Message 301

Communication from the Commission - TRIS/(2026) 1220

Directive (EU) 2015/1535

Notification: 2026/0185/FR

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve – Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20261220.EN

1. MSG 301 IND 2026 0185 FR EN 10-07-2026 29-04-2026 COM INFOSUP COM 10-07-2026

2. Commission

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

4. 2026/0185/FR - SERV60 - Internet services

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services, the French authorities notified to the Commission on 9 April 2026 the draft “Proposal for a law to protect minors from the risks arising from the use of social networks” (hereinafter, the “notified draft”).
In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the French authorities are kindly invited to reply to the following request for supplementary information:

1. The French authorities are kindly invited to confirm whether Articles 1 and 2 of the notified draft are intended to apply to providers of information society services as per the meaning of Directive 2000/31/EC.
In the affirmative, the Commission services would like to receive further confirmation on:
- whether the notified draft would apply to minors with French nationality or with (IP) location in France;
- whether the notified draft would apply to providers of information society services established in the territory of other Member States than France;
- in the affirmative, how do the French authorities intend to comply with the requirements set out in Article 3(4) of Directive 2000/31/EC, in particular in view of the case law C-376/22 of the Court of Justice;
- what would be the obligations applicable to information society services resulting from the notified draft;
- what would be the criteria to identify the services which should be included in the list established by the Minister responsible for digital matters as per Article 6-9 - I of the notified draft, and which authority would be responsible to define such criteria;
- what specific technologies or criteria, if any, will be required by service providers to accept demonstrated express prior consent of at least one of the minor’s legal guardians in application of Article 6-9 - I bis (new) of the notified draft;

- what would be the system for supervision of compliance and enforcement of the above obligations applicable to information society services, and whether an eventual lack of compliance would result in the imposition of fines or other type of sanctions or penalties.

2. The French authorities are kindly invited to clarify whether Section 3a of the notified draft is intended as a national transposition of Directive 2010/13/EU?
In the affirmative, the French authorities are kindly invited to clarify whether Section 3a of the notified draft is intended to apply to video-sharing platforms as per the meaning of Directive 2010/13/EU?
In the affirmative, the French authorities are kindly invited to clarify whether Section 3a of the notified draft is intended to apply only to those video-sharing platforms falling under French jurisdiction or also to those falling under other Member States' jurisdictions as per the country-of-origin principle of Directive 2010/13/EU?

3. The Commission services would welcome more information on whether section 3 of the notified draft is also intended to apply to providers of online intermediary services as defined in Article 3)(g) of Regulation (EU) 2022/2065.
In the affirmative, the Commission would welcome more information on:
- the intended interplay between the notified draft and the Regulation (EU) 2022/2065 in view of its maximum harmonisation effect and in particular as regards its Article 28 and the Guidelines adopted pursuant to it (C/2025/5519), as well as Articles 34 and 35 concerning the aim of protecting minors online;
- the various types of service providers covered by the notified draft and the exact obligations that would apply to them;
- the legal consequences of the notified draft in relation to the obligations for intermediary services as defined in Regulation (EU) 2022/2065;
- the system for supervision of compliance and enforcement of the above obligations applicable to providers of online platforms, including the task of Arcom to ensure compliance with the notified draft and to report suspected breaches of the prohibition provided for in the notified draft as per Article III, in particular its interplay with Chapter IV of Regulation (EU) 2022/2065.

4. The Commission services would welcome clarification on the scope of "online platform incorporating the functionalities of an online social networking service where, owing to the content disseminated or the recommendation systems used, it is likely to be harmful to [the minor's] physical, mental or moral development" as per Article 6-9 -I, and on which criteria the list established by order of the Minister responsible for digital matters is based. In this regard, clarifications are welcome with respect to the definition of i) "online platform" and ii) "online social networking service". Additionally, the French authorities are kindly invited to elaborate on the notion of services that "substantially reproduce the content or recommendation systems of one of the services included on [the] list" as per Article 6-9 - 1 ter (new).

5. The Commission would welcome further information on whether the French authorities have already identified the online platform service providers or what would be the basis for identifying them.

6. The French authorities are kindly invited to elaborate on the form of the "express prior consent", as per Article 6-9 - I bis (new), to be given by a minor under the age of fifteen to access a service provided by an online platform incorporating the functionalities of an online social networking services that is not included in the list referred to in Article 6-9 – I of the notified draft. Could the French authorities further clarify whether the requirements in Article 6-9 - I bis (new), which foresees that the consent shall specify the conditions and limits of the minor's access to the service, in particular the nature of the accessible content, the maximum daily duration and the hours of use, impose obligations on the providers of online platforms? The Commission services would also welcome clarifications on how and by whom verification of the accuracy and authenticity of the express prior consent as per Article 6-9 - I bis (new) is to be carried out, as well as the interplay of such verification with Article 8 of Regulation (EU) 2022/2065.

7. Can the French authorities clarify that the requirements in Article 6-9 - I bis (new) does not refer to 'consent' in the sense of Article 4(11) of the Regulation (EU) 2016/679. Furthermore, the French authorities are also kindly invited to clarify how this rule will apply taking into account Article 45 of the Law No. 78-17 of 6 January 1978 relating to information technology, files and civil liberties.

8. In order to identify the proportionality of the notified measures, could the French authorities provide further information on how the identity and authority of the consenting parent or legal guardian will be ensured, how consent will be managed and revoked over time, How will the provider of online social networking services in scope identify the relevant parent or authorised person in all possible minors' family circumstances? Could the French authorities provide further information on the modalities whereby express prior consent can be withdrawn as per Article 6-9 - I bis (new), in particular by whom, and whether any measures would need to be put in place by providers in scope of the notified draft to allow for such withdrawal?

9. The Commission services would welcome clarification on how the provisions related to express prior consent and those related to age verification systems in the notified draft will be aligned, at a later stage, with the ongoing work on the EU-wide age verification solution and with the EUDI Wallet (available by the end of 2026).

10. The Commission services take note of the fact that Article 57 - II specifies that the notified draft shall enter into force on 1 September 2026. For accounts providing access to online social networking services created before that date, the notified draft shall apply upon expiry of a period of four months from that date. The Commission services would like to receive clarification from the French authorities on whether content that would not comply with the notified draft, namely the services accessed by minors under 15 years of age after the periods mentioned above, would be considered illegal content under national law. The French authorities are also invited to clarify whether Article II implies that, as of 1 January 2027, providers within scope of the notified draft and listed as per Article 1 (bis new) would be required to obtain express prior consent where the user is not a minor under the age of 15.

11. Lastly, the Commission services welcome clarifications on Article 2 of the notified draft which proposes amendments to Article 131-35-1(II) of the Criminal Code.

The French authorities are kindly invited to reply by 13 May 2026.

****

Mary Veronica Tovsak Pleterski
Director
European Commission

Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu