



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) 0127

Directive (EU) 2015/1535

Notification: 2023/0683/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 informácie - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információkérése - 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

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1. MSG 301 IND 2023 0683 FR EN 06-03-2024 16-01-2024 COM INFOSUP COM 06-03-2024

2. Commission

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

4. 2023/0683/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 5 December 2023 the “Decree authorising access to publicly accessible data from multimodal travel information services for authorised agents of the Transport Regulatory Authority for the performance of its tasks” (hereinafter “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 kindly asks the French authorities to clarify whether the notion of “operator of the digital service” of Article R. 1264-3 may include information society services as defined in Directive (EU) 2015/1535 and Directive 2000/31/EC, in view of the relevant CJEU case law. In the affirmative, whether the scope of application of the notified draft extends to service providers which would not be established in the French territory in accordance with Directive 2000/31/EC, in view of the relevant CJEU case law.

2. In case of an affirmative reply to the second questions above, the Commission services would also like to receive further information concerning:

- (i) The concrete obligations for providers of information society services that would result from Article R. 1264-3 of the notified draft. In particular, whether service providers are required to (i) reply to the notifications sent by the Transport Regulatory Authority; (ii) provide the data contained in those requests; (iii) make available application programming interfaces and any necessary information to operate these to the Transport Regulatory Authority;
- (ii) The means envisaged for the supervision of compliance by service providers with their obligations pursuant to Article R.1264-3 of the notified draft, and whether these include the imposition of sanctions;



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(iii) The estimation of the number of information society services not established in the territory of France that would likely fall under the scope of the notified draft and the estimated costs of compliance with the notified draft for those services.

The French authorities are kindly invited to reply by 24 January 2024.

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