[FR] CSA's Opinion on the Information Society Bill

IRIS 2000-3:1/27

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On 5 October the Government continued in the direction taken by the Prime Minister's speech at Hourtin (IRIS 1999-8: 4) and launched a wide-ranging public consultation on adapting the legislative framework applicable to the information society, inviting all concerned in both the public and private sectors to give their opinion on the legal implications of the development of the Internet. The Conseil supérieur de l'audiovisuel (the regulatory body for the audiovisual sector in France - CSA) recently published its intended contribution to the present debate. The summary of the various contributions will be included in a bill to be submitted to Parliament in the course of the current year.

Above all, the CSA feels that a national initiative with a view to establishing common positions - at least at Community level - would seem to be necessary initially. Thereafter, steps should be taken to bring together all or some of the positions within the Community plus that of the United States, currently the main suppliers of content, in order to reinforce the effectiveness of regulation of the Internet. The CSA also invites the legislator to adapt the legal obligation of identification incumbent on editors of content put on-line to the specific features of the Internet. Thus the CSA considers the obligation to declare websites in advance inappropriate; it favours dropping this formality as long as the editors of on-line content can be identified readily. The CSA also feels that it is necessary to delimit the functions exercised by the various categories of those involved in the Internet in order to clarify their responsibility. Spamming, the automated processing of nominative information or exchanging such information among operators, should be governed by the principle of prior consent by the Internet user concerned and his/her entitlement to withdraw consent at any time.

The CSA also recalled that the fundamental distinction between private correspondence and audiovisual communication, as embodied in Section 2 of the Act of 30 September 1986, amended, remained pertinent and necessary as regards the Internet. It continued in the direction of the principle of the neutrality of supports, according to which the rules applicable to services depended on their nature and not on the supports they used. Thus the CSA held that maintaining a broad definition of audiovisual communication in no way excluded the adaptation of the various systems applicable to each category according to their specific nature (rarity or otherwise of the resource, impact on the public, etc). In this light, the CSA proposes that a body of rules common to on-line communication services

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should be determined.

Lastly, the CSA had a number of comments to make on the methods for regulating networks. Given the specific nature of the Internet and the diversity of the interests at stake, multi-regulation by associations of those concerned in the public and private sectors was the only solution. The administrative authorities such as the CNIL, the ART and the CSA would be represented in this, and would continue to exercise their skills in their respective fields. Multi-regulation of this kind should also be implemented through missions (of international coordination, mediation, application to the appropriate courts, observation and advice, supervision of content by means of a certification and filtering system) common to all on-line audiovisual communication services.

Réponse du CSA au document d'orientation du Gouvernement, La lettre du CSA n° 125, février 2000, p. 2.

Reply by the CSA to the Government's briefing document, CSA newsletter (La lettre du CSA) no. 125, February 2000, p. 2.

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