[FR] Adoption of bill on social media age restrictions and parental permission

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Tabled by Laurent Marcangeli, an MP from the Horizons party, the bill "to establish digital majority and combat online hate" was adopted by the National Assembly at its first reading on 2 March 2023.

During the parliamentary debate, it was revealed that, while 82% of children aged between 10 and 14 regularly use the Internet without their parents, more than 50% of them are active on social media, for which they first register at the age of 8 and a half on average. Therefore, even though a minimum age is stipulated, 60% of under-13s have a social network account.

In the MPs' opinion, the best way of protecting children from growing online danger remains parental supervision.

This is the purpose of Article 2 of the bill, which tightens social networks' obligations to verify users' ages and obtain parental permission for minors under the age of 15. Service providers will be required to employ age verification systems that meet standards laid down by the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM), after consultation with the *Commission Nationale de l'Informatique et des Libertés* (the French data protection authority – CNIL), which will ensure that systems comply with the relevant rules. ARCOM will be able to monitor compliance and issue formal notices to social networks that fail to put suitable measures in place. If such a notice is ignored, ARCOM will be able to refer the matter to the president of the Paris Court, who will be asked to order the network concerned to put a suitable technical solution in place or face a fine of up to 1% of its global turnover. Article 2, which is the central provision of the bill, is therefore designed to prevent children under 15 registering for a social network unless permission is expressly given by a parent or guardian and properly checked by the network. It also entitles parents to ask for their child's account to be suspended until they reach the age of majority.

Under Article 1 of the bill, the definition of social networks that was recently adopted in the EU Digital Markets Act (DMA) is incorporated into the *Loi pour la confiance dans l'économie numérique* (Law on confidence in the digital economy – LCEN). Although the DMA is directly applicable, the MPs thought it was important

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to include this definition in national law “in order to increase legal certainty and ensure it is used in other fields in the future”.

Meanwhile, Articles 1a and 1b, tabled in committee, extend Article 6 I 7 of the LCEN by adding to the list of offences established in the Penal Code for which social networks will be required to provide a reporting system. The networks will also be required to display harassment prevention messages.

Article 3 sets a deadline for responding to court requisitions: the first paragraph of Article 6 VI 1 of the LCEN, which sanctions online public communication service providers who fail to meet a judicial authority’s request for digital evidence, states that such evidence must be submitted within 10 days or, in urgent cases, eight hours.

Under Article 4, a report on the consequences of social network use for young people’s physical and mental health must be submitted to the government in order to provide an overview of the current state of knowledge on this subject. Finally, the bill asks the government to prepare a report investigating whether it makes sense to merge the two platforms used to combat harassment in schools and cyberbullying respectively.

The bill, to which the government has applied the expedited procedure, has been sent to the Senate.

Proposition de loi visant à instaurer une majorité numérique et à lutter contre la haine en ligne

https://www.assemblee-nationale.fr/dyn/16/textes/l16t0082_texte-adopte-seance

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