

TO WEBSHOPS AND APPS SELLING TOBACCO, NICOTINE PRODUCTS, ALCOHOL
OR ELECTRONIC CIGARETTES

Dear webshop

From 1 October 2024, the Danish Safety Technology Authority will supervise that webshops selling tobacco, nicotine products, e-cigarettes and/or alcohol to consumers have implemented an effective age verification system. The system must be able to verify that the buyer's age meets the age limit for the product in question before the sale is completed to ensure that the products are not sold to minors.



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Esbjerg Brygge 30
DK-6700 Esbjerg
Tel.: +45 33 73 20 00

sik@sik.dk
www.sik.dk
Business reg. (CVR) no.
27 40 31 23

The Danish Safety
Technology Authority
is certified under
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In June 2024, the Danish Parliament adopted a law aiming, among other things, to enhance the control of the sale of alcohol, tobacco and nicotine to minors.

According to the new act, webshops selling tobacco, nicotine- e-cigarettes and/or alcohol to consumers must check the age of each consumer by means of e.g. MitID age verification or user registration with passport as from 1 October 2024. The specific age verification method does not have to meet particular requirements, but the solution in question must be able to verify the buyer's age effectively. By way of example, a pop-up box asking whether the buyer is over the age of 18 will **no** longer suffice.

You can read the press release from the Danish Ministry of the Interior and Health concerning the new act [here](#), where you can also access the act itself (in Danish).

The new requirement applies to the webshops that are already required to ensure that no products are sold to consumers under the age limits.

Furthermore, the new requirement does *not* change the signage rules. This means that the rules applicable to the age restriction signs imposed by the Danish Health Authority remain unchanged.

The Danish Safety Technology Authority's supervision of effective age verification systems

Just like today, the Danish Safety Technology Authority will be responsible for supervising the age verification systems of online businesses selling alcohol,



nicotine products, e-cigarettes and/or tobacco products through their webshops.

The Danish Safety Technology Authority's supervision of effective age verification systems will also start on 1 October 2024. As part of the Authority's supervision, the individual webshop may be requested to provide a description and documentation of how the system in question effectively verifies the customer's age before the sale is completed. The information will be used to assess whether the system prevents customers not meeting the age limits from purchasing the products.

The new act defines an age verification system as an IT system which unambiguously verifies by electronic means that the consumer's age meets the age limit.

The buyer's age must be verified **before** completion of the sale. This means that it must be verified before or when the buyer pays for the alcohol, nicotine products, e-cigarettes and/or tobacco products that his or her age meets the age limit for the product in question.

After completion of the sale, the buyer's age must **not** be lower than the age limit for the product in question. As a result, age verification must not be performed after the sale, e.g. in the time period between the sale and the dispatch of the product.

The individual webshop is responsible for maintaining an effective IT system for age verification.

Example of effective online age verification COMPLYING with the new requirement from 1 October 2024

- The customer is requested to verify his or her age by means of MitID which has been configured to check whether the customer's age meets the age limit for the product in question. The sale can only be completed after verification that the customer's age meets the applicable age limit.
- The customer is requested to use his or her passport, driving licence or other valid ID when creating a user or profile at the webshop. The webshop must check whether such ID appears to be genuine, whether



it is possible to establish the customer's age on the basis of the ID and whether the ID is valid (not expired).

Key principles for an effective MitID age verification system

- Age verification must be performed in connection with every sale. Such verification may be performed by means of MitID age verification in connection with each individual sale or by the customer previously having verified his or her age by means of MitID to the effect that the MitID age verification is connected to the customer's user/profile.
- The Danish Safety Technology Authority supervises that the age verification process is connected to the sale itself. By way of example, the Authority may ask to see the agreement between the webshop and the broker as well as documentation proving that a sale cannot be completed without MitID age verification or previous age verification connected to the user/profile. The relevant documentation must cover the process and not the specific sale.
- The webshop's verification of the customer's age must be performed before the sale is completed on the website or app in question. As a result, age verification must not be performed after the sale, e.g. in the period between the sale and the dispatch of the product.
- Any questions about MitID, including its configuration, must be directed to the brokers. Currently, there are 12 certified MitID brokers. You can access the list of certified brokers here: <https://digst.dk/it-loesninger/mitid/til-brokere/liste-over-godkendte-brokere/>

Key principles for an effective online age verification system where a physical ID forms part of the solution

- It must be possible to verify on the basis of the ID in question that the customer's age meets the age limit for the product in question. Verification may, for example, be performed on the basis of a passport or a driving licence. It may also be performed on the basis of a municipal ID card, which can be purchased for DKK 150.
- The verification of the customer's age cannot be based on more than one type of ID. Only ID which is considered adequate in itself is acceptable.



