft act is that they are all governed by EU legislation. The legal acts contain a number of requirements, including substantive requirements relating to the design and manufacture of products, as well as formal requirements concerning labelling and conformity assessment, etc.

Please refer to point 2.1.1.1 in the general explanatory notes to the draft act.

A new *Section 2(1) no. 44* is proposed, according to which the act applies to products covered by the Regulation of the European Parliament and of the Council on the safety of toys.

It is further proposed that a new *Section 2(1) no. 45*, be added, pursuant to which the act applies to products covered by the Regulation of the European Parliament and of the Council establishing a framework to ensure a secure and sustainable supply of critical raw materials, insofar as it concerns provisions relating to permanent magnets.

The proposed provisions will mean that products covered by the Toy Safety Regulation and the Critical Raw Materials Regulation – insofar as the provisions relating to permanent magnets are concerned – will fall within the scope of the Product Act.

The effect will be that the Product Act, including control powers and enabling provisions to lay down rules on penalties, etc., will apply in relation to the products covered.

This means that the necessary enforcement powers are in place in accordance with Article 14(4) of the Market Surveillance Regulation, given that the Critical Raw Materials Regulation, insofar as it concerns provisions relating to permanent magnets, is listed in Annex 1 to the Market Surveillance Regulation. Similarly, the Toy Safety Regulation will replace the Toy Safety Directive from 1 August 2030, after which any reference to the Toy

Safety Directive will be to the Toy Safety Regulation, cf. Article 56, second paragraph, of the Toy Safety Regulation.

Please refer to point 2.1.1.3 in the general explanatory notes to the draft act.

Re no. 2

It follows from Section 3 of the Products Act that the act applies unless there are specific provisions with the same purpose in other legislation which implements or supplements the EU harmonisation acts covered by Section 2(1), no. 2-42, and which regulate specific aspects of market surveillance and enforcement in a more specific manner.

It is proposed that *Section 3* be amended so that ‘no. 2-42’ is replaced by ‘no. 2-42, 44 and 45’.

The proposed amendment is a consequence of the fact that Section 1, no. 1, of the draft act inserts a new no. 44 concerning the Toy Safety Regulation and a new no. 45 concerning the Critical Raw Materials Regulation, insofar as provisions relating to permanent magnets are concerned.

Reference is made to point 2.1.1 of the general comments on the draft act and to the special comments on Section 1, no. 1, of the draft act.

Re no. 3

It follows from Section 3a(1) of the Products Act that Section 5(1), nos. 1 and 3, and (2), Sections 6-8a, 25 and 32, Section 34(2) and Section 37(7) do not apply to road traffic-related products.

It also follows from Section 3a(3) that Section 5(2) and (4) to (6), Sections 6 and 7, Section 8(1), Sections 8a, 8c and 26 and Section 37(7) do not apply to products using materials that come into contact with water intended for human consumption covered by Section 2(1), no. 25.

Finally, it follows from Section 37(4) that the Minister of Industry, Business and Financial Affairs may lay down rules providing for penalties of a fine or imprisonment for up to two years for breaches of the product regulations, cf. Section 4 no. 5.

It is proposed that *Section 3a(1)* and *(3)* be amended so that ‘Section 37(7)’ is replaced by ‘Section 37(4)’.

The proposed amendment is a consequence of Section 37(7) being renumbered as Section 37(4) by Act No. 637 of 11 June 2024, see Section 2, no. 15, of that act.

In addition to the amendment regarding the correct reference to Section 37(4), no substantive changes are intended to be made to the provision and the purpose of the proposal is therefore a continuation of existing law.

Re no. 4

It follows from Section 4 no. 5 of the Products Act that ‘product regulations’ are defined as a collective term for the regulations set out in Section 2(1), no. 25-43.

Under the proposed new provision in Section 2(1) no. 44, the term ‘product regulations’ will be understood to mean the regulations referred to in Section 2(1), no. 25-44.

Against this background, it is proposed that *Section 4, no. 5,* be amended so that ‘no. 26.43’ is replaced by ‘no. 26-45’.

The reference in Section 4 no. 5 will henceforth be to Section 2(1), no. 25-45.

The proposed amendment is a consequence of the fact that Section 1, no. 1, of the legislative proposal proposes the insertion of new numbers in Section 2(1) in the form of a new no. 44 on the Toy Safety Regulation and a new no. 45 on the Critical Raw Materials Regulation as regards provisions relating to permanent magnets.

Reference is made to point 2.1.1 of the general comments on the draft act and to the special comments on Section 1, no. 1, of the draft act.

