

[FR] ARCOM orders two more pornographic websites to block access to minors

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In accordance with Article 23 of the Law of 30 July 2020 to protect the victims of domestic violence, “if a provider of an online public communication service is found to be allowing minors to access pornographic content in violation of Article 227-24 of the Penal Code, the ARCOM (the French broadcasting regulator) president will send it – in a manner in which the date of receipt can be proven – a formal notice ordering it to take all possible steps to prevent minors accessing the content concerned. The recipient of the injunction then has 15 days in which to present its observations. If the injunction is breached and the content remains accessible to minors after this deadline, the ARCOM president may refer the matter to the president of the Paris judicial court with the request that, ruling on the merits under the accelerated procedure, it should order [Internet access providers] to block access to the service (...)”.

Under this provision, on 13 December 2021, the *Conseil supérieur de l’audiovisuel* (the previous French audiovisual regulator – CSA), at the request of three associations, ordered the providers of the Pornhub, Tukif, Xhamster, Xnxx and Xvideos websites to comply with their obligation under Article 227-24 of the Penal Code to prevent minors accessing their content. On 8 March 2022, since the regulator’s requests had not been met by the deadline laid down, the ARCOM president announced that he had referred the matter to the president of the Paris judicial court with the request that it should order the main Internet access providers to block access to the sites in question. On the same day, ARCOM, which replaced the CSA and is also responsible for digital media, asked for the observations of the provider of the YouPorn and RedTube websites. It decided that the observations submitted did not bring into question the infringement of Article 227-24 of the Penal Code, since access to the disputed sites could be gained simply by claiming to be an adult with a single click. Therefore, on 7 April, since the provider of the RedTube and YouPorn services was making pornographic content accessible to minors in contravention of Article 227-24 of the Penal Code, ARCOM issued a formal notice ordering it to take all possible steps to comply with Article 227-24 within 15 days.

If it is also asked to rule on the Youporn and Redtube websites, the Paris judicial court will be able to prohibit access to them on French territory or via their French addresses. Internet users who try to access them will be automatically redirected to an information page explaining why the site is blocked. The ARCOM president

will also be able, if necessary, to refer to the president of the Paris judicial court any case in which the blocked websites are made accessible to minors via other web addresses (“mirror sites”). He will also be able to ask the court to order search engines and directories to delist the sites. The decision is expected within the next few weeks.

Décision n° 2022-P-11 du 7 avril 2022 mettant en demeure la société MG Freesites Ltd en ce qui concerne le service de communication au public en ligne « YouPorn »

<https://www.legifrance.gouv.fr/download/pdf?id=cOdN1i2AI7uKqTG6sMXeUjcCxzdAd0TLhVVMQEEw-Q=>

Decision no. 2022-P-11 of 7 April 2022 to issue a formal notice to MG Freesites Ltd concerning the "YouPorn" online public communication service

Décision n° 2022-P-10 du 7 avril 2022 mettant en demeure la société MG Freesites Ltd en ce qui concerne le service de communication au public en ligne « RedTube »

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045669413>

Decision no. 2022-P-10 of 7 April 2022 to issue a formal notice to MG Freesites Ltd concerning the "RedTube" online public communication service

