ADOPTED TEXT No **175**
" Minor law"

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NATIONAL ASSEMBLY

CONSTITUTION OF 4 OCTOBER 1958

SIXTEENTH LEGISLATURE

17 October 2023

DRAFT LAW

aimed at **securing** *and* **regulating** *the* **digital space**,

MODIFIED BY THE NATIONAL ASSEMBLY
AT FIRST READING

(Accelerated procedure)

The National Assembly has adopted the draft law, the content of which is as follows:

See the numbers:

Senate: **593**, **777**, **778** and T.A. **156** (2022-2023).

National Assembly: **1514 rect.** et **1674**.

TITLE I

ONLINE PROTECTION OF MINORS

Section 1

Strengthening the powers of the regulatory authority for audiovisual and digital communication with regard to the online protection of minors

Article 2b *(new)*

Persons exercising the activity of commercial influence by electronic means are prohibited from any direct or indirect promotion of pornographic content on online platforms that do not offer the technical possibility of excluding all users under the age of eighteen from viewing said content, or if this exclusion mechanism is not effectively enabled by said persons.

Violation of the provisions of this Article is punishable by a fine for a 4th class offence.

Section 2

Penalisation for failure to comply within twenty-four hours of a request from the administrative authority to remove child pornography content

Article 3a A *(new)*

The aforementioned Law No 2004-575 of 21 June 2004 is amended as follows:

1. The first sentence of the first paragraph of Article 6-1 is amended as follows:

a) The second occurrence of the word: "or" is replaced by the sign: ",";

b) After the second occurrence of the word: "code", are inserted the words: ", against the dissemination of images or depictions of torture or acts of barbarism, against the dissemination of images or depictions of rape as defined in Article 222-23 of the same code, against the dissemination of images or representations of incest as defined in Article 222-22-3 of that code or against the dissemination of an image or representation of a pornographic nature including adults, falling within the scope of Article 226-2-1 of the same code and disseminated without their consent";

2. After Article 6-2-2, as follows from Article 3 of this Law, Articles 6 shall be inserted-2-3 to 6-2-5 worded as follows:

" *Art. 6-2-3.* – I. – If a hosting service provider has never been requested under Article 6-1 for the purpose of removing an image or representation of a pornographic nature including adults, falling within the scope of Article 226-2-1 of the Criminal Code and disseminated without their consent, the administrative authority referred to in Article 6-1 of this Law shall provide the supplier with information on the procedures and time limits applicable, at least 12 hours before issuing the request for withdrawal.

" II. – If the service provider referred to in I of this Article is unable to comply with a withdrawal request on grounds of force majeure or de facto impossibility for which it is not responsible, including objectively justifiable technical or operational reasons, it shall inform the administrative authority that issued the withdrawal request of these grounds without undue delay.

" The period specified 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 II have ceased to exist.

" If the service provider mentioned in I cannot comply with a request for withdrawal, on the grounds that the latter contains manifest errors or does not contain sufficient information to enable its execution, it shall inform the administrative authority which issued the request for withdrawal without undue delay and shall request the necessary clarifications.

" 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. – Where a hosting service provider removes an image or representation of a pornographic nature including adults, falling within the scope of Article 226-2-1 of the Penal Code and disseminated without their consent, it shall inform the content provider thereof as soon as possible, specifying the reasons which led to the removal of the image or representation, the possibility

of requesting the transmission of a copy of the withdrawal order and the rights at its disposal to challenge the request for withdrawal before the competent administrative court.

“ At the request of the content provider, the hosting service provider shall send a copy of the withdrawal order.

“ The obligations laid down in the first two subparagraphs of this III shall not apply when the competent authority which issued the request for withdrawal decides that it is necessary and proportionate not to disclose information in order not to impede the proper conduct of the prevention, detection, investigation and prosecution of the perpetrators of the offence referred to in Article 227-23 of the Penal Code.

“ In such cases, the competent authority shall inform the hosting service provider of its decision specifying its duration, which shall be as long as necessary but not exceeding 6 weeks from that decision, and the hosting service provider shall not disclose any information on the removal of the content to the provider of the hosting service.

“ That competent authority may extend this period by a further period of 6 weeks, when non-disclosure continues to be justified. In such cases, it shall inform the hosting service provider accordingly.

