Article 5

I. - On an experimental basis, for a period of two years from the entry into force of the decree provided for in this Article, the administrative authority may, where justified by the need to combat the dissemination of images of torture or acts of barbarism covered by Article 222-1 of the Criminal Code, request any person whose activity is to publish an online public communication service or hosting service providers to remove content which manifestly contravenes the same Article 222-1. It shall simultaneously inform the providers of internet access services.

In the absence of removal of such content within twenty-four hours, the administrative authority may notify hosting service providers of the list of email addresses of online public communication services infringing the said Article 222-1. These persons must then immediately prevent access to these addresses. However, in the absence of provision by the person whose activity is to publish an online public communication service of the information referred to in Article 6(III) of Law No 2004-575 of 21 June 2004 on confidence in the digital economy, the administrative authority may proceed with the notification provided for in the first sentence of this paragraph without first requesting the removal of the content under the conditions provided for in the first sentence of the first paragraph.

The administrative authority will forward the requests for withdrawal and the list referred to in the first and second paragraphs respectively to a qualified person appointed from among its members by the French Media Regulatory Authority for the duration of its term of office within this authority. The qualified person shall ensure that requests for withdrawal are in order and that the conditions for drawing up, updating, communicating and using the list are complied with. If it finds an irregularity, it may at any time recommend to the administrative authority to put an end to the irregularity. If the administrative authority does not follow this recommendation, the qualified person may refer the matter to the competent administrative court for interim measures or on application.

The administrative authority may also notify email addresses whose content contravenes Article 222-1 of the Criminal Code to search engines or directories, which shall take all appropriate measures to stop the referencing of the online public communication service. The procedure laid down in the third subparagraph of this I shall apply.

II. - A. - If a hosting service provider has never been the subject of a request pursuant to I of this Article to remove an image of torture or acts of barbarism covered by Article 222-1 of the Criminal Code, the administrative authority mentioned in I of this Article shall provide the said person with information on the applicable procedures and deadlines at least 12 hours before issuing the request for removal.

B. - If the provider referred to in A of this II is unable to comply with a request for withdrawal for reasons 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 request for withdrawal of these reasons without undue delay. After examining these reasons, the administrative authority may order the provider mentioned in the same A to comply with the withdrawal request.

The period indicated in the second subparagraph of I begins to run as soon as the reasons mentioned in the first subparagraph of this B have ceased to exist.

If the provider mentioned in A 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 I shall begin to run as soon as the hosting service provider has received these clarifications.

C. - When a hosting service provider removes an image of torture or acts of barbarism covered by Article 222-1 of the Criminal Code, it shall inform the content provider as soon as possible, specifying the reasons that led to the removal of the image, the possibility of requesting the transmission of a copy of the withdrawal order and the rights it has to contest the removal request 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 C 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 222-1 of the Criminal Code.

In such cases, the competent authority shall inform the hosting service provider of its decision, specifying its application duration, which may not exceed six weeks from the date of the said decision, and the hosting service provider shall not disclose any information on the removal of the content to the provider of the content.

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

III. - A. - 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, made pursuant to I of this Article, for the removal of an image of torture or acts of barbarism covered by Article 222-1 of the Criminal Code, as well as the qualified person mentioned in I of this Article may request the President of the Administrative Court or the magistrate delegated by the latter for the annulment of this 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.

B. - A decision shall be taken on the legality of the withdrawal order within 72 hours of the referral. The hearing is public.

C. - Judgements rendered on the legality of the decision pursuant to II(A) 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.

V. —At the latest three months before its completion, the Government shall submit to Parliament an evaluation report on the experiment in order to determine whether it should be made permanent. This report shall cover, in particular, the number of alerts made to the administrative authority, the number of requests for removal, the number of requests from the public prosecutor’s office, the

number of penalties imposed and the difficulties encountered, in particular with regard to the characterisation of the content in question.

Article 40

I. - On an experimental basis and for a period of 3 years from the promulgation of this Law, games offered via an online public communication service which enable adult players who have made a financial sacrifice to obtain, based on a mechanism involving the use of chance, monetisable digital objects, excluding any monetary gain, 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.

Monetisable digital objects, within the meaning of the first subparagraph of this I, 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.