Re no. 5

It follows from Section 19 of the Products Act that the supervisory authority may issue a decision to any other economic operator associated with the product, other than the one who has placed the product on the market or made it available on the market, requiring them to contribute, as appropriate, to limiting risks and preventing them from arising.

It follows from the preparatory work on Section 19, cf. the Danish Parliamentary Journal 2019-2020, Supplement A, L 179 as tabled, page 81, that the supervisory authority may take a decision under this provision if necessary in connection with decisions taken pursuant to Sections 18, 19, Section 20(2) and (3), Section 21(1) and (2), and Section 22 (Sections 13, 14, Section 15(2) and (3), Section 16(1) and (2), and Section 17 of the adopted legislative proposal).

It also follows from the preparatory work that the purpose of the provision is to ensure that the supervisory authorities have flexible and sufficient means of dealing with the danger posed by a product, by involving all the relevant actors, even if they are not directly involved in marketing.

As regards the supervisory authority's assessment of how an economic operator should be required to contribute to limiting risks and preventing them from arising, it follows from the preparatory work that this depends on a specific assessment in the specific case. In addition, it is assumed that the extent of the obligation imposed on the economic operator depends in all cases on an assessment of proportionality.

It is proposed that *Section 19* be reworded so that the supervisory authority may issue a decision to any person associated with the product, even if that person has not placed the product on the market or made it available on the market, requiring them to remedy, in an appropriate manner, any instances of non-compliance with the provisions of this act, rules laid down pursuant to this act, product regulations or the Market Surveillance Regulation, insofar as the scope of this act is concerned.

The purpose of the proposed amendment is to ensure that supervisory authorities have flexible and adequate means of dealing with non-compliant products. The proposed amendment will therefore make it possible to involve all the relevant operators, even if they are not directly involved in the marketing process and are therefore not economic operators, irrespective of whether a decision has been taken in respect of an economic operator beforehand.

Under the proposed rewording of the provision, it will not be a prerequisite for a decision to be made that the addressee is an economic operator, as defined in Section 4 no. 1 of the act. Under the proposed provision, it will be sufficient for the addressee of a decision to have such a connection to the product that they are in a position to contribute in a relevant way to ensuring that a product's non-compliance with the rules is brought to an end or prevented.

Nor will it be a prerequisite for the application of the provision that the non-compliance of the product with the rules entails a risk that the supervisory authority can demonstrate. The supervisory authority will only be required to demonstrate that the product does not comply with the rules and that the addressee of the decision, by virtue of their connection to the product, is in a position to make a concrete contribution to limiting or preventing the non-compliance.

Finally, under the proposed provision, it will not be a condition for making a decision that it is necessary to supplement another decision. The decision would therefore not necessarily have to have a secondary function to a primary decision vis-à-vis an economic operator, but could be taken independently. A decision may therefore be taken under that provision even if the inspection authority is unable to identify an economic operator in the marketing chain or, for other reasons, a decision cannot be taken against such an operator.

As regards the assessment of whether an operator has such a connection to the product that it can contribute to limiting or preventing the detected non-conformities with the rules, a case-by-case assessment will have to be carried out.

The scope of the obligation that the supervisory authority, under the provision, may impose on anyone with the necessary connection to the product will depend on a proportionality assessment. In this assessment, the degree of association with the product will have to be taken into account. It will also be necessary to assess whether the product's non-compliance with the rules is of such a nature that it is necessary to involve parties other than those who have placed the product on the market or made it available on the market.

See point 2.1.2 in the general comments on the draft act.

Re no. 6

Section 22(1) of the Products Act stipulates that, where necessary, the supervisory authority must inform the public about products that do not comply with the provisions of this act, rules laid down pursuant to this act, product regulations or the Market Surveillance Regulation, insofar as the scope of this act is concerned. It then follows from (1), no. 1-4, that the supervisory authority must disclose relevant characteristics for identifying the product, the nature of the risk where applicable, the measures taken, and how the public should act.

It is proposed in *Section 22(1)* that 'must, if necessary,' be replaced by 'may'.

The proposed amendment means that the supervisory authority may publish information on products that do not comply with the provisions of the Products Act, rules laid down pursuant to the Products Act, product regulations or the Market Surveillance Regulation, insofar as the scope of the Products Act is concerned.

With the proposed amendment, it will thus not be an obligation for the supervisory authority to publish information on products that do not comply with the rules. The amendment will therefore result in the supervisory authority being able to publish information on illegal products after a specific assessment and on the basis of the specific circumstances of a case, including by publishing the information specified in no. 1-4 of the provision.

The provision will continue to cover any product that does not comply with the rules, meaning both products with formal defects and those with material defects, including products that pose a risk. Under the proposed amendment, the provision would, in particular, be applicable in cases where a product poses a risk and where, depending on the circumstances, it would be necessary to inform the public of this. In certain circumstances, it may be appropriate to inform the public about products with formal defects.