“ *Art. 6-2-4.* – I. – The fact that hosting service providers do not remove images or representations of a pornographic nature including adults, falling within the scope of Article 226-2-1 of the Penal Code and disseminated without their consent within twenty-four hours from receipt of the request for withdrawal pursuant to Article 6-1 of this Law shall be punishable by one year’s imprisonment and a fine of EUR 250,000.

“ When the offence defined in the first subparagraph of this Article 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 Penal Code, for the offences defined in I of this Article shall, in addition to the fine in accordance with the procedures laid down in Article 131-38 of the Penal Code, incur the penalties pursuant to (2) and (9) of Article 131-39 of this Code. The disqualification pursuant to 2° of the same Article 131-39 shall be for a maximum of five years and shall apply to the professional activity in the course of or in connection with which the offence was committed.

“ *Art. 6-2-5.* – 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 a request pursuant to Article 6-1 of this Law for the removal of an image or representation of a pornographic nature including adults, falling within the scope of Article 226-2-1 of the Penal Code and disseminated without their consent and the qualified personality referred to in Article 6-1 of this Law may request the President of the Administrative Court or to the magistrate delegated by the President of the Administrative Court for the annulment of that request, within a period of 48 hours from either its receipt or, in the case of the content provider, the moment 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 withdrawal order within 72 hours of the referral. The hearing is public.

“ 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 terms and conditions 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 5a B *(new)*

I. – On an experimental basis, from 1 July 2024 to 31 December 2026, an online communication dispute mediation mechanism shall be established.

This mechanism offers users of online social networking services, as defined in Article 1 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy, the possibility of free recourse to a mediator with a view to the amicable resolution of a dispute between them and a user arising from content that the online communication service has decided not to remove because it is not manifestly illegal.

The experimental mechanism is implemented by associations that enter into an agreement with online social networking services that exceed a threshold, determined by decree, for the number of connections on French territory. These associations are approved by the Regulatory Authority for Audiovisual and

Digital Communication. The latter is responsible for monitoring the negotiation and conclusion of the agreement and the deployment of the experiment and its implementation in good faith by all online social media services.

The conditions for the implementation of this mechanism are defined by decree.

II. – By 31 May 2027 at the latest, the online social networking services and the associations party to the agreement shall make public, after consulting the Regulatory Authority for Audiovisual and Digital Communication, an evaluation report on this experiment.

Article 5d *(new)*

After the third sentence of the second paragraph of Article 4 of Law No 2023-566 of 7 July 2023 aimed at establishing a digital majority and combating online hatred is inserted a sentence worded as follows: “ Where facts likely to fall within the scope of Article 222-33-2 to 222-33-2-3 of the Penal Code and involving a minor are notified by a trusted informant to the social network providers, the latter will send the holders of parental authority a warning message reminding them of the terms of the criminal proceedings incurred in the event of infringement of the same Articles 222-33-2 to 222-33-2-3, on the one hand, and the conditions for incurring civil liability on the basis of the fourth paragraph of Article 1242 of the Civil Code, on the other."

TITLE IV

ENSURING THE DEVELOPMENT OF THE ECONOMY OF GAMES WITH MONETISABLE DIGITAL OBJECTS IN FRANCE WITHIN A PROTECTIVE FRAMEWORK

Article 15

I. – *(Deleted)*

II. – On an experimental basis and for a period of three years from the date of promulgation of this Law, games offered via an online public communication service which enables adult players who have made a financial sacrifice to obtain, based on a mechanism involving the use of chance, monetisable digital objects, excluding any winnings in legal tender, provided that these objects may not be transferred for consideration, directly or indirectly via any natural or legal

person, either to the gaming company that issued them or to a natural or legal person acting in concert with it.

The characteristics of the rewards that can be awarded by monetisable digital object gaming companies and the capping criteria applicable to the awarding of certain categories of rewards are set by a decree in the Council of State issued after consultation with the National Gaming Authority.

Monetisable digital objects, within the meaning of the first paragraph of this II, are game elements which confer on players alone one or more rights associated with the game and which are capable of being transferred, directly or indirectly, for consideration to third parties.

Monetisable digital object gaming companies ensure the integrity, reliability and transparency of gaming operations and the protection of minors. They shall ensure that minors are prohibited from gambling and prevent excessive or pathological gambling, fraudulent or criminal activities as well as money laundering and the financing of terrorism.

