

TITLE I
ONLINE PROTECTION OF MINORS
Section 1

**Strengthening the powers of the regulatory authority for
audiovisual and digital communication in relation to the online
protection of minors**

Article 1

Article 10 of Law No 2004-575 of 21 June 2004 on trust in the digital economy is replaced by the following provisions:

“ *Article 10.* - I. - The Regulatory Authority for Audiovisual and Digital Communication shall ensure that pornographic content made available to the public through an online communication service cannot be accessible to minors.

“ To this end, after consulting the French Data Protection Authority, it shall draw up a general repository determining the technical requirements to be met by age-verification systems set up for access to online public communication services which make pornographic content available to the public, with regard to the reliability of user age control and respect for their privacy.

“ II. - The Regulatory Authority for Audiovisual and Digital Communication may give notice to a person whose activity is to publish an online public communication service enabling access to pornographic content to comply, within one month, with the repository referred to in the second subparagraph of I. It shall make those notices public.

“ When the person fails to comply with the notice on expiry of this period, the Regulatory Authority for Audiovisual and Digital Communication may, under the conditions laid down in Article 42-7 of Law No 86-1067 of 30 September 1986 on freedom of communication, impose a financial penalty.

“ The amount of the penalty shall take into account the nature, gravity and duration of the infringement, as well as, where appropriate, the advantages derived from that infringement and the infringements committed previously. The penalty thus imposed may not exceed EUR 75,000 or 1% of the worldwide turnover excluding taxes in the preceding financial year, whichever is higher. This maximum shall be increased to EUR 150,000 or 2% of the worldwide turnover excluding taxes if the infringement is repeated within 5 years from the date on which the first penalty decision became final.

“ Financial penalties are recovered in the same way as State debts other than taxes and duties.”

Article 2

Article 23 of Law No 2020-936 of 30 July 2020 to protect victims of domestic violence is replaced by the following provisions:

“ *Article 23 - I.* - When he finds that a person whose activity is to publish a public communication service online allows minors to have access to pornographic content in violation of Article 227-24 of the Criminal Code, the President of the Regulatory Authority for Audiovisual and Digital Communication shall notify this person by a reasoned letter of observations, delivered by any means appropriate to establish the date of its receipt. The addressee of that letter of observations has 15 days to submit his observations.

“ Upon expiry of that period and when he considers that the facts described in the preceding subparagraph are characterised, the President of the Authority for the Regulation of Audiovisual and Digital Communication may, by reasoned decision, give notice to the person concerned to take any measure in order to prevent minors from accessing the incriminated content. This injunction shall be accompanied by a period of execution which may not be less than 15 days. It is simultaneously brought to the attention of providers of internet access services within the meaning of Article 6(I)(1) of Law No 2004-575 of 21 June 2004 on trust in the digital economy.

“ *II.* - In the event of non-execution of the injunction provided for in I of this Article, the Regulatory Authority for Audiovisual and Digital Communication may notify internet access service providers, by any means appropriate to establish the date of receipt, the e-mail addresses of online public communication services which have been the subject of the procedure described in I, as well as of those services which include the same content, in whole or substantially and which have the same means of access. These persons must then prevent access to these addresses within 48 hours. However, in the absence of making available by the person publishing the online public communication service the information referred to in Article 1-1 of the Law of 21 June 2004 mentioned above, the Regulatory Authority for Audiovisual and Digital Communication may make the notification provided for in this II without having implemented the procedure provided for in I.

“ The Regulatory Authority for Audiovisual and Digital Communication may also notify the e-mail addresses of these online public communication services as well as those of services which include the same content, in whole or substantially and which have the same means of access, to search engines or directories, which have a period of 5 days in order to discontinue the referencing of the online public communication service.