A decree of the Council of State, adopted after consulting the National Gaming Authority and after consulting the associations representing local elected representatives and the gambling and video gaming industries, shall determine the conditions under which, by way of derogation from the first subparagraph, rewards other than monetisable digital objects may be awarded on an ancillary basis.

This decree determines the nature of these rewards, excluding any rewards in legal tender. It also sets out the capping criteria applicable to the award of such rewards, including the maximum proportion of these rewards that the monetisable digital object gaming company can award to all participants in the same game in a calendar year. This maximum proportion may not exceed 25 % of the turnover generated by the activity of monetisable digital object games of this company for this game during the same calendar year, subject to an annual ceiling fixed per player.

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.

II. - The list of categories of games authorised on an experimental basis under the conditions set out in this Article shall be determined by a decree in the Council of State, 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, and after consultation with associations representing local elected representatives and the gambling and video gaming industries.

III. - 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 I. This report shall include information relating in particular to the development of the monetisable digital object games market, an assessment of the economic impact on the various types of games, in particular on the gambling and video game industries, an assessment of the health impact of this experiment and an assessment of the effectiveness of the measures taken by monetisable digital object gaming companies to protect players and to combat money laundering and the financing of terrorism.

IV. - No later than six months before the end of the experiment, the Government shall submit to Parliament an evaluation report on the effects of the experiment, proposing any further action to be taken.

Article 41

I. - A. - Any legal person who intends to offer to the public a gaming service as defined in Article 40 shall declare it to the National Gaming Authority in advance.

B. - A decree in the Council of State, issued after consultation with the French Data Protection Authority and the National Gaming Authority, sets out the information that the monetisable digital object gaming company must declare to this 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 40 and that its operation is compatible with the company's compliance with the obligations set out in I of the same Article 40 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 civil 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 player account. This account cannot be opened without prior verification of the player's adult status and identity. The monetised digital object gaming company shall use any useful means to carry out such verification.

The monetised digital object gaming company can only open one account per player.

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 40, 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, gambling events and associated financial transactions.

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.

VI. - 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.

VII. - 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 competitions or sporting events, the list of which is fixed by decree for:

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.

VIII. – A. - A company offering games with monetisable digital objects based on real horseracing 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 horseracing.

B. - Before using the horseracing data referred to in A of this VIII, 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 subparagraph of this B shall stipulate that the use of horseracing data by a monetisable digital object gaming company complies 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.

IX. – 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 40 of this Law.

Failure to comply with the prohibitions and restrictions referred to in the first subparagraph of this IX 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 subparagraph of this IX. The same rights may be exercised by the consumer associations referred to in Article L. 621-1 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.

X. - 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.

XI. - 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 issued after obtaining the opinion of the National Gaming Authority.

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.

XII. - 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.

XIII. - 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.

XIV. – 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 or any other rewards that may be awarded and set by the decree in Council of State mentioned in Article 40(I) of this Law.

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.

XV. - 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.

XVI. - 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 subparagraph of this A.

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 subparagraph of this A 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 I(4) of the same Article L. 561-40.

The National Sanctions Commission referred to in Article L. 56138 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 XVI shall enter into force 18 months after the promulgation of this Law.

XVII. - 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.

XVIII. - 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.

XIX. – 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 2010476 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 XIX carry out the findings provided for in 1. and the acts provided for in 3. are specified by a decree in the Council of State issued after consultation with the National Gaming Authority.

XX. – The National Gaming Authority may at any time, following an adversarial procedure, if the monetisable digital object gaming company fails to comply with its legal obligations, in particular those set out in the last subparagraph of Article 40(I) or in II of this Article, either prohibit the continued operation of such games or impose conditions which it shall determine.

XXI. – In carrying out its duties to control games with monetisable digital objects, the National Gaming Authority shall cooperate with the authorities mentioned in Article 391 of the aforementioned Law No 2010476 of 12 May 2010, under the conditions set out in the same Article 391.

XXII. – With a view to monitoring compliance with their obligations by monetisable digital object gaming companies, 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 digital object gaming companies.

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

XXIV. – A. – Without prejudice to Article L. 56138 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 2010476 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 companies concerned of the objections and refers the matter to the Sanctions Commission.

