[FR] Fight against hate speech and illegal online content: new obligations imposed on CSA-monitored platforms

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The *loi confortant le respect des principes de la République* (law reinforcing respect of the principles of the Republic), which aims to combat separatism, was published in the Official Gazette on 25 August 2021. Chapter IV of the law contains a substantial range of measures designed to fight hate speech and illegal online content.

Anticipating the transposition of the future European Digital Services Act (DSA), in particular the section concerning online hate, the legislator added an Article 6-4 to the *loi pour la confiance en l'économie numérique* (law on trust in the digital economy – LCEN) of 21 June 2004. The provision imposes new obligations on content-sharing platforms, social networks and search engines regarding the moderation of unlawful content, cooperation with public authorities, transparency in relation to their policy and methods for dealing with hateful content, risk assessment and the creation of systems for users to report illegal content.

Article 6-4 LCEN will apply, until 31 December 2023, pending the adoption of the Digital Services Act .

The law gives the CSA (the French audiovisual regulator) supervisory powers over the moderation systems set up by platforms (new Article 62 of the amended law of 30 September 1986). If operators flout these new obligations, the CSA will be able to fine them up to EUR 20 million or 6% of their global turnover.

A new procedure has been created to combat so-called mirror sites that copy illegal content that has been removed or blocked under court orders (Article 39 of the new law). It will be up to the administrative authority [PG2] to identify and classify illegal content and mirror sites, and to notify technical intermediaries so they can block the relevant content. It will be able to ask both Internet access providers and hosts to block access to content that is identical or similar to content that is deemed illegal under an enforceable court decision.

The law also creates an offence of endangering the life of others by disseminating information concerning their private, family or professional life, which has been added to Article 223-1-1 of the Criminal Code. This offence is committed when an attempt is made to expose a person or their family members to "a direct risk of

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an attack on them or their property". It is punishable with a three-year prison sentence and a EUR 45,000 fine. The penalty is increased to a five-year prison sentence and a EUR 75000 fine if the victim is a public servant, elected representative, journalist or minor.

Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République publiée au Journal officiel du 25 août 2021

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778

Law no. 2021-1109 of 24 August 2021 reinforcing respect of the principles of the Republic, published in the Official Gazette on 25 August 2021

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