“ The measures provided for in this II shall be for a maximum period of 24 months. Their necessity shall be reassessed, either *ex officio* or upon

request, at least every 12 months. When the facts referred to in the first subparagraph of I are no longer constituted, the Regulatory Authority for Audiovisual and Digital Communication shall immediately notify the addressees of the notifications provided for in this II of the lifting of these measures.

“ The Regulatory Authority for Audiovisual and Digital Communication shall make public every year an activity report on the conditions of exercise and the results of its activity, which shall specify in particular the number of injunction decisions and the follow-up thereto, as well as the number of e-mail addresses which have been the subject of a blocking of access or delisting measure. This report shall be submitted to the Government and Parliament.

“ III.- Without prejudice to Articles L. 521-1 and L. 521-2 of the Code of Administrative Justice, the persons mentioned in I and II may request the President of the Administrative Court or the magistrate delegated by the latter for the cancellation of measures referred to in I and II of this Article within 5 days of their receipt.

“ The legality of the notification shall be decided within 1 month of the referral. The hearing is public. It takes place without any submissions from the public rapporteur.

“ Appeals may be lodged against judgements handed down pursuant to the two preceding subparagraphs within 10 days of their notification. In that case, the appellate jurisdiction shall decide within 3 months of its referral.

“ IV. - For any failure to comply with the obligations laid down in this Article, the Regulatory Authority for Audiovisual and Digital Communication may, under the conditions laid down in Article 42-7 of Law No 86-1067 of 30 September 1986 on freedom of communication, impose a financial penalty.

“ However, no penalty may be imposed where, on grounds of force majeure or de facto impossibility which are not attributable to him, the person concerned is unable to comply with the obligation imposed on him or when the procedure provided for in III has been initiated, as long as it has not been the subject of a final decision.

“ The amount of the penalty shall take into account the nature, gravity and duration of the infringement, as well as, where appropriate, the advantages derived from that infringement and the infringements committed previously. For failure to comply with the obligations laid down in I, the amount of the penalty may not exceed the sum of EUR 250,000 or a sum equivalent to 4% of the worldwide turnover excluding taxes, whichever is greater. This maximum shall be increased to EUR 500,000 or 6% of the worldwide turnover excluding taxes if the infringement is repeated within 5 years from the date on which the first penalty decision became final.

“ For failure to comply with the obligations laid down in II, the amount of the penalty may not exceed the sum of EUR 75,000 or a sum equivalent to 1% of the worldwide turnover excluding taxes, whichever is greater. This maximum shall be increased to EUR 150,000 or 2% of the worldwide turnover excluding taxes if the infringement is repeated within 5 years from the date on which the first penalty decision became final.

“ When an administrative fine pursuant to this Article is imposed against the same person and a criminal fine on the basis of the same facts is imposed, the total amount of the fines imposed shall not exceed the highest legal maximum of the penalties incurred.

“ Financial penalties are collected in the same way as State debts other than taxes and duties.

“ V. – The agents of the Regulatory Authority for Audiovisual and Digital Communication may, if they have been specially authorised for this purpose by the authority and sworn in under conditions laid down by a decree of the Council of State, report that an online public communication service enables minors to have access to pornographic content.

“ VI. – The conditions for the application of this Article shall be specified by decree of the Council of State.”

Penalisation for failure to comply within 24 hours with a request from the administrative authority to remove child pornography content

Article 3

After Article 6-1-5 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy, Articles 6-2, 6-2-1 and 6-2-2 are drafted as follows:

“ *Article 6-2.* – I. – If a hosting service provider has never been the subject of a request under Article 6-1 for the removal of an image or representation of minors of a pornographic nature falling within the scope of Article 227-23 of the Criminal Code, the administrative authority referred to in Article 6-1 shall provide that person with information on the procedures and time limits applicable, at least 12 hours before issuing the request for withdrawal.

“ II. – If the person referred to in I of this Article cannot comply with a request for withdrawal on grounds of force majeure or de facto impossibility which are not attributable to him, he shall inform the administrative authority which issued the request for withdrawal without undue delay.

