**LAW No. 2021-1109 of 24 August 2021 strengthening compliance with the principles of the Republic (1)**

* Title I: GUARANTEE THE RESPECT OF PRINCIPLES OF THE REPUBLIC AND MINIMAL REQUIREMENTS FOR SOCIAL LIFE (Articles 1 to 67)
* Title II: GUARANTEE THE FREE EXERCISE OF RELIGION (Articles 68 to 88)
* Title III: MISCELLANEOUS PROVISIONS (Articles 89 to 90)
* Title IV: PROVISIONS RELATING TO THE OVERSEAS DEPARTMENTS [OUTRE-MER] (Articles 91 to 103)

**Title I: GUARANTEE THE RESPECT OF PRINCIPLES OF THE REPUBLIC AND MINIMAL REQUIREMENTS FOR SOCIAL LIFE (Articles 1 to 67)**

**Chapter IV: Provisions on combating hate speech and online illegal content (Articles 36 to 48)**

**Article 39**

Chapter II of Title I of Law No 2004-575 of 21 June 2004 on Confidence in the Digital Economy is amended as follows:
1. Article 6(I)(8) is amended as follows:
a) The beginning is worded as follows: ‘8. The president of the court, acting in accordance with the expedited procedure on the merits, may prescribe any person likely to contribute to it all measures... (the rest unchanged).’;
b) A paragraph shall be added worded as follows:
‘It shall determine the persons or categories of persons to whom an application may be made by the administrative authority under the conditions laid down in Article 6(3).’;
2. An Article 6-3 is inserted after Article 6-2, worded as follows:

‘Article 6-3. - When an enforceable court decision has ordered any measure to prevent access to an online public communication service whose content falls within the offences provided for in Article 6(I)(7), the administrative authority, should it be called upon by any concerned person, may request the persons mentioned in Article 6(I)(1) or (2) or any concerned person or category of persons referred to in that judicial decision, for a period not exceeding that remaining to run for the measures ordered by this judicial decision, to prevent access to any online public communication service that it has previously identified as incorporating the content of the site in full or substantially.
‘Under the same conditions and for the same period of time, the administrative authority may also request any operator of a service based on the classification or referencing, by means of computer algorithms, of content proposed or put online by third parties to terminate the referencing of web addresses giving access to such online communication services to the public mentioned in the first paragraph of this article.
‘The administrative authority shall keep up to date a list of the online communication services referred to in the same first paragraph of this Article, which have been the subject of a request for blocking access pursuant to the said first paragraph, as well as of web addresses giving access to such services, and shall make that list available to advertisers, their agents and the services referred to in Article 299(II)(2) of the General Tax Code. These services shall be included in this list for the remainder of the duration of the measures ordered by the judicial authority. Throughout the period of registration on that list, advertisers, their representatives and the services referred to in Article 299(II)(2) of the General Tax Code who maintain commercial relations, in particular in order to engage in advertising, with the online public communication services on that list are required to make public on their website, at least once a year, the existence of those relationships and to mention them in their annual report, if they are required to adopt one.
‘Where such services have not been blocked or deferred in accordance with this Article, the president of the court, acting in accordance with the expedited procedure on the merits, may prescribe any measure intended to terminate access to the contents of those services.’

(…)

**Article 42**

I. - Chapter II of Title I of Law No 2004-575 of 21 June 2004 on Confidence in the Digital Economy is amended as follows:
1. Article 6(I)(7)(4) is amended as follows:
a) The first sentence shall be supplemented by the words: ‘and make public the means they devote to the fight against the illicit activities referred to in the third paragraph of this point 7’;
b) After the same first sentence, the following sentence shall be inserted: ‘These obligations shall not apply to the operators referred to in Article 6-4(I) in order to combat the dissemination of the content referred to in the same paragraph.’;
c) The second sentence is amended as follows:

- at the beginning, the word: ‘They’ shall be replaced by the words: ‘The persons referred to in 1 and 2 of this paragraph I’;
- the words: ‘, on the one hand,’ are deleted;
- the words: ‘of the previous subparagraph’ are replaced by the words: ‘in the third subparagraph of this Article 7’;
- after the word: ‘services’, the ending is deleted;