The supervisory authority will continue to be able to order any person who has placed a product on the market, or who has been involved in the distribution of a product, to warn users of the risks associated with the product, cf. Section 14(1), no. 1, of the Product Act.

In accordance with Article 16(3)(c) and (g) of the Market Surveillance Regulation, the supervisory authority may also require economic operators to take appropriate and proportionate measures, which may include, amongst other things, warning the public of the risks posed by a product or warning end users who are exposed to such risks. Finally, the supervisory authority will be able, inter alia, to inform the public in accordance with Article 16(5) of the Market Monitoring Regulation if the operator fails to take the corrective measures referred to in Article 16(3) or if

The proposed amendment is not intended to alter the way in which the supervisory authority may publish information on products that do not comply with the rules. Publication will therefore continue to be possible in various ways, e.g. by means of publication on the supervisory authority's website or on social media, etc.

Re no. 7

Under Section 37(1) of the Product Act, no. 1-11, provide for a fine to be imposed for any breach of, or failure to comply with, a number of provisions of the Product Act, the Market Surveillance Regulation and Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation. It follows from Section 37(2) that when an offence referred to in Section 2(1), no. 1 and 3 to 10, is committed in a product area covered by Section 2(1), no. 1 to 11 or 13 to 43, or Section 2(2) no. 1 to 9, the penalty may, in aggravating circumstances, be increased to imprisonment of up to two years.

In addition, it follows from Section 37(3) that rules issued pursuant to this act may provide for a penalty of a fine.If the product area falls within the scope of Section 2(1), no. 1.11 or 13-43, or Section 2(2), no. 1-9, the penalty may be a fine or, in aggravating circumstances, imprisonment for up to two years. Extended limitation periods of up to five years may also be laid down in regulations issued pursuant to this act.

It is proposed that *Section 37(2)* and (*3)* be amended, whereby ‘no. 13-43’ is replaced by ‘no. 13-45’ in both paragraphs.

The proposed amendment is a consequence of the fact that Section 1, no. 1, of the legislative proposal proposes the insertion of new numbers in Section 2(1) in the form of a new no. 44 on the Toy Safety Regulation and a new no. 45 on the Critical Raw Materials Regulation as regards provisions relating to permanent magnets.

The proposal entails extending the scope of the provisions in Section 37(2) and (3) to also cover products falling within the scope of the Toy Safety Regulation and the Critical Raw Materials Regulation, insofar as provisions relating to permanent magnets are concerned.

The proposed provision means that, under the Toy Safety Regulation and the Critical Raw Materials Regulation, in respect of provisions concerning permanent magnets, offences may, in aggravating circumstances, be punishable by imprisonment for up to two years, and that a fine, or in aggravating circumstances a prison sentence of up to two years, may be imposed under rules issued pursuant to the act.

Reference is made to point 2.1.1 of the general comments on the draft act and to the special comments on Section 1, no. 1, of the draft act.

Re Section 2

Re no. 1

It is proposed throughout the act that the words ‘the Danish Safety Technology Authority’ be replaced by ‘the Danish Business Authority’, and that the words ‘the Danish Safety Technology Authority’s’ be replaced by ‘the Danish Business Authority’s’.

The purpose of the amendments is to reflect the fact that the Danish Safety Technology Authority has merged with the Danish Business Authority with effect from 1 January 2026, as a result of which all tasks previously carried out by the Danish Safety Technology Authority are now carried out by the Danish Business Authority.

The proposed amendment will mean that, wherever the Danish Safety Technology Authority is mentioned in the act, the Danish Business Authority will instead be named as the competent authority.

Re no. 2

It follows from Section 1(1) of the Act on Precious Metals and Conflict Minerals that the act applies to goods made from precious metals and for EU importers who are covered by Regulation 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas, with later amendments.

It further follows from Section 1(2) that 1) articles made of precious metals which can be shown to have been manufactured before 1 July 1961, 2) articles made of precious metals for dental and other medical purposes, and 3) coins in circulation are exempt from the Act.

It is proposed that *Section 1* be reworded, so that it follows from *(1)* of the act will apply to articles made of precious metals and articles offered for sale as containing precious metals.

However, the following are exempt in *(2)* of the provision: 1) articles made of precious metals which can be shown to have been manufactured before 1 July 1961; 2) articles made of precious metals for dental and other medical purposes; and 3) coins in circulation. The proposed amendment would be a technical legislative amendment. which would not entail substantive changes.