III. – The list of categories of games authorised on an experimental basis under the conditions set out in this Article shall be determined by decree, after obtaining the opinion of the National Gaming Authority, whose observations shall take into account, in particular, the risks of development of illegal online gambling offers.

IIIa *(new)*. – The Government shall submit to Parliament, in conjunction with the National Gaming Authority, within a period of 18 months from the promulgation of this Law, a progress report on the experiment provided for in II. This assessment appreciates the development of the market for games with monetisable digital objects in the light of the experimental framework put in place. It also assesses the economic impact of this experiment on the different types of games, in particular on the gambling and video game sectors. It analyses the health impact of this experiment on the players concerned. Lastly, it assesses the effectiveness of the player protection mechanisms put in place by monetisable digital object gaming companies and the measures taken by these companies to combat money laundering and the financing of terrorism. It also includes an assessment of the impact of the experiment on the gambling and video gaming sectors.

IV. – *(Not amended)*

Article 15a *(new)*

I. – A. – Any legal person who intends to offer the public an offer of games as defined in Article 15 shall declare it to the National Gaming Authority in advance.

B. – A decree in the Council of State, issued after consultation with the Commission Nationale de l'Informatique et des Libertés and the National Gaming Authority, sets out the information that the monetisable digital object gaming company must declare to the authority so that the latter can ensure that the game belongs to the category of games with monetisable digital objects within the meaning of Article 15 and that its operation is compatible with the company's compliance with the obligations set out in II of the same Article 15 and in this Article.

C. – The National Gaming Authority shall determine the procedures for filing and the content of the declaration file.

The National Gaming Authority is informed without delay by the monetisable digital object gaming company of any substantial change concerning an element of the declaration file.

D. – The offer of games may only be offered to the public if the company’s registered office is established either in a Member State of the European Union or in another State party to the Agreement on the European Economic Area which has concluded an agreement with France containing an administrative assistance clause to combat tax evasion and avoidance. The company designates the person or persons, domiciled in France, who are responsible for it.

II. – Companies offering games with monetisable digital objects are required to prevent the participation of minors, even emancipated minors, in a game for consideration. To this end, they use an age verification system that complies with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and Law No 78-17 of 6 January 1978 on data processing, data files and individual liberties. They also display a message on the game interface warning that this game is prohibited for minors.

III. – Participation in a game with monetisable digital objects for consideration is subject to the creation, at the express request of the player, of a game account. This account cannot be opened without prior verification of the player's adult status. The player can only withdraw his winnings from the platform after verification of his identity.

A decree in the Council of State, made after the opinion of the National Gaming Authority, specifies the procedures for the opening, management and closure of player accounts by the gaming company.

IV. – The monetisable digital gaming objects issued by a gaming company, as defined in Article 15, may not be acquired for consideration either by this company, directly or through an intermediary, or by a company that it controls, within the meaning of Article L. 233-16 of the Commercial Code.

V. – In order to enable it to carry out its tasks, companies shall keep at the disposal of the National Gaming Authority data relating to players and gambling events.

The authority may use this data to search for and identify any act committed by a player that may constitute fraud, money laundering or the financing of terrorism.

A decree in the Council of State, issued after consultation with the Commission Nationale de l'Informatique et des Libertés and the National Gaming Authority, will specify the list of such data, its format and the procedures for its transmission, as well as the procedures for checks carried out by the National Gaming Authority on the basis of such data.

Va – Games with monetisable digital objects based on competitions or sporting events may only be offered subject to compliance with the right of use provided for in the first paragraph of Article L. 333-1 of the Sports Code and with the agreement of the organisers of the competitions or sporting events concerned.

VI. — Delegated federations within the meaning of Article L. 131-14 of the Sports Code, where appropriate in coordination with the professional leagues which they have created, lay down rules designed to prohibit participants in sports competitions or events, the list of which is fixed by decree from:

1. Taking part, directly or through an intermediary, in games with monetisable digital objects based on competitions or sporting events in their discipline;

2. Transferring, directly or through an intermediary, monetisable digital objects representing an element associated with one of the competitions or events in their discipline;

3. Communicating to third parties privileged information, obtained in the course of their profession or duties, which is unknown to the public and which is

likely to be used in games with monetisable digital objects based on competitions or sporting events in their discipline.

VII. – A. – A company offering games with monetisable digital objects based on real horse racing may only organise such games at races listed in the calendar pursuant to Article 5-1 of the Law of 2 June 1891, the purpose of which is to regulate the authorisation and operation of horse racing.