“ The period referred to in the second subparagraph of Article 6-1 shall begin to run as soon as the grounds referred to in the first subparagraph of this paragraph have ceased to exist.

“ If the person referred to in I of this Article cannot comply with a request for withdrawal, on grounds that the latter contains manifest errors or does not contain sufficient information to enable its execution, he shall inform the administrative authority which issued the request for withdrawal of such reasons without undue delay.

“ The period specified in the second subparagraph of Article 6-1 shall begin to run as soon as the hosting service provider has received the necessary clarifications.

“ III. - When a hosting service provider removes an image or representation of minors of a pornographic nature falling within the scope of Article 227-23 of the Criminal Code, it shall inform the content provider thereof as soon as possible, specifying the reasons which led to the removal of the image or representation and the rights at its disposal to challenge the request for withdrawal before the competent administrative jurisdiction. It shall also send him a copy of the request for withdrawal.

“ *Article 6-2-1.* - I. - The failure of hosting service providers to remove images or representations of minors of a pornographic nature covered by Article 227-23 of the Criminal Code within 24 hours of receipt of the request for removal provided for in Article 6-1 shall be punishable by one year's imprisonment and a fine of EUR 250,000.

“ When the infringement defined in the first subparagraph is habitually committed by a legal person, the amount of the fine may be increased to 4% of its worldwide turnover excluding taxes from the preceding financial year.

“ II. - Legal persons declared criminally liable, under the conditions laid down in Article 121-2 of the Criminal Code, for offences defined in I shall, in addition to the fine in accordance with the procedures laid down in Article 131-38 of the same Code, be subject to the penalties provided for in Article 131-39(2) and (9) of this Code. The ban provided for in the same Article 131-39(2) shall be imposed for a maximum of 5 years and shall relate to the professional activity during which or on the occasion of which the offence was committed.

“ *Article 6-2-2.* - I - Without prejudice to Articles L. 521-1 and L. 521-2 of the Code of Administrative Justice, hosting service providers and content providers concerned by an application pursuant to Article 6-1 for the removal of an image or representation of minors of a pornographic nature falling within the scope of Article 227-23 of the Criminal Code and the qualified personality referred to in Article 6-1 of this Law may request the President of the Administrative Court or the magistrate delegated by him for the cancellation of this request, within 48 hours of receipt or, in the

case of the content provider, of the moment when it is informed by the hosting service provider of the removal of the content.

“ II. – A decision shall be taken on the legality of the removal injunction within 72 hours of the referral. The hearing is public. It takes place without any submissions from the public rapporteur.

“ III. – Judgements on the legality of the decision pursuant to I of this Article may be appealed within 10 days of their notification. In this case, the appellate jurisdiction shall decide within one month of its referral.

“ IV. – The detailed rules for the application of this Article shall be specified by decree of the Council of State.”

TITLE II **PROTECTING CITIZENS IN THE DIGITAL ENVIRONMENT**

Article 4

I. – Law No. 86-1067 of 30 September 1986 on freedom of communication is amended as follows:

(1) After the first subparagraph of Article 42, a new subparagraph shall be inserted as follows:

“ Publishers and distributors of audiovisual communication services, satellite network operators and technical service providers which such persons use may be given formal notice to comply with the obligations imposed by the provisions adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union concerning the prohibition of the broadcast of audiovisual communication services content.”;

(2) In the first sentence of the first subparagraph of Article 42-10, after the words: “of this Law” the following words are inserted: “or European regulation adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union concerning the prohibition of the broadcast of content of audiovisual communication services”.

II. – Article 11 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy is replaced by the following provisions:

“ *Article 11.* – I. – The Regulatory Authority for Audiovisual and Digital Communication may give notice to any person mentioned in I of Article 1-1 of this Law to remove the content or to stop the broadcast of content which contravenes the provisions adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union concerning the

prohibition of the dissemination of content from the persons subject to the sanctions. The person receiving the formal notice has a period of 72 hours to submit his observations.