Finally, it is proposed that *(3)* also apply to EU importers, which are covered by Regulation 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas, with later amendments. The regulation is included in Annex 1 to this act. The proposed (3) would also be a technical legislative amendment. that would not entail substantive changes.

Firstly, the proposed provision would make it clear that the act covers two independent main areas. These will include, on the one hand, articles made of precious metals and, on the other, articles offered for sale as containing precious metals, as set out in the proposed (1). Certain articles made of precious metals will continue to be excluded from the scope of the act, cf. the proposed (2). In addition, the act will cover conflict minerals in respect of EU importers covered by Regulation (EU) 2017/821, as set out in the proposed (3).

Under the proposed provision, the scope of the act will thus be extended to cover all goods offered for sale as containing precious metals, including cases where the goods in question do not contain any precious metals. This will be the case, for example, if a product is marked with names and/or hallmarks or is offered for sale with an indication of silver, gold, palladium or platinum. Goods that are not made of precious metal and are not offered for sale as being made of precious metal will therefore continue to be excluded from the scope of the act.

See point 2.2.1 in the general comments on the draft act.

Re no. 3

Section 3(1) of the Act on Precious Metals and Conflict Minerals stipulates that articles made of precious metals may only be manufactured, sold or offered for sale on a commercial basis if they comply with the provisions of this act or with regulations laid down pursuant to this act.

It is proposed in *Section 3(1)* that ‘Articles of precious metals may only be commercially manufactured, sold or offered for sale’ be replaced by ‘Articles may only be commercially manufactured, sold or offered for sale as articles of precious metals’.

The purpose of the proposed amendment is to clarify that any article may only be manufactured, sold or offered for sale as an article of precious metal if it actually contains precious metal, in accordance with the definitions of precious metals and articles of precious metals in Section 2(4) and (5) of the act.

The effect of the proposed amendment will therefore be that it will be unlawful to manufacture, sell or offer for sale an item as a precious metal if that item does not contain any precious metal.

The proposed amendment to the provision will thus be consistent with the proposed amendment to Section 1 of the act, which is proposed with a view to extending the scope of the act, cf. Section 2, no. 2, of the draft act.

Please refer to point 2.2.1 of the general explanatory notes to the draft act and the explanatory notes to Section 2, no. 2, of the draft act.

Re no. 4

It follows from Section 7(1) of the Act on Precious Metals and Conflict Minerals that articles that comply with the requirements laid down in the Convention on the Control and Marking of Articles of Precious Metals of 15 November 1972 may be given the common control mark of the Convention by the Danish Safety Technology Authority. Articles given the common control mark of the Convention are considered to comply with the marking requirement of the act under Section 4(1). It follows from Section 7(2) that the costs associated with the stamping referred to in (1) must be borne by the company requesting the stamping.

It also follows from Section 8(2) that the costs associated with the marking referred to in (1) must be borne by the company requesting the marking.

It is proposed that ‘company’ be deleted from *Section* 7(2) and *Section 8(2).*

The proposed amendments will mean that it will be permitted for both natural and legal persons to request the marking of goods with the common mark of the Convention and the control mark of the Danish Business Authority, respectively. It will therefore not be a prerequisite for requesting the marking of goods that the requesting party is a undertaking. As a natural consequence of this, stamp duties may be levied on both natural and legal persons.

See the comments on Section 2, no. 1-5 and 6, of the draft act.

Re no. 5

It follows from Section 9(1) of the Act on Precious Metals and Conflict Minerals that companies registered in the hallmark register pursuant to Section 6(1) must pay an annual fee to the Danish Safety Technology Authority to cover the costs associated with the registration scheme and the inspection of hallmark holders pursuant to Section 12.

It is proposed that, in *Section 9(1)*, the word ‘company’ be replaced by ‘it’.

The proposed amendment will mean that anyone registered in the hallmark register under Section 6(1) of the act must pay an annual hallmark fee to the Danish Business Authority. With the proposed amendment, it would therefore not be assumed in the provision that the registrant is necessarily a company.

See the comments on Section 2, no. 4 and 6, of the draft act.

Re no. 6

It follows from Section 12(4) of the Act on Precious Metals and Conflict Minerals that the Minister of Industry, Business and Financial Affairs must lay down rules concerning the Danish Safety Technology Authority’s supervision of undertakings which have a registered hallmark, cf. Section 6, and over businesses that sell goods made of precious metals or offer them for sale without being covered by Section 6.

It is proposed in *Section 12(4)* that the words ‘companies’ in two places be replaced by the words ‘those’.