2. An Article 6-2 is inserted after Article 6-4, worded as follows:

‘Article 6-4. - I. - The operators of online platforms defined in Article L111-7 of the Consumer Code which offer an online communication service to the service based on the classification, referencing or sharing of content placed online by third parties and whose activity in the French territory exceeds a threshold of the number of connections determined by decree, whether or not they are established in French territory, shall contribute to the fight against the public dissemination of content contrary to the provisions mentioned in Article 6(I)(7) of this Law as well as the third and fourth subparagraphs of Article 33 of the Law of 29 July 1881 on freedom of the press. In this regard:
‘1. They shall implement proportionate human and technological procedures and means that will enable them:
‘a) To inform, as soon as possible, the legal or administrative authorities of the actions they have taken as a result of the injunctions issued by those authorities concerning the contents referred to in the first subparagraph of this paragraph I;
‘b) To promptly confirm the safe receipt of requests from legal or administrative authorities for the communication of the data at their disposal to enable the identification of users who have uploaded the content referred to in the same first paragraph, and to inform those authorities as soon as possible of the follow-up to such requests;
‘c) Where they are involved in the storage of content, to temporarily retain content that has been reported to them as contrary to the provisions referred to in the first subparagraph and which they have withdrawn or made inaccessible, for the purpose of making them available to the legal authorities for the purposes of investigation, identification and prosecution of criminal offences; the duration and the conditions for the retention of this content shall be defined by a decree in the Council of State taken following the opinion of the National Commission on Information Technology and Freedoms;
‘2. They shall designate a single point of contact, a natural person responsible for communicating with the public authorities for the implementation of this article, to whom, in particular, all applications submitted by the High Council for Audiovisual Matters pursuant to Article 62 of Law No. 86-1067 of 30 September 1986 on freedom of communication may be sent by electronic means. This single point of contact shall, in particular, be responsible for receiving applications addressed to the operator by the legal authorities in accordance with the procedure laid down in Article 6(II) of this Law, with the purpose of ensuring their prompt processing;
‘3. They shall make available to the public, in an easily accessible manner, the general conditions of use of the service they offer; they shall include therein provisions prohibiting the online publication of the illegal content referred to in the first subparagraph of this paragraph I; they shall describe therein in clear and precise terms their moderation arrangements aimed at detecting, where appropriate, identifying and processing such content, detailing the procedures and the human or automated means used for this purpose and the measures they implement affecting the availability, visibility and accessibility of such content; they shall indicate therein the measures they are implementing with regard to users who have made this content available online, as well as the domestic and legal remedies available to such users;
‘4. They shall inform the public of the means used and the measures adopted to combat dissemination, to users located in French territory, of the unlawful content referred to in the first paragraph of this I by the publication, in accordance with the procedures and at intervals laid down by the High Council for Audiovisual Matters, of information and of quantified indicators, defined by the latter, relating in particular to the processing of injunctions or requests for information from legal or administrative authorities, the notifications received and the selection of internal remedies, as well as, where applicable, the criteria for selecting trusted third parties whose notifications are given priority treatment and the cooperation terms with these third parties;
‘5. They shall implement an easily accessible and easy-to-use procedure which will allow any person to report, by electronic means and specifying the elements mentioned in Article 6(I)(5), any content that they consider to be contrary to the provisions mentioned in the first paragraph of this I;
‘6. They shall ensure that notifications submitted by entities which they recognise as trusted third parties concerning illegal content referred to in the first paragraph of this I are given priority treatment.
‘The status of trusted third parties shall be granted, in accordance with arrangements laid down by the High Council for Audiovisual Matters under transparent, non-discriminatory conditions and at their request, entities which possess special expertise and competence for the detection, identification and reporting of illegal content referred to in the first subparagraph, which represent collective interests and which offer guarantees of diligence and objectivity;
‘7. They shall implement proportionate human and technological procedures and means which allow them:
‘a) To promptly confirm the safe receipt of notifications relating to the illegal contents referred to in the first paragraph of this I, subject to the information necessary to contact the author;
‘b) To ensure the appropriate analysis of these notifications in a timely manner;
‘c) To inform the author of the action taken therein and of the domestic and legal remedies available, subject to having the necessary information to contact them;
‘d) If it is decided to remove content or render it inaccessible on grounds of disregard of the provisions referred to in this first paragraph, to inform the user at the origin of its publication, subject to having the necessary information to contact them:

‘- indicating the reasons behind the decision;
‘- specifying whether this decision was made by means of an automated tool;
‘- informing them of the domestic and legal remedies available to them;
‘- and reporting that civil and criminal sanctions are incurred for the publication of illegal content.

