[FR] Decree specifies content of compulsory message warning of the illegal nature of certain pornographic content

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Amélie Blocman
Légipresse

Article 1-3 of the Law of 21 June 2004 on confidence in the digital economy (LCEN), created by Article 12 of the Law of 21 May 2024 aimed at securing and regulating the digital space, requires any producer of pornographic content simulating simple, aggravated or incestuous rape to display, before and during its distribution, a message warning all users, regardless of age, of the illegal nature of the behaviour depicted. Decree no. 2025-767 of 4 August 2025, which implements this provision, specifies the wording of the message warning users of such pornographic content, as well as how it should appear both before the content is accessed and during viewing. The message ("Warning: This content simulates rape or incestuous rape, crimes punishable by at least 15 years' imprisonment under the Criminal Code") must appear in white on a black background, full-screen for at least 12 seconds before the content appears, and at the bottom of the screen throughout its broadcast.

This provision will come into force two months after its publication.

Failure to comply with this obligation is punishable by one year's imprisonment and a fine of EUR 75 000, applicable to all producers of content covered by the law, wherever they are established.

As provided for in the last paragraph of Article 1-3 of the LCEN, the effectiveness of this obligation depends in part on content that does not include the warning message being treated as illegal, to the extent that it may be flagged or made the subject of an injunction served on intermediary service providers who allow it to be distributed online, pursuant to Article 3(h) of the Digital Services Act.

In its opinion on the draft decree, the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) points out that the pornographic content in question (simulating rape, aggravated rape or incestuous rape) is likely to constitute "programmes of extreme violence", which are prohibited from being broadcast on linear television services and on-demand audiovisual media services established in France, pursuant to Recommendation 2005-5 of 7 June 2005 and Decision 2011-64 of 20 December 2011 respectively.

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Décret n° 2025-767 du 4 août 2025 relatif à la présentation du message avertissant du caractère illégal des comportements représentés dans des contenus à caractère pornographique, pris en application de l'article 1-3 de la loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique, JORF du 6 août 2025

https://www.legifrance.gouv.fr/download/pdf?id=G4eiXSIMaZyGAvKo6YyX_yfJvp_yqT8SIiOnWW6Q0Fc=

Decree no. 2025-767 of 4 August 2025 on the presentation of the message warning of the illegal nature of the behaviour depicted in pornographic content, pursuant to Article 1-3 of Law no. 2004-575 of 21 June 2004 on confidence in the digital economy, Official Journal of 6 August 2025.

https://www.legifrance.gouv.fr/download/pdf?id=G4eiXSIMaZyGAvKo6YyX_yfJvp_yqT8SIiOnWW6Q0Fc=

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