B. – Before using the horse racing data referred to in A of this VII, the company shall enter into a contract with the French or foreign race organising company or its agent. This contract may not include an exclusivity clause in favour of a particular company.

The contract provided for in the first paragraph of this B shall stipulate that the use of horse racing data by a monetisable digital object gaming company shall be carried out in accordance with the values arising from the public service obligations incumbent on the parent companies provided for by decree.

C. – The parent companies of horseracing include provisions in the racing code of their speciality aimed at preventing jockeys and trainers from:

1. Taking part, directly or through an intermediary, in games with monetisable digital objects based on horse races in which they participate;

2. Transferring, directly or through an intermediary, monetisable digital objects based on horse races in which they participate;

3. Communicating to third parties privileged information, obtained in the course of their profession or duties, which is unknown to the public and which is likely to be used in games with monetisable digital objects based on horse races in which they participate.

VIII. – The prohibitions and restrictions pursuant to Articles L. 320-12 and L. 320-14 of the Internal Security Code shall apply to commercial communications in favour of a monetisable digital object gaming company authorised on an experimental basis under Article 15 of this Law.

Failure to comply with the prohibitions and restrictions referred to in the first paragraph of this VIII shall be punishable by the penalties pursuant to Article L. 324-8-1 of the Internal Security Code.

Associations whose statutory purpose includes the fight against addictions and which have been duly registered for at least five years on the date of the events may exercise the rights granted to civil parties for the offences provided for in the second paragraph of this VIII. The same rights may be exercised by the consumer associations referred to in Article L. 421-1 of the Consumer Code

and the family associations referred to in Articles L. 211-1 and L. 211-2 of the Social Action and Family Code.

IX. – The National Gaming Authority may, by a reasoned decision, require a monetisable digital object gaming company to withdraw any commercial communication which directly or indirectly incites minors to play or involves incitement to excessive gambling practices.

X. – The monetisable digital object gaming company prevents excessive or pathological gambling behaviour, in particular by setting up self-exclusion mechanisms and self-limitation devices for spending and playing time, in accordance with the procedures laid down by decree in the Council of State.

It also provides the player, in a permanent and easily accessible manner, with a summary of the data relating to his gambling activity with a view to controlling it.

XI. – The monetisable digital object gaming company is required not to send any commercial communication to minors or account holders benefiting from a self-exclusion measure applicable to the games it operates.

XIa – Commercial communications by a person engaged in commercial influence by electronic means, as defined in Article 1 of Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the abuses of influencers on social networks, the purpose of which is to promote, directly or indirectly, the offering of a monetisable digital object gaming company or that company itself are authorised only on online platforms offering the technical possibility of excluding from the audience of said content all users under the age of eighteen, if this exclusion mechanism is effectively activated by said persons.

XIb. – It is forbidden for any monetisable digital object gaming company, as well as any natural person or legal entity acting in concert with it, to grant players loans in legal tender or in digital assets, within the meaning of Article L. 54-10-1 of the Monetary and Financial Code, or to directly or indirectly set up mechanisms enabling players to grant each other loans in legal tender or in digital assets, within the meaning of the same Article L. 54-10-1, with a view to enabling the purchase of monetisable digital objects.

Online public communication services on which monetisable digital object gaming companies offer games with monetisable digital objects may not contain any advertising in favour of a company likely to grant loans to players or to allow loans between players, or any link to a site offering such a loan offer.

XII. – The monetisable digital object gaming company informs players of the risks associated with excessive or pathological gambling by a warning

message defined by an order of the Minister for Health issued after the opinion of the National Gaming Authority. The technical modalities for displaying the message are laid down by the National Gaming Authority.

XIII. – A. – Monetisable digital object gaming companies are subject to the obligations laid down in Sections 2 to 7 of Chapter I and Chapter II of Title VI of Book V of the Monetary and Financial Code and by directly applicable European provisions on combating money laundering and the financing of terrorism, including European regulations on restrictive measures adopted pursuant to Articles 75 or 215 of the Treaty on the Functioning of the European Union, as well as by provisions adopted pursuant to the same Article 215 for other purposes.

The National Gaming Authority monitors compliance by companies with the obligations set out in the first paragraph of this XIII.

The National Gaming Authority assesses the risks presented by the companies as well as the results of the actions taken by these companies to combat fraud, money laundering and the financing of terrorism. It may issue instructions in this regard.

