[FR] New Definition of Public On-line Communication in Digital Economy Bill

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On 8 January, the Parliament put draft legislation on confidence in the digital economy through its second reading. Mr Jean Dionis du Séjour, parliamentary rapporteur on the bill, had tabled an amendment on 10 December proposing a new definition for public on-line communication. The amendment was adopted contrary to the Government's opinion. It states that the term "on-line public communication" means any transmission of digital data that does not constitute private correspondence, in response to an individual request and using a telecom process that allows the mutual exchange of information between the sender and the receiver, that on-line public communication is not regulated, and that the exercise of this freedom may not be limited except as required firstly by respect for the dignity of the human person, the protection of children and young people, the freedom and property of others, and the pluralist nature of the expression of currents of thinking and opinion, and secondly by the maintenance of public order, the requirements of national defense, the demands of the public service, and by the technical constraints inherent in the means of communication.

With this amendment, the Parliament indicated its intention to create specific legislation rather than to include the Internet in the text of the Audiovisual Communication Act of 30 September 1986. As stated in the explanatory memorandum to the amendment, the truly specific legal aspects of the Internet are thus defined, without restricting the scope of audiovisual content, the rest being covered by common law. The bill, which has been adopted by the National Assembly's Economic Affairs Committee, will be put through its second reading in the Senate on 6 and 7 April.

The text also makes provision for prohibiting the unwanted advertising messages ("spam") that are flooding e-mail letterboxes. In future it will be necessary for the Internet user to be asked by mail if he/she agrees to receive this type of message.

These new provisions will have to go through a second reading in the Senate.

Draft legislation on confidence in the digital economy of 23 January 2004

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