



EUROPEAN COMMISSION

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

Message 301

Communication from the Commission - TRIS/(2025) 1305

Directive (EU) 2015/1535

Notification: 2025/0223/FR

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prošba o uzupeňnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20251305.EN

1. MSG 301 IND 2025 0223 FR EN 04-08-2025 21-05-2025 COM INFOSUP COM 04-08-2025

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0223/FR - SERV - INFORMATION SOCIETY SERVICES

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the French authorities notified to the Commission on 30 April 2025 the “Draft Decree amending Decree No 2022-603 of 21/04/2022 laying down the list of independent administrative and public authorities which may use the support of the centre of expertise for digital regulation and on the methods of data collection implemented by that service in the context of its experimentation activities” (hereinafter, the “notified draft”).

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the French authorities are kindly invited to reply to the following request for supplementary information:

1. The Commission services would like to understand if the provisions in the notified draft are intended to apply to providers of information society services as per the meaning of Directive 2000/31/EC. In the affirmative, the Commission services would like to receive further information on:
 - a) whether the notified draft, including as a result of the scope of the underlying French legal provisions () would apply to providers of information society services established in the territory of other Member States than France;
 - b) in the affirmative, how do the French authorities intend to comply with the requirements set out in Article 3(4) of Directive 2000/31/EC, in particular in view of the case law C-376/22 of the Court of Justice;
 - c) what would be the precise obligations applicable to those service providers resulting from the notified draft;
 - d) what would be the system for supervision of compliance and enforcement of the above obligations applicable to information society services, and in particular whether an eventual lack of compliance would result in the imposition of fines or other type of sanctions or penalties.



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2. The Commission services would be interested to understand whether the notified draft and the related French legal provisions would apply to providers of intermediary services, including online platforms, as defined in Regulation (EU) 2022/2065. In the affirmative, the Commission services would welcome further information on:

- a) the concrete obligations for providers of online platforms as defined in Regulation (EU) 2022/2065 resulting from the notified draft and the related French legal provisions;
- b) the concrete obligations for providers of intermediary services that are not online platforms as defined in Regulation (EU) 2022/2065 resulting from the notified draft and the related French legal provisions;
- c) the scope of data that PEReN can collect pursuant to the notified draft and the related French legal provisions;
- d) the intended interplay between the notified draft and Regulation (EU) 2022/2065, in view of its maximum harmonization effect;
- e) what would be the system for supervision of compliance and enforcement of the above obligations applicable to providers of online platforms, and in particular whether an eventual lack of compliance would result in the imposition of fines or other type of sanctions or penalties, and the intended interplay with Chapter IV of Regulation (EU) 2022/2065.

3. The Commission services would like to understand how the notified draft and the related French legal provisions () interact with the possibility for PEReN to access data that is publicly accessible in the online interface of very large online platforms and search engines pursuant to Article 40(12) of Regulation (EU) 2022/2065. In particular, the Commission services would like to receive further information on:

- a) whether PEReN already attempted to access data pursuant to Article 40(12) of Regulation (EU) 2022/2065, and in the affirmative, whether these attempts were conclusive;
- b) the sanctioned data uses of the data collected by PEReN pursuant to the notified draft and the related French legal provisions;
- c) the circumstances under which PEReN would be required to inform providers of very large online platforms and search engines prior to collecting data pursuant to the notified draft and related French legal provisions, where this data is publicly accessible in the provider's online interface, and would be used solely for the purpose of performing research that contributes to the detection, identification and understanding of systemic risks in the Union pursuant to Article 34(1) of Regulation (EU) 2022/2065.

The French authorities are kindly invited to reply by 6 June 2025.

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