[FR] Government publishes extensive Digital Safety and Regulation Bill

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On 10 May, the Minister of the Economy, Finance and Industrial and Digital Sovereignty and the Minister Delegate for the Digital Transition and Telecommunications presented the Digital Safety and Regulation Bill to the Council of Ministers.

Containing 36 articles split into eight sections, this extensive piece of legislation aims to strengthen the “protection of minors online” and of “citizens in the digital world”, “confidence and competition in the data economy”, “the governance of digital regulation” and “monitoring of personal data processing carried out by the courts under their judicial remit”, as well as to “adapt the national law”, in particular by transposing the European Digital Services Act (DSA) and Digital Markets Act (DMA). To this end, advertising aimed at minors or based on sensitive data will be prohibited and the battle against online disinformation will be facilitated through enhanced collaboration between stakeholders and the adoption of common self-regulatory standards. Meanwhile, the giants of the digital industry will not be allowed to prioritise their own services on their platforms.

The most significant provisions of the bill include measures to increase the powers of the *Autorité de régulation de la communication audiovisuelle et numérique* (French audiovisual regulator – ARCOM) to protect minors online. For example, ARCOM will be able to issue recommendations concerning the technical requirements that must be met by age verification systems restricting access to pornographic websites. These systems are designed to ensure that only adults can access pornographic content provided by online public communication services. The bill also amends Article 23 of the law of 30 July 2020 and states that, if a company ignores a request from the ARCOM president that it should take all measures necessary to prevent minors accessing such content, ARCOM itself, rather than the Paris judicial court, may order that access to the website concerned should be blocked. The government hopes that ARCOM will be able to block, delist and heavily sanction pornographic websites that refuse to use a reliable, anonymous, unmonitored age verification system.

The bill also extends the mechanism for dealing with content that incites terrorist acts and makes provision for criminal sanctions against providers of hosting

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services that fail to comply with a request from the relevant authority to take down, within 24 hours, websites containing child pornography under the terms of Article 227-3 of the Criminal Code.

As far as the “protection of citizens in the digital world” is concerned, the bill establishes new forms of protection against disinformation and foreign interference created by the distribution of media affected by international sanctions: ARCOM will be able to punish companies that circumvent these sanctions, especially broadcasting bans, and, under an amendment of Article 42-10 of the law of 30 September 1986, will be given new powers to implement European sanctions imposed on the basis of Article 215 of the Treaty on the Functioning of the European Union.

The government has launched an accelerated procedure that should ensure the bill is examined by the French parliament before the summer.

Projet de loi visant à sécuriser et réguler l’espace numérique (ECOI2309270L)

https://www.senat.fr/leg/pjl22-593.html

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