[FR] New digital safety and regulation law

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Law No. 2024-449 of 21 May 2024 aiming "to secure and regulate the digital space" was published in the French Official Gazette after being examined by the *Conseil constitutionnel* (Constitutional Council).

The first section of the law aims to prevent minors accessing pornographic websites. To this end, it gives the *Autorité de régulation de la communication audiovisuelle et numérique* (French audiovisual regulator – ARCOM) the task of drawing up minimum technical standards that must be met by age verification systems set up by publishers and online video-sharing platforms. ARCOM will also, after issuing a formal notice, be able to impose fines under conditions set out in Article 42-7 of the Law of 30 September 1986 and, subject to retrospective verification by the administrative courts, order the blocking of pornographic websites that fail to check their users' age or the delisting of such sites by search engines within 48 hours. Hosting providers will also be required to remove child pornography brought to their attention by the police within 24 hours. The new Articles 10 and 10-1 of the *Loi pour la confiance dans l'économie numérique* (Law on confidence in the digital economy – LCEN), established under the new law, apply exclusively to providers of online public communication services and video-sharing platform services established in France or outside the European Union.

The new law also increases the possible sanctions against people convicted of publishing hate speech online, online harassment or other serious offences (child pornography, pimping, etc.). The courts can also suspend such people from social networks for six months (Article 131-35-1 of the Penal Code), or one year in cases of recidivism. The online publication of deepfakes (videos or images created by artificial intelligence) will be punished more severely. The law also creates a new offence relating to sexual deepfakes, which may be sanctioned by a maximum of two years' imprisonment and a EUR 60 000 fine (Article 226-8-1 of the Penal Code).

Although it had been approved by parliament, the proposal to create within the Penal Code an offence of online public disrespect, i.e. "online dissemination of content that infringes a person's dignity, insults, degrades or humiliates them, or creates an intimidating, hostile or offensive situation for them", was rejected by the Constitutional Council. The members of the Constitutional Council noted that legislation already included several criminal offences that could be used to punish

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such acts and thought the proposed provisions could hinder freedom of speech and communication.

Under the law, which transposes the Digital Services Act (DSA), ARCOM is nominated as France's Digital Services Coordinator. Meanwhile, the *Commission nationale de l'informatique et des libertés* (the French data protection authority – CNIL) will be responsible for monitoring online platforms' compliance with rules limiting advertising based on the profiling of minors and profiling using sensitive data, and will also be responsible for obliging platforms to provide information on advertisements presented on online platforms (see Articles 26.1.d, 26.3 and 28.2 of the DSA).

Finally, the law contains measures to combat disinformation by foreign media outlets subject to EU sanctions (such as Sputnik or Russia Today France). ARCOM will, in future, be able to require new operators to block the online distribution of a foreign "propaganda" channel within 72 hours. If they fail to comply, it can order the blocking of the site concerned and fine the operator up to 4% of its annual turnover or EUR 250 000.

Loi n° 2024-449 du 21 mai 2024 visant à sécuriser et à réguler l'espace numérique, et décision du Cons. const. n° 2024-866 DC du 17 mai 2024, Journal officiel du 22 mai 2024

https://www.legifrance.gouv.fr/download/pdf?id=1kWAYP9AsPTUa6nbDcb3Sq3PzXyh2U2x_naRfEud_Wg=

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