The amendment will mean that the Minister of Industry, Business and Financial Affairs will be able to lay down rules on the Danish Safety Technology Authority’s supervision of both natural and legal persons who have a registered name-stamp, cf. Section 6 of the Act on Precious Metals and Conflict Minerals. In addition, the Minister of Industry, Business and Financial Affairs will be able to lay down rules on the Danish Business Authority’s control of both natural and legal persons offering goods covered by the act.

See the comments on Section 2, no. 4 and 5, of the draft Act.

Re no. 7

It follows from Section 13(1) of the Act on Precious Metals and Conflict Minerals that the Danish Safety Technology Authority may authorise a legal person to carry out, or assist the Danish Safety Technology Authority in carrying out, inspections of goods made of precious metals, cf. Section 12 of the act.

It is proposed in *Section 13(1)* that the words ‘articles of precious metals’ be replaced by ‘articles covered by this act’.

The proposed amendment will mean that the Danish Business Authority may authorise a legal person to carry out, or assist the Danish Business Authority in carrying out, inspections of goods covered by the act, cf. Section 12 of the act.

The proposed amendment follows from the fact that the scope of the act is proposed to be extended to articles offered for sale as containing precious metals, without the articles in question necessarily containing precious metals. Legal persons authorised under Section 13(1) will therefore be able to carry out checks on goods covered by the act.

With the proposed extension of the scope of the act in Section 1, cf. Section 2(2) of the draft act, the Danish Business Authority’s inspections pursuant to Section 12 of the act and the Danish Business Authority’s power to authorise others to carry out inspections or assist the Danish Business Authority in doing so, cf. Section 13(1), will cover not only articles made of precious metals but also articles offered for sale as containing precious metals.

Reference is made to point 2.2.1 of the draft act’s general comments and to the comments on Section 2, no. 2, of the draft act.

Re no. 8

It follows from Section 15(1) point 1 of the Act on Precious Metals and Conflict Minerals that, in connection with inspections pursuant to Section 12, the Danish Safety Technology Authority may seize goods made of precious metals free of charge, against a receipt, for the purposes of inspection, including seizing goods while operating undercover. It follows from Section 15(1), point 2, that if the removal of goods has necessitated a payment, the Danish Safety Technology Authority may require the company to reimburse the cost.

In *Section 15(1), point 1,* it is proposed that ‘goods of precious metals’ be replaced by ‘goods covered by this act’.

The proposed amendment would mean that, in connection with inspections pursuant to Section 12, the Danish Business Authority may seize goods covered by this act free of charge, against a receipt and for the purposes of the inspection, including by operating undercover. The change will therefore mean that the Danish Business Authority will be able to seize goods offered for sale as containing precious metals in order to carry out checks.

The proposed amendment to (1) point 1 is intended to reflect the fact that the scope of the act has been extended to include goods offered for sale as containing precious metals. Accordingly, amendments are made to Section 15(1).

Reference is made to point 2.2.1. of the general comments on the draft act and to the comments on Section 2, no. 2, of the draft act.

It is further proposed in *Section 15(1), point 2,* that the words 'reimbursed by the company' will be replaced by 'reimbursed by the party whose product has been subject to inspection'.

The proposed amendment will mean that the Danish Business Authority can require costs associated with the taking of a sample of a product covered by the act from the party whose product has been subject to inspection. It will therefore not be a prerequisite for a refund that the entity in question is a business. The Danish Business Authority will therefore be able to demand a refund of the payment from a party, regardless of whether that party is a natural or legal person.

Re no. 9

It follows from Section 16(1) that the Danish Safety Technology Authority may prohibit the making available on the market of articles made of precious metals if such articles do not comply with the requirements regarding fineness marks and hallmarks laid down in this act and in regulations made pursuant to this act. In this connection, it follows from Section 16(2) that the Danish Safety Technology Authority may issue an order requiring that articles made of precious metals, as referred to in (1), be withdrawn from the market or recalled.

In *Section 16(1) and (2)* it is proposed that 'goods made of precious metals' be replaced by 'goods covered by this act', and in *Section 16(1)* it is proposed that 'certain hallmarks and hallmarks' be deleted.

The proposed amendments are intended to reflect the fact that the scope of the act has been extended to include goods offered for sale as containing precious metals.

Reference is made to point 2.2.1. of the general comments on the draft act and to the comments on Section 2, no. 2, of the draft act.

The changes will mean that the Danish Business Authority will be able to prohibit the offering for sale of a product on the basis that it consists of or contains precious metals, if this is not the case.

The changes will also mean that the Danish Business Authority will be able to order that goods which have been offered for sale as containing precious metals without actually doing so be withdrawn from the market or recalled.

It is assumed that, with the proposed amendments, the Danish Business Authority will continue to be able to exercise the powers referred to in (1) and (2) in connection with the inspection of articles made of precious metals.