The National Gaming Authority shall adapt the methods, intensity and frequency of its documentary and on-site controls in a proportionate manner according to the risks identified. It takes into account the technical characteristics of games with monetisable digital objects.

Any breach by monetisable digital object gaming companies of the obligations mentioned in the first paragraph of this XIII may give rise to the sanctions provided for in Article L. 561-40 of the Monetary and Financial Code, with the exception of that provided for in 4° of I of the same Article L. 561-40.

The National Sanctions Commission referred to in Article L. 561-38 of the Monetary and Financial Code will be informed of any breaches observed by the National Gaming Authority and will, if necessary, impose the appropriate sanction or sanctions.

B. – This XIII shall enter into force 18 months after the promulgation of this Law.

XIV. – The National Gaming Authority monitors compliance by monetisable digital object gaming companies with their legal and regulatory obligations. It fights against illegal offers of such games, without prejudice to its action to combat illegal gambling offers, such as online casino gambling offers. It takes into account the technical characteristics of games with monetisable digital objects. It also ensures that the objective of a balanced operation of the

different types of games is respected, in order to avoid the economic destabilisation of the different sectors. In carrying out its checks, it may rely on any reports of a breach of the legal and regulatory obligations incumbent on monetisable digital object gaming companies.

XV. – The Board of the National Gaming Authority makes decisions on games with monetisable digital objects.

Under the same conditions as those laid down in Article 37 of Law No 2010-476 of 12 May 2010 on the opening up to competition and regulation of the online gambling sector, the Board may delegate authority to the Chairman or, in his absence or inability to act, to another of its members to take individual decisions falling within its competence.

XVI. – In order to carry out the tasks entrusted to it, the National Gaming Authority may collect any necessary information and documents in the possession of monetisable digital object gaming companies and interview any person likely to contribute to its information.

The officials and agents of the National Gaming Authority mentioned in Article 42(II) of the aforementioned Law No 2010-476 of 12 May 2010 carry out administrative investigations to ensure that companies comply with their obligations. Within this framework, they may ask the monetisable digital object gaming companies for any useful information or documents. They shall have access, in the presence of the person designated by the company for this purpose, to the premises used by the company for business purposes, excluding the part of these premises used, where applicable, as a home. They shall make any findings and may obtain copies of any relevant documents on this occasion.

In the exercise of these investigative powers, professional secrecy cannot be imposed on them by monetisable digital object gaming companies. Administrative enquiries are recorded in minutes.

In order to establish that a game monetisable digital objects is being offered by a person who has not made the declaration provided for in I of this Article, or that such an offer is being promoted, these officials and agents may also, without being criminally liable:

1. Participate under an assumed identity in electronic exchanges on a monetisable digital object gaming site, in particular in an online gaming session. The use of an assumed identity has no effect on the legality of the findings made;

2. Extract, acquire or preserve by this means evidence and data on persons likely to be the perpetrators of these offences and on the bank accounts used;

3. Extract, transmit in response to an express request, acquire or retain illegal content.

As soon as they are null and void, such acts may not have the effect of inciting others to commit an offence.

The conditions under which the officials and agents mentioned in this XVI carry out the findings provided for in 1° and the acts provided for in 3° are specified by a decree of the Council of State issued after consultation with the National Gaming Authority.

XVII. – The National Gaming Authority may at any time, following an adversarial procedure, if the gaming company fails to comply with its legal obligations, in particular those set out in the last paragraph of II of Article 15 or in II of this Article, either prohibit the continued operation of the gaming company or impose conditions which it shall determine.

XVIII. – In carrying out its duties to control games with monetisable digital objects, the National Gaming Authority shall cooperate with the authorities mentioned in Article 39-1 of the aforementioned Law No 2010-476 of 12 May 2010, under the conditions set out in the same Article 39-1.

XIX. – With a view to monitoring compliance by gaming companies with their obligations, the Chairman of the Authority may, on behalf of the State, enter into agreements with the gaming regulatory authorities of other Member States of the European Union or other States party to the Agreement on the European Economic Area, in order to exchange the results of analyses and controls carried out by these authorities and by the Authority itself with regard to monetisable object gaming companies.

XX. – The Sanctions Commission of the National Gaming Authority shall be responsible for imposing the sanctions referred to in XXII of this Article against monetisable digital object gaming companies.