- The webshop must check whether such ID appears to be genuine, whether it is possible to establish the customer's age on the basis of the ID and whether the ID is valid (not expired).
- The webshop must be able to describe its user creation procedures, e.g. the acceptable ID types, how the webshop ensures that the user is based on non-expired ID and how the sale is connected to the user's age.
- The webshop's verification of the customer's age must be performed before the sale is completed. As a result, age verification must not be performed after the sale, e.g. in the period between the sale and the dispatch of the product.
- If the age verification process is connected to the customer's profile on the basis of a passport, driving licence or other valid ID, the webshop is not required to verify the customer's age in connection with each individual sale. In that case, it suffices that the webshop verified the customer's age on the basis of his or her valid ID when the profile was created.

Examples of ineffective online age verification NOT complying with the new requirement from 1 October 2024

- The online customer simply has to confirm his or her age or age group by pushing a button or the like. By way of example, the customer is simply required to push a "yes" button in a pop-up box when entering the webshop to confirm that he or she is over the age of 16 or 18, respectively.
- The online customer is simply required to key in the date of birth to confirm his or her age.

Ineffective age verification systems are subject to payment of a fine

The individual webshop is responsible for compliance with the new requirement from 1 October 2024 and for observance of the age limits applicable to the sale of tobacco, nicotine products, e-cigarettes and alcohol. It is illegal to sell alcohol, nicotine products, e-cigarettes and tobacco products to children and young people who are not old enough to buy the products according to the applicable age limits.



Therefore, if a webshop has an ineffective age verification system after 1 October 2024, the webshop risks being fined.

If a webshop selling alcohol has an ineffective age verification system, the first setting of fines will amount to DKK 10,000.

If a webshop selling tobacco products, tobacco surrogates, e-cigarettes or herbal products for smoking has an ineffective age verification system, the first setting of fines will amount to DKK 25,000.

It should be noted that the Ministry of the Interior and Health is currently working on a legislative proposal that, in future, the amount of first fines should generally start at DKK 50,000. This follows from the political agreement on "A prevention plan targeted at children and young people – tobacco, nicotine and alcohol".

The current age limits for tobacco, nicotine and alcohol

- Alcohol with an alcohol content exceeding 1.2% and up to 16.5%: 16 years
- Alcohol with an alcohol content exceeding 16.5%: 18 years
- Nicotine products: 18 years
- E-cigarettes: 18 years
- Tobacco products: 18 years

Please note that the age limits for the sale of alcohol are expected to be changed with effect from 1 January 2025. As from that date, the age limit for the sale of alcoholic beverages with an alcohol content exceeding 6% will be 18 years.

The rule providing that no alcoholic beverages with an alcohol content of 1.2% or more may be sold to persons under the age of 16 will still apply.

The prevention plan targeted at children and young people – tobacco, nicotine and alcohol

The new requirement for an effective age verification system is one of the 30 initiatives set out in the political agreement on "A prevention plan targeted at children and young people – tobacco, nicotine and alcohol".



The prevention plan was agreed by the Government (the Social Democratic Party, the Liberal Party and the Moderates), the Green Left, the Denmark Democrats, the Conservative Party and the Alternative on 14 November 2023. The plan aims to reduce children's and young people's consumption of alcohol, nicotine and tobacco products.

On 4 June 2024, the Danish Parliament passed a bill implementing part of the prevention plan, including the requirement for an effective age verification system in connection with the distance sale of alcohol, nicotine products, e-cigarettes and/or tobacco products.

Statutory basis

- [Consolidated Act no. 583 of 26 March 2021 on Prohibition against the Sale of Tobacco and Alcohol to Persons under the Age of 18](#)
- [Consolidated Act no. 1876 of 20 September 2021 on E-cigarettes etc. \(the E-cigarettes Act\)](#)
- [Consolidated Act no. 1489 of 18 June 2021 on Tobacco Products etc. \(the Tobacco Products Act\)](#)
- [Act no. 651 of 11 June 2024 on the Amendment of the Tobacco Products Act, the E-cigarettes Act and the Act on Prohibition against the Sale of Tobacco and Alcohol to Persons under the Age of 18](#)
(effective from 1 July 2024)

Yours sincerely

The Danish Safety Technology Authority