Message 301

Communication from the Commission - TRIS/(2026) 1944

Directive (EU) 2015/1535

Notification: 2026/0312/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

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1. MSG 301 IND 2026 0312 FR EN 22-09-2026 15-07-2026 COM INFOSUP COM 22-09-2026

2. Commission

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

4. 2026/0312/FR - SERV - INFORMATION SOCIETY SERVICES

5.

6. Notification 2026/312/FR – Request for supplementary information

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 draft law (Senat N° 241) which aims to strengthen the effectiveness of related rights of press publishers and news agencies, and which has been adopted by the French Senate on 16 June 2026 (first reading).

The draft law modifies certain articles of law no 92-597 of 1st of July 1992 on intellectual property (Code de la proprieté intellectuelle), in particular as concerns Chapter VIII on press publishers and news agencies rights, as introduced by law n°2019-775 of 24 July 2019.

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, including the judgement delivered on 12 May 2026 on this matter by the Court of Justice of the European Union, in Case C-797/23 (Meta vs AGCOM - https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0797).
The French authorities are kindly invited to reply to the following request for supplementary information:

1. The first paragraph of the draft Article L218-4-1(I) confirms the obligation for ISSPs to provide press publishers and news agencies with information relating to the uses of press publications by their users as well as the information necessary for the assessment of the remuneration. The obligation is currently laid down in the third paragraph of Article L218-4 of the French Intellectual Property Code. The French authorities are kindly invited to clarify how they take into

account the fact that private or non-commercial uses of press publications by individual users, are excluded from the application of Article 15(1) of the Digital Single Market Directive ('DSM Directive').

2. Paragraph 2 of the draft Article L218-4-1(I) provides that the information provided by ISSPs to press publishers and news agencies shall be comprehensive, reliable and objective and that press publishers and news agencies may submit requests to ISSPs for further information. The draft law imposes an obligation to update the information on an annual basis. The French authorities are kindly invited to indicate whether such information, including the annual update, should be provided proactively by ISSPs or upon a request from press publishers. As regards the possible requests for further information, the French authorities are invited to clarify whether these should relate exclusively to the online use of press publications and to the information necessary for the assessment of the remuneration – in line with what is laid down in paragraph 1 of the same article.

3. The draft Article L218-4-2 introduces a mediation procedure, handled by the Regulatory Authority for Audiovisual and Digital Communication (ARCOM), to determine the remuneration due by ISSPs to press publishers and news agencies for the online use of their publications. The French authorities are kindly invited to explain whether ARCOM's decisions, both in respect of the determination of which of the proposal complies with Article L218-4 and of the setting of the amount of the remuneration, shall be considered as binding and immediately enforceable, irrespective of the possibility to challenge such decisions before the Paris Court of appeal. The French authorities are also invited to explain whether, according to the draft law, the parties remain free not to conclude an agreement.

4. Paragraph 3 of the draft Article L218-4-2, awards both parties the possibility to lodge an appeal with Paris Court of appeal against ARCOM's decisions setting the amount of remuneration due for the online use of press publications by ISSPs. The French authorities are kindly invited to clarify whether the possibility to lodge an appeal applies to any decision of ARCOM taken in the context of this provision, including when ARCOM determines which of the proposals submitted by the parties complies with Article L218-4.

5. The proposed Article 1er bis provides that online press publication and services enrolled in the Commission paritaire des publications et agences de presse (CPPAP) shall be considered online press publication covered by press publishers' right. The French authorities are kindly invited to explain how they intend to ensure compliance with the definition of press publication laid down in Article L218-1(I) of the French Intellectual Property Code, which transposes Article 2(4) of the DSM Directive.

6. Lastly, the French authorities are kindly required to clarify whether the provisions of the notified draft, in particular Articles L218-4-1, L218-4-2, L218-4-3, would apply to providers of online intermediary services, including providers of online platforms as defined in Article 3(i) of Regulation (EU) 2022/2065. In the affirmative, the Commission services would welcome clarifications on:
6.1 the concrete obligations for providers of online platforms resulting from the notified draft;
6.2 the intended interplay between the notified draft and the Regulation (EU) 2022/2065;
6.3 what would the system for supervision of compliance and enforcement of the above obligations applicable to providers of online intermediary services be, and in particular whether an eventual lack of compliance would result in the imposition of fines or other type of sanctions or penalties, and the intended interplay with Chapter IV of Regulation (EU) 2022/2065.

The French authorities are kindly invited to reply by 28 July 2026.

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