Re no. 10

It is stated in section 16(2) of the Act on Precious Metals and Conflict Minerals that the Danish Safety Technology Authority may issue an order requiring that goods made of precious metals, as referred to in (1), be withdrawn from the market or recalled.

It is proposed in *Section 16(2) that* 'goods made of precious metals as referred to in (1)' be replaced by 'goods covered by this act'.

The proposed amendment will mean that the Danish Business Authority will be able to issue orders requiring products covered by the act to be recalled from consumers or withdrawn from the market.

The proposed amendment follows from the fact that the scope of the act is proposed to be extended to articles offered for sale as containing precious metals, without the articles in question necessarily containing precious metals. The proposed amendment is also a consequential amendment resulting from the proposed amendment to Section 16(1), cf. Section 2, no.9, of the draft act, which is proposed to be amended on the same basis.

Reference is made to point 2.2.1 of the legislative proposal's general comments and to the comments on Section 2, no. 2 and 9, of the draft act.

Re no. 11

It follows from Section 21(1) of the Act on Precious Metals and Conflict Minerals that, unless a more severe penalty is provided for under other legislation, a fine will be imposed on any person who contravenes one or more of the provisions relating to articles made of precious metals set out in no. 1 to 5 of that provision.

It follows from subsection (1), no. 1, that it is a criminal offence to manufacture, sell or offer for sale goods made of precious metals under the designation ‘precious metals’ in contravention of the provisions set out in Section 3(2). Furthermore, it follows from (1), no. 5, that it is a criminal offence to fail to comply with the duty to provide information laid down in Section 6(4) or Section 12(3).

It is proposed that, in *Section 21(1),*, the words ‘relating to articles of precious metals’ be deleted and, furthermore, in *no. 1,*, the words ‘of precious metals’ be deleted. In *point 5,* it is proposed that after ‘Section 12(3)’ the words ‘relating to goods covered by this act, cf. Section 1(1)’ be inserted.

The proposed amendments stem from the fact that it is proposed to extend the scope of the act to also cover goods offered for sale as containing precious metals, even though the goods in question do not contain any precious metals.

Reference is made to point 2.2.1 of the draft act’s general comments and to the comments on Section 2, no. 2, of the draft act.

The proposed amendment to (1) would mean that the provision is not limited to articles made of precious metals. The scope of the offences will be set out in (1), no. 1-5.

Under the proposed amendment to (1), no. 1, it will therefore be a criminal offence to manufacture, sell or offer for sale goods under the designation ‘precious metals’ in contravention of the provisions set out in Section 3(2) of the act.

The proposed amendment to (1), no. 5, will mean that a breach of the duty to provide information under Section 12(3) under which the Danish Business Authority may require the provision of all information, including information on financial and accounting matters, necessary for the performance of inspections in accordance with the act may be punishable by a fine. With the proposed extension of the scope of the act in Section 1, cf. Section 2, no. 2, of the draft act, this may include information relating to articles made of precious metals and articles offered for sale as containing precious metals.

Re Section 3

Re no. 1

Section 2 of the Accessibility Act states that the act does not apply to specific content of websites and mobile applications. The act therefore does not apply to: 1) pre-recorded time-dependent media published before 28 June 2025; 2) document formats published before 28 June 2025; 3) online maps and mapping services, where essential information is provided in an accessible digital format, insofar as maps intended for navigation purposes are concerned, 4) third-party content that is neither funded nor developed by, nor under the control of, the relevant economic operator; and 5) content on websites and in mobile applications that qualifies as an archive, meaning that it contains only content that has not been updated or edited after 28 June 2025.

It is proposed that a new *(*2) be inserted into *Section 2*, according to which the act does not apply to matters covered by copyright rules.

The proposed provision is intended to implement Article 2(5) of the Accessibility Directive, from which it follows that the Accessibility Directive is without prejudice to Directive (EU) 2017/1564 of the European Parliament and of the Council and Regulation (EU) 2017/1563 of the European Parliament and of the Council. Both legal acts concern copyright.

The provision will clarify that the Accessibility Act does not apply to matters relating to copyright. This would mean that, where compliance with the requirements of the Accessibility Act would result in an infringement of copyright, the act would not apply.

Re no. 2

Article 6 of the Accessibility Directive states that Member States may not impede, in their territory, the making available on the market of products, or the provision of services, in their territory which comply with the requirements of this directive, on grounds related to accessibility requirements.

There is no similar provision in the Accessibility Act. However, it follows from Section 4(1) that products and services may only be placed on the market or supplied if they comply with the relevant accessibility requirements set out in Annex 1, cf. Sections 5 and 6. Annex 1 is similar to Annex I of the Accessibility Directive.