XXI. – A. – Without prejudice to Article L. 561-38 of the Monetary and Financial Code, the Sanctions Committee of the National Gaming Authority may impose sanctions on a monetisable digital object gaming company under the conditions set out in Article 43 of the aforementioned Law No 2010-476 of 12 May 2010.

B. – Without prejudice to the powers of the National Sanctions Commission provided for in Article L. 561-38 of the Monetary and Financial Code, the Board of the National Gaming Authority may decide to initiate sanction proceedings against a monetisable digital object gaming company that has failed or is failing to comply with its legislative or regulatory obligations or that has disregarded or

is disregarding an instruction addressed to it. It then notifies the persons concerned of the objections and refers the matter to the Sanctions Committee.

Ba. – Prior to such notification, where a monetisable digital object gaming company fails to comply with its legal obligations or disregards an instruction addressed to it, the Chairman of the National Gaming Authority may remind it of its legal obligations or, if the failure observed is likely to be remedied, issue a formal notice requiring it to comply within a time limit set by the Chairman. This time limit may be set at twenty-four hours in an emergency. If necessary, the Chairman will close the formal notice procedure. The Chairman may ask the Board of the National Gaming Authority to make the formal notice public. In this case, the decision to close the formal notice procedure is published in the same way.

C. – The Sanctions Commission of the National Gaming Authority may, before imposing the sanctions provided for in XXII of this Article, hear any person whose hearing it considers useful. The conditions for disclosure to a third party of a document involving business confidentiality are defined by a decree of the Council of State.

XXII. – A. – The National Gaming Authority's Sanctions Committee may impose one of the following sanctions on monetisable digital object gaming companies, depending on the seriousness of the breach:

1. A warning;

2. The temporary suspension, for a period of not more than three months, of the operation of the game;

3. A ban, for a maximum of three years, on the operation of the game or all the games concerned;

4. A ban, for a period of up to three years, on the operator from carrying on with the business of operating games with monetisable digital objects.

B. – The Article 43(V) of the aforementioned Law No 2010-476 of 12 May 2010 is applicable to monetisable digital object gaming companies and their game operation activities.

C. – Where a monetisable digital object gaming company provides inaccurate information, refuses to provide the information requested or obstructs the investigation carried out by the officials or agents authorised pursuant to XVI of this Article, the Sanctions Committee may impose a fine of up to EUR 100,000.

D. – The Article 43(X) of the aforementioned Law No 2010-476 of 12 May 2010 is applicable to monetisable digital object gaming companies subject to the penalties mentioned in A and B of this XXII.

XXIII. – Article 44 of the aforementioned Law No 2010-476 of 12 May 2010 is applicable to penalties that may be imposed pursuant to XXII of this Article on companies operating games with monetisable digital objects.

XXIV. – The penalties provided for in Article 56(I) of the aforementioned Law No 2010-476 of 12 May 2010 are applicable to natural and legal persons who offer or propose to the public an offer of games with monetisable digital objects without having first filed the declaration provided for in I of this Article.

Anyone who advertises, by any means whatsoever, a site offering to the public games with monetisable digital objects that are illegal shall be liable to a fine of EUR 100,000. The court may increase the amount of the fine to four times the amount of advertising expenses spent on the illegal activity.

XXV. – The Chairman of the National Gaming Authority will issue a formal notice to a person whose offer of online games with monetisable digital objects is accessible on French territory and who has not declared himself, or to a person who advertises an offer of online games with monetisable digital objects offered by a person who has not declared himself, to cease this activity. This formal notice, which may be served by any means capable of establishing the date of receipt, refers to the provisions of this Law and invites the recipient to submit his comments within a period of five days.

The Chairman of the National Gaming Authority shall send the persons mentioned in the Article 6(I)(2) of the Law No 2004-575 of 21 June 2004 on confidence in the digital economy a copy of the formal notices sent to the persons mentioned in the first paragraph of this XXV. He enjoins these same persons to take all measures to prevent access to this illegal content and invites them to submit their comments within five days. Copies of formal notices and injunctions shall be sent to them by any means capable of establishing the date of receipt.

When all the time limits mentioned in the first two paragraphs of this XXV have expired, the Chairman of the National Gaming Authority shall notify the persons mentioned in the Article 6(I)(1) of the aforementioned Law No 2004-575 of 21 June 2004, as well as any person operating a search engine or directory, of the electronic addresses of the online interfaces whose content is unlawful and order them to take all appropriate measures to prevent access to them or to stop their referencing, within a time limit which he shall determine and which may not be less than five days.

