[FR] Fake news bill submitted to Parliament

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As announced by the President of the Republic at the start of the year, a bill on the fight against false information was submitted to the National Assembly on 21 March, along with a draft implementing act ensuring that the bill will apply during the presidential election campaign. According to its explanatory memorandum, the bill “aims to counteract any attempts at destabilisation that could emerge during the forthcoming elections”. Three areas of reform are planned, the first of which involves the introduction of new tools aimed at combating the spread of such information.

During pre-election and election periods (i.e. from the date on which the decree calling the election is published), Internet platforms will be subject to tighter transparency obligations designed, firstly, to enable the public authorities to detect any destabilisation campaigns involving the distribution of false information and secondly, to enable Internet users to identify the backers of sponsored content. The courts will also be able to quickly put a stop to the distribution of such material under emergency proceedings. To this end, a special procedure will be applicable if false information (excluding parody or satire) likely to affect the integrity of a future election is artificially distributed online on a massive scale (in particular, through content that is sponsored or promoted using automated tools known as “bots”). Civil courts will, within forty-eight hours, be able to issue an emergency ruling ordering the delisting of the site concerned, the permanent removal of the disputed content, the closure of the account of a user who has repeatedly helped to distribute such content, and even the blocking of access to the website concerned.

Part II of the bill is designed to enable the Conseil Supérieur de l’Audiovisuel (the national audiovisual regulator - CSA) to prevent, suspend or stop the distribution of television services controlled by a foreign state that violate the fundamental interests of France or participate in efforts to destabilise its institutions, in particular through the distribution of “false news” within the meaning of the 1881 Act. The CSA can take into account the conduct of all companies linked to the company responsible for the channel and the content of all electronic public communication services (in particular social networks or online press sites) in order to understand all the strategies that might be used by certain states. The bill also establishes a special procedure for the suspension of an approved service during election periods if its activities are designed to affect the integrity of an

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election. It gives the CSA powers to withdraw a broadcaster's licence and creates an audiovisual administrative summary procedure enabling the courts to suspend the distribution of a service at short notice for the same reasons as those entitling the CSA to withdraw its licence.

Lastly, the bill also strengthens the cooperation obligations of technical intermediaries. Part III creates a new article within the Loi pour la confiance en l'économie numérique (Act on Confidence in the Digital Economy) of 21 June 2004, adding the fight against false information to the cooperation obligations of technical intermediaries. This broader cooperation requirement adds to the obligations of the relevant service providers. As well as the obligation to promptly remove any illicit content brought to their attention ("notice and take down"), the bill requires service providers to set up an easily accessible and visible tool through which, firstly, anyone can notify them of content that constitutes false information, and secondly, the relevant public authorities can be promptly informed of such complaints. Lastly, service providers must disclose to the public the steps they are taking to combat the distribution of false information. This third obligation cuts across the first two, requiring the relevant measures to be taken in a transparent manner.

The government announced that the bill would be examined under the accelerated procedure, which means that it will only receive a single reading in each chamber of parliament. In view of the National Assembly's busy timetable, the plenary discussion may not take place until the week of 11 June.

Proposition de loi "relative à la lutte contre les fausses informations

http://www.assemblee-nationale.fr/15/propositions/pion0799.asp

Bill on the fight against false information

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