A new *Section 2a* is proposed, according to which products and services that comply with the requirements laid down in this act or rules laid down pursuant thereto may not be prevented from being made available in Denmark or being provided in Denmark for reasons related to accessibility requirements.

The proposed provision is intended to implement Article 6 of the Accessibility Directive.

The provision will not lead to a change in the legal position, as the accessibility requirements in the Accessibility Act are already identical to those in the Accessibility Directive. However, the provision will make it clear that the rules on the free movement of goods within the EU's internal market also apply under the Accessibility Act.

Re no. 3

Section 5(1) of the Accessibility Act states that products must comply with the accessibility requirements set out in Sections 1 and 2 of Annex 1, without prejudice to (2). It then follows from (2) that self-service terminals must only comply with the accessibility requirements in Section 1 of Annex 1.

It is proposed that in *Section 5(2)*, the following be added after 'Self-service terminals': ', cf. Section 1(1), no. 2 and 3,'.

The proposed amendment is a clarification that payment terminals are covered by the designation of self-service terminals. The proposed amendment is therefore intended to clarify that payment terminals, as referred to in Section 1(1) no. 2 of the act, are required only to comply with the accessibility requirements set out in Section 1 of Annex 1, as is the case with other self-service terminals covered by the act, as referred to in Section 1(1), no. 3, of the act. Similarly, it follows from the title of Section 2 of Annex 1 to the act that these are accessibility requirements for products covered by Section 1(1), with the exception of the self-service terminals referred to in Section 1(1), no. 2 and 3.

The proposed amendment will mean that references to payment terminals, as referred to in Section 1(1) no. 2 of the act, and other self-service terminals, as referred to in Section 1(1) no. 3 of the act, are included in the wording of the provision. The amendment will therefore not entail any substantive change, as it is stated in the specific comments on Section 5(2), cf. the Danish Parliamentary Journal 2021-2022, Supplement A, L 131 as tabled, page 70, that the term 'self-service terminals' includes payment terminals, which need only comply with the accessibility requirements set out in Section 1 of Annex 1. By mistake, however, reference is made to a non-existent legal definition of self-service terminals.

The provision in Section 5(2) continues to intend to implement the second subparagraph of Article 4(2) of the Accessibility Directive. It is clear from

Article 4(2), first paragraph, that all products must comply with the accessibility requirements set out in Annex I, Section I, and, furthermore, from the second paragraph, that all products, with the exception of self-service terminals, must comply with the accessibility requirements set out in Annex I, Section II, of the directive.

Re no. 4

Section 25 of the Accessibility Act, among other things, sets out the requirements under the act that an importer must ensure are met before placing a product on the market. It follows from Section 25(2), no. 1, that the importer must ensure that the manufacturer has drawn up the conformity assessment procedure, cf. Section 17(1), no. 2.

Section 17(1), no. 2, states that the manufacturer must have the conformity assessment procedure referred to in Annex 3 carried out, cf., however Section 8, when a product is placed on the market.

It is proposed that in *Section 25(2), no. 1,*, the word ‘prepared’ be replaced by ‘carried out’.

The proposed amendment will simply clarify, in legal terms, that a conformity assessment procedure must have been carried out. Therefore, no substantive changes are intended to be made to the provision.

Re no. 5

It follows from Section 45 which authorities monitor compliance with the requirements of the Accessibility Act and the rules laid down pursuant to it.

Section 45(2) states that the Danish Safety Technology Authority is to carry out checks on products covered by Section 1(1) and services covered by Section 1(2), no. 2, and ns. 4 to 6.

On 1 January 2026, the Danish Safety Technology Authority merged with the Danish Business Authority. The Danish Safety Technology Authority is therefore now part of the Danish Business Authority and is referred to as such.

It is proposed that, in *Section 45(2)*, the words ‘Danish Safety Technology Authority’ be replaced by ‘Danish Business Authority’.

The amendment is proposed as a consequence of the merger of the Danish Safety Technology Authority with the Danish Business Authority.

It is stated in Section 45(3) that the Danish Energy Agency supervises electronic communications services covered by Section 1(2), no. 1.

Responsibility for electronic communications services has been transferred from the Danish Energy Agency since the entry into force of the Accessibility Act. It follows from Section 5, no. 4, of the Royal Resolution of 29 August 2024 that matters relating to telecommunications, including the Act on Electronic Communications Networks and Services (Telecommunications Act) – with the exception of those duties relating to the Act that fall within the remit of the Minister of Industry, Business and Financial Affairs – are transferred to the Ministry of Digitalisation.

The Danish Agency for Digital Government will henceforth have ministerial responsibility for the Act on Electronic Communications Networks and Services, cf. Consolidated Act No. 681 of 16 June 2025.