For the applicability of the third paragraph of this XXV, an online interface means any software, including a website, part of a website or an application, operated by a professional or on his behalf and enabling end users to access the goods or services he offers.

Failure to comply with the measures ordered pursuant to the third paragraph of this XXV is punishable by the penalties mentioned in Article 6(VI)(B) of the aforementioned Law No 2004-575 of 21 June 2004. The Chairman of the National Gaming Authority may also be approached by the Public Prosecutor's Office and by any natural or legal person with an interest in bringing an action, so that he can implement the powers conferred on him pursuant to this Article.

TITLE V

ENABLING THE STATE TO ANALYSE THE DEVELOPMENT OF DIGITAL MARKETS MORE EFFECTIVELY

Article 16

The Article 36(I) of Law No 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age is amended as follows:

1. The last four sentences of the fifth subparagraph are deleted;

2. The penultimate paragraph is amended as follows:

a) The first sentence is completed by the words: “, in particular for research purposes contributing to the detection, identification and understanding of systemic risks in the Union, within the meaning of Article 34(1) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Regulation)”;

b) After the same first sentence, a new sentence is inserted as follows: “ It shall have access to the data of the providers of very large online platforms or

very large online search engines under the conditions laid down in Article 40(12) of the same Regulation, as well as access to the same data when stored on mobile terminals, with the assistance of operating system providers.";

2°a Before the last subparagraph, a paragraph shall be inserted as follows:

“ As part of its experimentation and public research activities referred to in the fifth and sixth paragraphs, the department referred to in the first paragraph acts as a data controller, within the meaning of Law No 78-17 of 6 January 1978 on data processing, data files and individual liberties, and may implement proportionate methods of automated collection of publicly accessible data, including when access to this data requires connection to an account, while respecting the rights of the beneficiaries of the service concerned and preserving the security of the services of the operators referred to in the first paragraph of this I. For the purposes of this collection, the platform operators mentioned in the same first paragraph, the partners of these platforms and their subcontractors, as well as the suppliers of operating systems enabling any applications of these operators to function and the suppliers of generative artificial intelligence systems may not refuse the department mentioned in the said first paragraph access to the programming interfaces that they have developed and made accessible to third parties, limitations on extraction from publicly accessible databases, or limitations resulting from the general conditions of use or licences for their services or applications making the data in question available to the public. This department implements strictly necessary and proportionate data collection methods, which are specified by a decree in the Council of State issued after a reasoned public opinion from the Commission Nationale de l’Informatique et des Libertés. The data collected in connection with the experimental activities referred to in the fifth subparagraph shall be destroyed at the end of the work and no later than nine months after its collection. The data collected in connection with the public research activities referred to in the sixth subparagraph shall be destroyed at the end of the work and no later than five years after its collection.";

3. In the last subparagraph, the word: "penultimate" is replaced by the word: "Sixth".

TITLE VIII

ADAPTATIONS TO NATIONAL LAW

CHAPTER X

Transitional and final provisions

Article 36

I. – *(Not amended)*

Ia (new). – The Article 6-8(I) of Law No 2004-575 of 21 June 2004 on confidence in the digital economy comes into force one year after the date of entry into force mentioned in the Article 7(I) of Law No 2023-566 of 7 July 2023 aimed at establishing a digital majority and combating online hate.

Ib *(new)*. – The Article 6(IIIa) of this Law comes into force on 1 January 2025.

II. – *(Deleted)*

III. – Articles 7a, 8, 9 and 10 and Article 10a(Ia) of this Law shall apply until 15 February 2027.

IV. – *(Deleted)*

V. – *(Not amended)*

VI. – *(Deleted)*

VII. – *(Not amended)*

VIII *(new)*. – With effect from the entry into force of Article 3 of Organic Law No of relating to the opening up, modernisation and accountability of the judiciary, Article L. 453-1 of the Code of Judicial Organisation, in the version resulting from Article 20 of this Law, shall read as follows:

“ II. – This control is exercised, in complete independence, by an authority consisting of a councillor or a chamber president at the Court of Cassation or an advocate general or a first advocate general at the Court of Cassation, elected by the assembly of magistrates of the third grade of the court, excluding auditors, referendary councillors and referendary advocates general, for a term of three years, renewable once.”