# [FR] Bill on the Information Society to Be Presented at Cabinet Meeting Soon

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The never-ending story of the Bill on the Information Society (see IRIS 1999-8: 4) seems to have moved into a decisive stage this month. After a final round of inter-ministerial arbitration, Christian Pierret, the Secretary of State for Industry, signed an almost definitive version of the text which should be presented in a meeting of the Cabinet in June, after obtaining consultative opinions from the administrative authorities (CSA, CNIL, ART, etc).

The purpose of the Bill is more particularly to transpose into French law the Directive of 8 June 2000 on e-commerce; the stated aim of the Bill is "to ensure that our legal rules are adapted to the Information Society", but without creating specific legislation applicable only to digital networks and content. In its present state, the text is divided into five sections. The first covers access to information and more particularly to public data and archives. The Bill provides for making available to the public certain collected data of a public nature, for which a charge might be made, except for data of an essential nature, which are defined in detail in the Bill. There is also a provision extending the principle of the statutory depositing of texts to on-line communication services. The second section covers freedom of on-line communication, considered by the Bill as a sub-group of audiovisual communication. In this respect, the text provides for the amendment of the Act of 30 September 1986 in order to create a right of reply specific to on-line communication services. The provisions concerning the liability of technical intermediaries introduced by the Act of 1 August 2000 are also supplemented in line with the provisions of the Directive on e-commerce. Thus hosts could be held liable if, once they actually have knowledge of the manifestly unlawful nature of any content they host, they do not take prompt action to withdraw it or make it impossible to access; there is no longer any reference to their criminal liability. The text also releases access providers and hosts from the obligation to supervise the information they transmit or store. Chapter III covers e-commerce, the means of validating an electronic contract, and contains a provision regulating spamming. Thus individuals who do not wish to receive unsolicited advertising via electronic means may ask to be included on a special list. Chapter IV covers access to the network, particularly for local communities; these may create telecommunication infrastructures. The final Chapter of the bill covers security in the information society and provides for liberalising the use of cryptology, and increases the penalties for criminal acts involving information technology. Contrary to the original

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intention, the bill does not include any provisions concerning copyright.
The Conseil supérieur de la propriété littéraire et artistique (Higher Council for Literary and Artistic Property), which was to be set up on 11 May, will be required to draw up a report on the transposition of the Directive on Copyright and Neighbouring Rights in the Information Society. However, the Government will not wait for that report before presenting the bill on the Information Society at a Cabinet meeting in June; indeed it hopes that the bill could receive its first reading in Parliament before the summer.

### *Projet de loi sur la société de l'information*

*Bill on the Information Society*

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