

**Bill, amended by the Senate, aimed at establishing a digital majority
and combating online hate**

Article 1

Article 1 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy is supplemented by a subparagraph worded as follows:

“ Online social media service means any platform for end users to connect and communicate with each other, share content and discover other users and other content, on multiple devices, in particular through online conversations, publications, videos and recommendations.”

Article 1a

The third subparagraph of Article 6(I)(7) of Law No 2004-575 of 21 June 2004 is amended as follows:

(1) After the word: “human” shall be inserted the words: “to the representation, privacy and security of persons and the fight against all forms of blackmail and harassment”;

(2) After the first occurrence of the reference: “24”, the end is worded as follows: “and in Articles 24a and 33 of the Law of 29 July 1881 on freedom of the press and Articles 222-33, 222-33-2-1 to 222-33-2-3, 223-1-1, 225-4-1, 225-4-13, 225-5, 225-5, 225-6, 226-1, 226-2-1, 226-2-1, 226-8, 226-21, 226-22, 227-23, 227-24, 312-10 to 312-12 and 421-2-5 of the Criminal Code.”

Article 1b

After the first sentence of the fourth subparagraph of Article 6(I)(7) of the aforementioned Law No 2004-575 of 21 June 2004, the following sentence is inserted, worded as follows: “ They make visible to their users the messages of prevention against harassment defined in Article 222-33-2-2 of the Criminal Code and inform the reporting persons of the support structures available to help them deal with online harassment.”

Article 2

I. – After Article 6-5 of the aforementioned Law No 2004-575 of 21 June 2004, an Article 6-7 is inserted, worded as follows:

“ Article 6-7. – I. – Providers of online social media services operating in France refuse to allow minors under 15 years of age to register for services, unless the authorisation to do so is given by one of the holders of parental authority over the minor. They shall also obtain, under the same conditions and as soon as possible, the express authorisation of one of the holders of parental authority relating to accounts already created and held by minors under 15 years of age. At the time of registration, these companies shall provide information to users under 15 years of age and to holders of parental authority on the risks associated

with digital uses and the means of prevention. At the time of registration, they also provide users under 15 years of age with clear and adapted information on the conditions of use of their data and their “data processing and civil liberties” rights.

“ One of the holders of parental authority may request online social media service providers to suspend the account of a minor under 15 years of age.

“ The companies referred to in the first subparagraph of this I shall activate a system to monitor the time of use of their service when registering a minor and shall regularly inform the user of this duration by means of notifications.

“ In order to verify the age of end-users and the authorisation of holders of parental authority, social media service providers shall use technical solutions in accordance with a repository developed for this purpose by the Regulatory Authority for Audiovisual and Digital Communication, after consulting the French Data Protection Authority.

“ II. – When it finds that a social network service provider has not implemented a certified technical solution to verify the age of end-users and the authorisation of holders of parental authority for the registration of minors under 15 years of age, the President of the Regulatory Authority for Audiovisual and Digital Communication shall, by any means appropriate to establish the date of receipt, send notice to this provider to take all necessary measures to comply with the obligations laid down in this Article. The supplier shall have 15 days from the date of formal notice to submit his observations.

“Upon expiry of this period, if the notice has not been complied with, the President of the Regulatory Authority for Audiovisual and Digital Communication may refer the matter to the President of the Paris Court of Justice for the purpose of ordering the supplier to implement a compliant technical solution.

“ Failure by a social media service provider to comply with the obligations laid down in I shall be punishable by a fine not exceeding 1% of its worldwide turnover for the preceding financial year.

“ IIa (new). – This Article does not apply to non-profit online encyclopaedias and non-profit educational and scientific directories.

“ III. – The detailed rules for the application of this Article shall be laid down by decree of the Council of State, after consulting the French Data Protection Authority.”

Article 3

I. – (Deleted)

II. – The first subparagraph Article 6(VI)(1) of the aforementioned Law No 2004-575 of 21 June 2004 is supplemented by the words: “within a period of 10 days of receipt of the request or, in case of urgency resulting from an imminent risk of serious harm to persons, within a period of 8 hours”.

Article 4

The Government shall submit to Parliament, within 1 year of the promulgation of this Law, a report setting out the consequences of the use of platforms, over-information and exposure to false information on the physical and mental health of youth, particularly minors.

Article 5

(Deleted)

Article 6 (new)

I. – This Law shall enter into force on a date fixed by decree which shall not be more than 3 months later than the date of receipt by the Government of the European Commission's reply enabling it to consider the legislative system notified to it as being in conformity with European Union law.

II. – By way of derogation from I:

(1) The second sentence of the first subparagraph of Article 6-7 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy shall enter into force 2 years after the date of entry into force referred to in I of this Article;

(2) Article 6-7(II) of the aforementioned Law No 2004-575 of 21 June 2004 shall enter into force 1 year after the date of entry into force referred to in I of this Article.