“ II. – Upon expiry of this period and in the event of non-performance, the authority may notify internet access service providers of the list of e-mail addresses of online public communication services hosting or broadcasting content from the persons who have been the subject of the notice, so that they may prevent access to these addresses without delay. However, in the absence of identification elements of persons referred to in I of Article 1-1 of this Law, the authority may make such notification without first requesting the removal or cessation of the broadcast of contents under the conditions laid down in the same I.

“ The authority may also notify search engines or directories of electronic addresses whose contents contravene the provisions referred to in I of this Article, which shall take all appropriate measures to stop their referencing.

“ III. – The authority may act on its own initiative or at the request of the Public Prosecutor or any natural or legal person.

“ IV. – In the event of failure to comply with the obligation to remove the content or to cease the broadcast of the content referred to in I, the authority may impose a pecuniary penalty against the person responsible for the infringement, under the conditions laid down in Article 42-7 of Law No 86-1067 of 30 September 1986 on freedom of communication, the amount of which, determined on the basis of the seriousness of the infringement, may not exceed 4% of the turnover excluding taxes achieved during the last financial year calculated over a period of 12 months or, in the absence of turnover, EUR 250,000. This maximum shall be increased to 6% if the infringement is repeated within 5 years from the date on which the first penalty decision became final or, in the absence of turnover, to EUR 500,000. Failure to comply with the obligation to prevent access to notified addresses or to take any useful measure intended to stop the referencing of the online public communication service pursuant to the second subparagraph of II may be penalised under the same conditions. In the latter case, the fine may not exceed 1% of the turnover excluding taxes in the last financial year calculated over a period of 12 months or, in the absence of turnover, EUR 75,000. This maximum shall be increased to 2% if the infringement is repeated within 5 years from the date on which the first penalty decision became final or, in the absence of turnover, to EUR 150,000.

“ Where an administrative fine is imposed on the same person pursuant to this Article and a criminal fine pursuant to Article 459 of the Customs Code on the basis of the same facts, the total amount of the fines imposed shall not exceed the highest legal maximum of the penalties incurred.”

Article 5

I. - Article 131-35-1 of the Criminal Code is hereby reinstated:

“ *Article 131-35-1.* - I. - For the offences referred to in II of this Article, the court may order, as an additional penalty, the suspension, for a period not exceeding 6 months, of the account of access to the online platform service as defined in (4) Article 6(I) of Law No 2004-575 of 21 June 2004 for confidence in the digital economy, which was used to commit the offence. When the person is a repeat offender, this period may be extended to 1 year.

“ The conviction referred to in the first subparagraph shall be served on the online platform service provider concerned. From the date of this notification and during the execution of the sentence, the latter shall block the account which has been suspended and implement measures to block any other accounts held by the convicted person to access its service and to prevent the creation of new accounts by the convicted person. The failure of the provider to block the suspended account is punishable by a fine of EUR 75,000.

“ For the enforcement of the additional penalty referred to in the first subparagraph, and by way of derogation from the third subparagraph of Article 702-1 of the Code of Criminal Procedure, the first application for an extension of that penalty may be brought by the sentenced person before the competent jurisdiction after a period of three months after the initial conviction decision.

“ II. — The offences for which this additional penalty is incurred are as follows:

“(1) The offences provided for in Articles 222-33, 222-33-2-1, 222-33-2-2, 222-33-2-3 and (2) of Article 222-33-3 of this Code;

“(2) The offences provided for in Articles 225-4-13, 225-5, 225-6 of this Code;

“(3) The offences provided for in Articles 227-23 and 227-24 of this Code;

“(4) The offence provided for in Article 421-2-5 of this Code;

“(5) The offences provided for in the fifth, seventh and eighth paragraphs of Article 24 and Article 24a of the Law of 29 July 1881 on Freedom of the Press.”