‘This d shall not apply where requested by a public authority on grounds of public policy or for the prevention, detection, investigation and prosecution of criminal offences;
‘8. They shall implement internal remedial means which allow:
‘a) The author of a notification of illegal content referred to in the first paragraph of this I to challenge the decision made by the operator in response to that notification;
‘b) The user who is the originator of the publication of content which has been the subject of a decision referred to in 7(d) to challenge that decision;
‘c) The user who has been the subject of a decision referred to in 9(a) or (b) to challenge that decision.
‘They shall ensure that these systems are easily accessible and easy to use and that they allow the appropriate and prompt processing of appeals, which is not based solely on the use of automated means, informing the user without delay of the decision adopted and cancelling without delay the measures relating to the content in question or the user implemented by the operator when the appeal leads it to consider that the contested decision was not justified;
‘9. When deciding to implement such procedures, they shall set out in their conditions of use, in clear and precise terms, the procedures leading to:
‘a) The suspension or, in the most serious cases, termination of the account of users who have repeatedly uploaded content contrary to the provisions referred to in the first paragraph of this I;
‘b) The suspension of access to the notification mechanism of users who have repeatedly submitted manifestly unfounded notifications relating to the contents referred to in the same first subparagraph.
‘When such procedures are implemented, a case-by-case analysis aimed at objectively characterising the existence of the conduct referred to in 9(a) or (b) shall be implemented and will take into account, in particular:

‘- the amount of illegal content referred to in the first paragraph of this I or the number of manifestly unfounded notifications originating from the user in the past year, both in absolute terms and in proportion to the total amount of content or number of notifications that he or she was responsible for;
‘- and the seriousness and consequences of these abuses.

‘When implemented, these procedures provide that the measures referred to in 9(a) and (b) shall be proportionate, in their nature, to the seriousness of the conduct in question and, in the case of a suspension, that it shall be pronounced for a reasonable period of time. The user shall be given a warning and information on the domestic and legal remedies available.
‘II. - The operators mentioned in the first paragraph of this I, with activities in the French territory that exceed the limit of number of connections determined by decree and which are higher than those mentioned in the same first paragraph shall:
‘1. Conduct an assessment, on an annual basis, of the systemic risks associated with the operation and use of their services with regard to the dissemination of the content referred to in the first paragraph and the infringements of fundamental rights, including freedom of expression. This assessment shall take into account the characteristics of these services, in particular their effects on the viral spread or mass dissemination of the above-mentioned content;
‘2. Implement reasonable, effective and proportionate measures, in particular with regard to the characteristics of their services and the scale and severity of the risks identified at the end of the assessment referred to in (II)(1), aimed at mitigating the risks of the dissemination of such content, which may, in particular, relate to the procedures and the human and technological means used to detect, identify and treat such content, while preventing the risks of unjustified elimination under the applicable law and their terms of use;
‘3. Report to the public, in accordance with the procedures and intervals established by the High Council for Audiovisual Matters, the assessment of these systemic risks and the implemented risk mitigation measures.
‘III. - The operators mentioned in the first paragraph of I shall report to the High Council for Audiovisual Matters on the procedures and the means used for the application of this Article, under the conditions laid down in Article 62 of Law No. 86-1067 of 30 September 1986 referred to above.’

