[FR] Conditions for Authorising the Encrypting of Telecommunications

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The Act of 26 July 1996 reorganised the regulations on telecommunications in France; its purpose, specifically, is to bring the sector into line with European law. The Act includes provisions concerning encrypting. An implementing decree concerning the 1996 Act, dated 24 February 1998, has now defined the conditions for making declarations and granting authorisations in respect of encrypting means and services. Encrypting makes it possible to scramble the signal transmitted by a means of telecommunication and make it accessible only to persons with a decoder. The decree of 24 February 1998 sets up three legal systems for encrypting:

- no preliminary formalities required for encrypting services which do not ensure confidentiality functions;

- a system of declaration for the supply, import and export of a means of encrypting or a service which does not ensure confidentiality functions but which, unlike the first system, could do so (subject to the free circulation of services within the European economic area);

- a system of authorisation for other encrypting means and services.

Décret n° 98-101 du 24 février 1998 définissant les conditions dans lesquelles sont souscrites les déclarations et accordées les autorisations concernant les moyens et prestations de cryptologie, Journal Officiel du 25 février 1998

Statutory Instrument No 98-101 of 24 February 1998 defining the conditions for making declarations and granting authorisations in respect of encrypting means and services, Journal Officiel of 25 February 1998

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