Article 6

Article 12 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy is replaced by the following provisions:

“ *Article 12* - I. - When one of its specially designated and authorised agents finds that an online public communication service is manifestly

designed to carry out operations constituting the infringements referred to in Articles 226-4-1, 226-18 and 323-1 of the Criminal Code and Article L. 163-4 of the Monetary and Financial Code, the administrative authority shall inform the person whose activity is to publish the online public communication service in question, provided that it has made available the information referred to in Article 1-1 of this Law, of that finding, of the protective measure referred to in the third subparagraph below taken against him, and invites him to submit his observations within 5 days.

“ At the same time, the administrative authority shall notify that person’s address to internet browser providers within the meaning of Article 2(11) of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector, for the purpose of implementing protective measures.

“ The person receiving a notification shall take without delay, as a precautionary measure, any useful measure consisting of displaying a message warning the user of the risk of harm incurred in the event of accessing this address.

“ This protective measure shall be implemented for a period of 7 days.

“ When the administrative authority, where appropriate after having taken cognizance of observations of the person whose activity is to publish the online public communication service in question, considers that the finding referred to in the first subparagraph is no longer valid, it shall without delay ask the persons to whom a notification is addressed to terminate the protective measures immediately.

“ II. - When the person whose activity is to publish the online public communication service in question has not made available the information referred to in Article 1-1 of this Law, when it does not allow the person to be contacted or when at the end of the period referred to in the first subparagraph of I, where appropriate after this person has submitted his observations, it appears that the statement referred to in the first subparagraph of I is still valid, the administrative authority may, by a reasoned decision, direct internet browser providers within the meaning of Article 2(11) of Regulation (EU) 2022/1925 of the European Parliament and of the Council on fair and competitive contracts in the digital sector, providers of Internet access services or providers of domain name resolution systems to take all appropriate measures to prevent access to the address of this service, and to display a message warning users of the risk of harm incurred if they attempt to access it for a maximum period of 3 months.

“ At the end of the period prescribed in the first subparagraph, the measure intended to prevent access to the address of the service may be extended by not more than 6 months with the approval of the qualified person referred to in III. An additional period of 6 months may be prescribed under the same procedure.

“ For the purposes of the first subparagraph, a domain name resolution system provider shall mean any person providing a service enabling the translation of a domain name into a unique number identifying a device connected to the internet.

“ This decision shall be notified, subject to the reservation referred to in the first subparagraph of I, to the person whose activity is to publish the online communication service to the public in question.

“ The administrative authority may at any time request the persons referred to in the first subparagraph of this II to terminate the measures referred to in the same subparagraph when it appears that the finding on which they were based is no longer valid.

“ III. - The administrative authority shall forward without delay the requests referred to in I and II, as well as the e-mail addresses of the online communication services concerned, to a qualified person appointed within it by the French Data Protection Authority for the duration of his term of office within the committee. The qualified person shall ensure that the measures are justified and conditions for establishing, updating, communicating and using the list of e-mail addresses concerned are met. It may refer the matter to the College of the French Data Protection Authority when the issue warrants it. It may at any time direct the administrative authority to terminate the measures it has taken on the basis of I and II.

TITLE III **STRENGTHENING TRUST AND COMPETITION IN THE DATA ECONOMY**

CHAPTER I **UNFAIR COMMERCIAL PRACTICES BETWEEN COMPANIES IN THE CLOUD COMPUTING MARKET**

Article 7

After Article L. 442-11 of the Commercial Code, Article L. 442-12 is inserted as follows:

“ *Article L. 442-12.* - I. - For the purposes of this Article, the following definitions shall apply:

“(1) “Cloud computing service”: a digital service that allows access to a flexible and variable set of IT resources that can be shared;

“(2) “Cloud computing credit”: an amount of credits offered by a cloud computing service provider to its users and usable on its various services.