II. - Law No 86-1067 of 30 September 1986 on freedom of communication is amended as follows:
1. In the third subparagraph of Article 19(I)(1), the words: ‘as well as video-sharing platforms’ are replaced by the words: ‘, video-sharing platforms as well as the online platform operators referred to in Article 62’;
2. In the first paragraph of Article 42-7, the reference: ‘and 48-3’ shall be replaced by the references: ‘, 48-3 and 62’;
3. Title IV is supplemented by a Chapter III, which reads as follows:

‘Chapter III
‘Provisions applicable to online platforms to combat hate content

‘Article 62. - I. - The High Council for Audiovisual Matters shall ensure that the online platform operators referred to in the first paragraph of Article 6-4(I) of Law No. 2004-575 of 21 June 2004 on confidence in the digital economy comply with the provisions of the same Article 6-4, taking into account, regarding each of the services they offer, the characteristics of the service and the adequacy of the means used by the operator with respect to, in particular, the extent and severity of the risks of dissemination on this service of the content referred to in the first paragraph of said Article 6-4(I) and the risks of unjustified elimination under applicable law and its terms of use. It shall provide these platform operators with guidelines for the application of the same Article 6-4.
‘High Council for Audiovisual Matters shall collect from such operators, under the conditions laid down in Article 19 of this Law, the information necessary to monitor their obligations. As such, the operators mentioned in Article 6-4(II) of Law No. 2004-575 of 21 June 2004 above provide access to the principles of operation of the automated tools used to meet these obligations, to the parameters used by these tools, the methods and data used for the evaluation and improvement of their performance, and to any other information or data enabling it to evaluate their effectiveness, in accordance with the provisions relating to the protection of personal data. In compliance with these provisions, the Council may send proportionate requests for access, through dedicated programming interfaces, to any data relevant to assess their effectiveness. In compliance with these provisions and for the same purposes, it may implement proportionate methods for the automated collection of publicly accessible data in order to access the necessary data, including where access to such data requires login to an account.
‘It shall define the information and quantified indicators that these operators are required to publish in accordance with Article 6-4(I)(4), as well as the modalities and intervals of this publication.
‘It shall publish on an annual basis a review of the application of the provisions of Article 6-4.
‘II. - The High Council for Audiovisual Matters shall encourage the online platform operators mentioned in the first paragraph of Article 6-4(I) of the aforementioned Law No. 2004-575 of 21 June 2004 to implement:
‘1. Tools for cooperation and information sharing between platform operators, in an open format consistent with its recommendations, to combat the infringements referred to in Article 6-4;
‘2. Proportional technical devices enabling, pending the processing of the notification of content referred to in Article 6-4, the limiting of the sharing of that content and the public’s exposure to it;
‘3. Common technical standards for interoperability between online public communication services, in line with the state of the art, which are documented and stable, in order to facilitate the free choice of users between different platforms.
‘III. - The High Council for Audiovisual Matters may give notice to an operator to comply, within the period set by them, with Article 6-4 of Law No. 2004-575 of 21 June 2004 and to reply to requests for information sent to it pursuant to the second paragraph of I of this article.
‘In the event the operator fails to comply with the notice received, the High Council for Audiovisual Matters may, under the conditions laid down in Article 42-7 of this Law, issue a fine, the amount of which shall take into account the seriousness of the non-compliance and, where appropriate, its repeated nature, not exceeding EUR 20 million or 6 % of the total annual turnover of the preceding year, whichever is higher. In case the same breach has been the subject, in another State, of a financial penalty calculated on the same basis, the amount of that penalty shall be taken into account to determine the penalty imposed under this paragraph.
‘By way of derogation from the second paragraph of this III, in the event of refusal to disclose the information requested by the regulator under the second paragraph of I or in the event of communication of false or misleading information, the amount of the penalty imposed may not exceed 1 % of the total annual worldwide turnover of the preceding financial year.
‘The High Council for Audiovisual Matters may make the notices and sanctions imposed public. It shall determine, in its decision, the details of such publication, which shall be proportionate to the seriousness of the breach. It may also order the insertion of its decision in designated publications, newspapers and media at the expense of the operators subject to the formal notice or sanction.
‘Fines are collected as non-tax and non-property debts owed to the State.’;

4° After the word: ‘resulting’, the end of the first subparagraph of Article 108 reads as follows: ‘from Law No 2021-1109 of 24 August 2021 strengthening compliance with the principles of the Republic.’
III. - A. - This Article shall apply until 31 December 2023.
B. - By way of derogation from A of this III, this Article shall not apply, from 7 June 2022, to the fight against the public dissemination of terrorist content within the meaning of Article 7(2) of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online.

(…).