



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/(2024) 0615

Directive (EU) 2015/1535

Notification: 2024/0093/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 - Prośba o uzupełnienie 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: 20240615.EN

1. MSG 301 IND 2024 0093 FR EN 21-05-2024 06-03-2024 COM INFOSUP COM 21-05-2024

2. Commission

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

4. 2024/0093/FR - SERV30 - Media

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 21 February 2024 the “Draft resolution on the appropriate visibility conditions for services of general interest and the arrangements for collecting the information referred to in Article 20-7 of Law No 86-1067 of 30 September 1986 on freedom of communication” (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 kindly ask the French authorities to describe how the comments issued to notification 2022/194/F, concerning Article 20-7 of Loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication which is the legal basis for this draft resolution, have been taken into account in the notified draft.

2. The Commission services would welcome further information on the personal and territorial scope of the notified draft. In particular, could the French authorities clarify whether the prominence obligations introduced by the notified draft (Chapter I and Chapter II) are intended to apply to information society services within the meaning of Article 2(a) of the Directive 2000/31/EC (E-Commerce Directive). In the affirmative:

- whether those obligations would apply to providers of information society services not established in France within the meaning of the e-Commerce Directive
- whether the French authorities have identified those providers in view of the threshold for application set out in Article 20-7 of Loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication and how many of those providers



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would currently be subject to the notified draft; and

c. 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 CJEU judgement in case C-376/22).

3. The Commission services would also welcome some clarifications on whether the obligations set out in the notified draft are intended to apply to providers of intermediary services and providers of online platforms (such as but not limited to apps or app stores), as defined in Article 3(g) and (i), respectively, of the Regulation (EU) 2022/2065.

4. In the affirmative, the Commission services would welcome clarification on:

- a. The means by which providers of hosting services, including online platforms, are expected to comply with the obligations set out in Chapters I and II of the notified draft within the limits of Article 8 of Regulation (EU) 2022/2065; and
- b. The intended interplay between the obligation in Chapter I, Article 3, of the notified draft and Article 27 of Regulation (EU) 2022/2065.

5. The Commission would also like to clarify whether the obligations concerning appropriate visibility of services of general interest set out in this notified draft concern the design of hardware / physical components of remote controls and whether user preferences and customisation measures can take priority over the different visibility measures set out in the notified draft.

The French authorities are kindly invited to reply by 15 March 2024.

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