“ II. – A cloud computing service provider may grant a cloud computing credit to a person engaged in production, distribution or service activities only for a limited period of time. The maximum period of validity of this credit and the conditions for its possible renewal upon the expiry of this period are specified by decree of the Council of State.

“ III. – Any provider of cloud computing services shall be prohibited from charging, in the context of contracts concluded by it with a person engaged in production, distribution or service activities, charges for the transfer of data to that person’s infrastructure or to those made available, directly or indirectly, by another provider, with the exception of migration costs related to change of provider.

“ IV. – Any conclusion of a contract in breach of the provisions of II and III shall be punishable by an administrative fine, the amount of which may not exceed EUR 200,000 for a natural person and Euros 1 million for a legal person. The maximum fine incurred shall be increased to Euros 400,000 for a natural person and Euros 2 million for a legal person, if the infringement is repeated within two years of the date on which the first penalty decision became final.”

CHAPTER II

INTEROPERABILITY OF CLOUD COMPUTING SERVICES

Article 8

I. – For the purposes of this Chapter, the following definitions shall apply:

(1) “ Cloud computing service”: the service defined in (1) of I of Article L. 442-12 of the Commercial Code;

(2) “ Digital assets”: all digital format items on which the user of a cloud computing service has a right of use, including assets that are not included in the scope of their contractual relationship with the cloud computing service. These assets include in particular data, applications, virtual machines and other virtualisation technologies, such as containers;

(3) “ Functional equivalence”: a minimum level of functionality ensured in the environment of a new cloud computing service after migration, so as to ensure that users use the essential elements of the service at the same levels of performance, security, operational resilience and quality as the original service at the time of termination of the contract.

II. – Cloud computing service providers shall ensure compliance of their services with the essential requirements:

(1) Interoperability, under secure conditions, with the services of the user or with those provided by other cloud computing providers for the same type of functionality;

(2) Portability of digital assets, under secure conditions, to the services of the user or to those provided by other cloud computing providers covering the same type of functionalities;

(3) Free provision to users and third-party service providers designated by these users of both application programming interfaces necessary for the implementation of interoperability and portability referred to in (1) and (2) and sufficiently detailed information on the cloud computing service concerned to enable users or services of third-party providers to communicate with this service.

Article 9

I. - The Electronic Communications, Postal and Print media distribution Regulatory Authority shall specify the rules and procedures for implementing the requirements referred to in Article 8(II), in particular by issuing open interoperability and portability specifications. For this purpose, it may ask one or more standardisation organisations to make proposals to it.

The authority may also specify the content and manner of implementation of the requirement referred to in the same Article 8(3).

II. - Cloud computing service providers shall comply with the obligations referred to in Article 8(II), as specified, where appropriate, by the decisions of the authority referred to in this I, within a time limit set by this authority.

They shall publish and regularly update a technical reference offer for interoperability specifying the conditions for compliance of their services with the obligations mentioned above.

III. - Cloud computing service providers whose services correspond to flexible and variable IT resources limited to infrastructure elements such as servers, networks and virtual resources necessary for the operation of the infrastructure, without providing access to the services, software and operating applications that are stored, processed or deployed on these infrastructure elements, shall take the measures within their power to facilitate functional equivalence in the use of the destination service, when it covers the same type of functionalities.

IV. - The conditions for the application of this Article shall be specified by decree.

Article 10

I. - The Electronic Communications, Postal and Print Media Distribution Regulatory Authority may, in a manner proportionate to the requirements related to the performance of its tasks, and on the basis of a reasoned decision:

(1) Collect from natural or legal persons providing cloud computing services the information or documents necessary to ensure compliance by such persons with the obligations referred to in Article 8(II) and Article 9(II) and (III);

(2) Carry out surveys among these same people.

These surveys shall be carried out in accordance with the conditions laid down in Article L. 32-4(II) to (IV) and Article L. 32-5 of the Postal and Electronic Communications Code.