It is proposed that, in *Section 45(3)*, the words ‘Danish Energy Agency’ be replaced by ‘Danish Agency for Digital Government’.

The amendment is proposed as a consequence of the Danish Agency for Digital Government having taken over responsibility for electronic communications services following the Royal Resolution of August 2024.

Re no. 6

It follows from Section 48(1) point 1 of the Accessibility Act that, as part of its monitoring of compliance with the accessibility requirements, the supervisory authority may select any product or service falling within the scope of this act.

It follows from the explanatory notes to the provision that it contributes to the implementation of Article 20(1) of the Accessibility Directive, which stipulates that market surveillance authorities must carry out an assessment of products that may not comply with the applicable accessibility requirements, cf. The Danish Parliamentary Journal 2021-2022, Supplement A, L 131 as tabled, page 101.

Section 49(1) of the Accessibility Act states that if a product or service does not comply with the accessibility requirements laid down in this act or in regulations made pursuant to it, the supervisory authority may order the economic operator to rectify the situation within a specified time limit.

It follows from Section 49(2) that the supervisory authority may order the economic operator dealing in products to rectify the formal deficiencies referred to in no. 1 to 7 within a specified period.

It is further stated in Section 49(3) that, if the non-compliance is not rectified within the time limit specified in (1) or (2), the supervisory authority may order the economic operator to cease the sale or offering of the product or service, or to withdraw the product from the market within a specified time limit.

It follows from the explanatory notes to Section 49(1) and (3) that, as regards products, the provisions are intended to implement Article 20(1), second and third subparagraphs, of the Accessibility Directive, cf. the Danish Parliamentary Journal 2021-2022, Supplement A, L 131 as tabled, pages 102 and 103.

A new *Section 49a* is proposed in which it is proposed in *(1)* that the relevant supervisory authority, cf. Section 45(1), establishes that non-compliance with the accessibility requirements is not limited to products made available in Denmark, the supervisory authority must inform the Commission and the other Member States of the result of the inspection of a product made pursuant to Section 48 and of the measures the supervisory authority has required the economic operator to take pursuant to Section 49.

The proposed provision is intended to implement Article 20(2) of the Accessibility Directive, which states that if market surveillance authorities find that the non-compliance with the requirements is not limited to the territory of the Member State, they must inform the Commission and the other Member States of the results of the assessment and of the measures they have required the economic operator to take.

It follows from Article 21(1) of the Accessibility Directive that if an objection is raised against a Member State's national measure or if the Commission has reasonable grounds to believe that the national measure is contrary to EU law, the Commission must immediately discuss the matter with the Member States and the economic operator or operators concerned and assess the national measure. On the basis of the results of that assessment, the Commission will decide whether or not the national measure is justified.

It is proposed in *(2), point 1,* that if a measure taken by a market surveillance authority in another Member State is considered justified, cf. Article 21(1) of Directive 2019/882/EU of the European Parliament and of the Council, the relevant supervisory authority must take the necessary measures to ensure that the non-compliant product is withdrawn from the Danish market, and inform the Commission accordingly.

The proposed provision aims to implement Article 21(2), point 1, of the Accessibility Directive, which states that if the national measure referred to in (1) is considered justified, all Member States must take the necessary measures to ensure that the non-compliant product is withdrawn from their market, and inform the Commission accordingly.

Finally, it is proposed in (2), *point 2,* that if the measure in question is found not to be justified, the relevant supervisory authority should withdraw the measure.

The proposed provision is intended to implement Article 21(2), point 2, of the Accessibility Directive, according to which the Member State concerned must withdraw the measure if it is deemed not to be justified.

Re Section 4

It is proposed in *(1)* that the act enter into force on 1 January 2027, without prejudice to (2).

The proposed entry into force will mean that the legislative proposal will enter into force on 1 January 2027. The draft act will therefore enter into force in accordance with the common dates of entry into force, cf. the Ministry of Industry, Business and Financial Affairs' guidance on business economic impact assessments.

It is proposed in *(2)* that Section 1, no. 1-4 and 7, enter into force on 24 November 2026.

The relevant provisions in Section 1, points 1-4 and 7, of the draft act set out supplementary provisions to the Toy Safety Regulation and the Critical Raw Materials Regulation relating to permanent magnets.

The Critical Raw Materials Regulation came into force on 23 May and Denmark is required to lay down rules on penalties for infringements of the regulation by 24 November 2026 at the latest.

The proposed provision would enable Denmark to fulfil its obligation to lay down rules on penalties in relation to the provisions of the Critical Raw Materials Regulation concerning permanent magnets in a timely manner.