EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2024/0379/FR (France)

Draft Order amending Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks

Date received : 03/07/2024
End of Standstill : 04/10/2024 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2024) 1800

Directive (EU) 2015/1535

Notification: 2024/0379/FR

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta’ dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20241800.EN

1. MSG 001 IND 2024 0379 FR EN 03-07-2024 FR NOTIF

2. France

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4. 2024/0379/FR - SERV60 - Internet services

5. Draft Order amending Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks

6. Providers of information society services (in this case, persons exercising commercial influence activities by electronic means)

7.

8. The Order contains a single article.

I amends Article 1 of Law No 2023-451 of 9 June 2023 in order to comply with the country of origin principle rule laid down in the e-commerce Directive and the AVMSD, as well as the exceptions to that rule permitted by those directives.

II reproduces Article 4 of Law No 2023-451 of 9 June 2023, which provides for the prohibitions and the sectoral framework for advertising carried out by influencers in order to enable the Commission to monitor their compliance with EU law.

III reproduces Article 5 of Law No 2023-451 of 9 June 2023 and reformulates the provisions on the display of commercial intent, in order to bring them in line with Directive 2005/29 on unfair commercial practices.

IV reproduces Article 9 of Law No 2023-451 of 9 June 2023 on the conditions of legal representation for persons exercising commercial influence activities who are established in another territory of a Member State of the European Union, the Swiss Confederation or the European Economic Area.

9. The purpose of this draft Order is to notify the European Commission of the draft Order reproducing Articles 1, 4, 5 and 9 of Law No 2023-451 of 9 June 2023, in order to ensure that that law complies fully with the texts of the European Union laws applicable to it.

In fact, Article 3 of Law No 2024-364 of 22 April 2024 containing various provisions for adapting the fields of economics, finance, ecological transition, criminal law, social law and agricultural law to European Union law (DDADUE) authorised the Government to amend, within nine months of its enactment, by means of an order (Article 38 of the Constitution), Law No 2023-451 of 9 June 2023 on commercial influence, in order, inter alia, to bring Articles 1, 4, 5 and 9 of that Law in line with:

(a) European rules on information society services resulting from Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (‘Directive on electronic commerce’) and Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;
(b) European rules on the single market for digital services resulting from 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 Act);
(c) European rules on audiovisual media services resulting from Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), taking into account changing market realities;
(d) European rules on unfair commercial practices resulting from Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive').

The purpose of the notification of this draft Order is to enable this to be brought into conformity.

Finally, Article 3 of the above-mentioned DDADUE repealed Articles 10, 11, 12, 15 and 18 of the Law of 9 June 2023.

10. References to basic texts:

11. No

12.

13. No

14. No

15. No

16.
TBT aspects: No

SPS aspects: No

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