The Authority shall ensure that information collected pursuant to this Article is not disclosed when it is protected by a secret referred to in Articles L. 311-5 to L. 311-8 of the Code of Relations between the Public and the Administration.

II. - In the event of disagreement over the conditions of implementation of the obligations referred to in (1) of I of this Article, disputes may be referred to the Electronic Communications, Postal and Print Media Distribution Regulatory Authority under the conditions laid down in Article L. 36-8 of the Postal and Electronic Communications Code.

Its reasoned decision shall specify the technical and financial conditions for the implementation of the above-mentioned obligations.

III. - The Electronic Communications, Postal and Print Media Distribution Regulatory Authority may, either on its own initiative or at the request of the Minister for Digital Affairs, a professional organisation, an authorised user association or any natural or legal person concerned, penalise failures to comply with the obligations referred to in Article 8(II) and Article 9(II) and (III) that it finds from a provider of cloud computing services.

This power to sanction shall be exercised under the conditions laid down in Article L. 36-11 of the Postal and Electronic Communications Code. By way of derogation from the provisions of the tenth, eleventh and twelfth subparagraphs of III of this Article, the restricted panel of the authority referred to in Article L. 130 of the same code may impose a pecuniary penalty on the cloud computing service provider in question, the amount of which is proportionate to the seriousness of the infringement and the benefits derived therefrom, but may not exceed 3% of the turnover excluding taxes for the last financial year for which accounts have been closed. This rate may be increased to 5% if the infringement is repeated within 5 years from the date on which the first penalty decision became final.

TITLE V
**ENABLING THE STATE TO ANALYSE THE DEVELOPMENT OF DIGITAL
MARKETS MORE EFFECTIVELY**

Article 17

Article L. 324-2-1(II) of the Tourism Code is amended as follows:

(1) The first sentence of the first subparagraph reads as follows: “ In municipalities which have implemented the registration procedure referred to in Article L. 324-1-1(III), the municipality may, until 31 December of the year following the year in which a tourist furnished lodging was rented, request the transmission of the data such as to enable it to monitor compliance with the obligations laid down in the same Article to the single organisation responsible for collecting such data electronically from the persons mentioned in I.” and the second sentence of the same subparagraph shall be deleted;

(2) In the third subparagraph, the words: “specify the frequency and technical arrangements for the transmission of the information referred to in the first subparagraph of this II” shall be replaced by the words: “designates the single organisation referred to in the first subparagraph of this II and determines the nature of the data referred to in the same subparagraph, their retention period, the response deadline, the frequency and technical arrangements for their transmission” and the words: “of the person mentioned in I to respond to the requests of the municipalities” shall be replaced by the words: “persons mentioned in I to fulfil their obligation to transmit the data to this same single organisation”.

Article 36

I. – Article 2 enters into force on 1st January 2024. However, proceedings already initiated on 31 December 2023 remain governed by the provisions of Article 23 of Law No 2020-936 of 30 July 2020 in its version in force on this date.

II. – Article L. 442-12(III) of the Commercial Code, in its wording resulting from Article 7 of this Law, shall apply until 15 February 2027.

III. – Articles 8, 9 and 10 shall apply until 15 February 2026.

IV. – Articles 11 and 31 come into force on 24 September 2023.

V. – Article 22(III)(C), in so far as it concerns the penalty incurred for failure to comply with the obligation laid down in Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services, Articles 23, 24, 25 with the exception of its I, II and III, Article 26, Article 28 with the exception of its II

and Articles 29, 30, 31, 32, 34, 35, 36 shall enter into force on 17 February 2024.

VI. - Article 22(II)(C), in so far as it concerns the system of liability of hosts provided for in Article 6(IIa) of Law No 2004-575 of 21 June 2004, applies until 16 February 2024.

VII. - Article 17 shall come into force on a date fixed by decree and not later than tw12 months from the publication of this Law.