C. - Prior to such notification, where a monetisable digital object gaming company fails to comply with its legal or regulatory 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.

D. - The Sanctions Commission of the National Gaming Authority may, before imposing the sanctions provided for in XXV 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.

XXV. – 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 maximum of 3 months, of the operation of the game;

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

4. A ban, for a maximum of 3 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 XIX of this Article, the Sanctions Commission may impose a fine of up to EUR 100,000.

D. - 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 XXV.

XXVI. – Article 44 of the aforementioned Law No 2010-476 of 12 May 2010 is applicable to penalties that may be imposed pursuant to XXV of this Article on monetisable digital object gaming companies.

XXVII. – 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.

XXVIII. – The Chairman of the National Gaming Authority will issue a formal notice to a company whose offer of online games with monetisable digital objects is accessible on French territory and which has not declared itself, or to a person who advertises an offer of online monetisable digital object games offered by a company which has not declared itself, 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 subparagraph of this XXVIII. 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. The formal notice and injunction shall be sent to them by any means capable of establishing the date of receipt.

When all the deadlines mentioned in the first two subparagraphs of this XXVIII 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 5 days.

For the applicability of the third subparagraph of this XXVIII, 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 same third subparagraph is punishable by the penalties mentioned in Article 6(V)(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.

XXIX. – With effect from 30 December 2024, XIV of this Article shall read as follows:

“ XIV. – 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 crypto-

assets or to set up directly or indirectly, mechanisms enabling players to grant each other loans in legal tender or in crypto-assets with a view to enabling the purchase of monetisable digital objects or other rewards that may be awarded and set by the decree in the Council of State mentioned in Article 40(I) of this Law.

“ For the purposes of this XIV, crypto-assets shall be understood as those falling within the scope of Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets of crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 and other than an asset-referenced token as defined in 7 of Article 3(1) of the same Regulation or a utility token as defined in 9 of the same paragraph 1.’

Title V: ENABLING THE STATE TO ANALYSE THE DEVELOPMENT OF DIGITAL MARKETS MORE EFFECTIVELY (Articles 42 to 43)

Article 42

The Article 36(I) of Law No 20211382 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 first sentence of the penultimate subparagraph 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)”;

3. 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 subparagraphs, the service referred to in the first subparagraph acts as a data controller, within the meaning of Law No 78-17 of 6 January 1978 on data processing, data files and civil liberties. This service may implement methods of automated collection of publicly accessible data from the platform operators mentioned in the same first paragraph, the partners of these platforms and their subcontractors, the suppliers of operating systems enabling the functioning of any applications of these operators and the suppliers of artificial intelligence systems, 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 these operators and access to the data of these operators stored or processed on its own terminals. This implementation is carried out notwithstanding the general conditions of use or licences of the services of the operators concerned or their applications making the data in question available to the public. This service implements methods for collecting publicly accessible data that are strictly necessary and proportionate, which are specified by a decree in the Council of State issued after a reasoned public opinion from the French Data Protection Authority. The data collected in connection with the experimental activities referred to in the fifth subparagraph of this Article shall be destroyed at the end of the work and no later than 9 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.";

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

Article 64

I.-Article 2 shall enter into force on 1 January 2024. However, proceedings already commenced on 31 December 2023 shall continue to be governed by Article 23 of Law No 2020-936 of 30 July 2020 on the protection of victims of domestic violence in the version prior to this Law.

II.-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.

III - Article 12(IV) of Law no. 2004-575 of 21 June 2004 on confidence in the digital economy, in the version resulting from Article 24 of this Law, comes into force on 1 January 2025.

IV.-Articles 27 to 30 and Article 33(I) of this Law only apply until 12 January 2027.

V.-Article 48(I)(5), Articles 49,50,51 with the exception of 1. to 3., Article 52, Article 54 with the exception of II and Articles 55,56,59 and 62 shall enter into force on 17 February 2024.

VI.-Article 43 shall enter into force on a date laid down by decree, and no later than one year after the enactment of this Law.

VII.-With effect from the entry into force of Article 3 of Organic Law No 2023-1058 of 20 November 2023 relating to the opening up, modernisation and accountability of the judiciary, Article L. 453-1(II) of the Code of Judicial Organisation 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.”

This Law shall be executed as a Law of the State.