



Notification Number: 2010/548/F

## Draft decree on legal deposit of electronic public communication services.

Date received : 05/08/2010

End of Standstill : 08/11/2010

### Message

Message 002

Communication from the Commission - SG(2010) D/52034

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0548/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201002034.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0548 F EN 05-08-2010 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

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#### 3. Originating Department

Secrétariat général

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#### **4. Notification Number**

2010/0548/F - SERV

#### **5. Title**

Draft decree on legal deposit of electronic public communication services.

#### **6. Products Concerned**

6. Electronic public communication services

#### **7. Notification Under Another Act**

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#### **8. Main Content**

Article L. 131-2 of the French Heritage Code makes legal deposit compulsory for “signs, signals, writing, images, sounds or messages of any kind that are communicated to the public by electronic means”.

The purpose of this draft decree is to lay down the arrangements for selecting the online public communication services to be deposited. To this end, the draft decree makes legal deposit compulsory for public communication services of French origin, i.e. services registered under the domain name .fr or any other domain name registered with the French body or bodies responsible for the management of these names and/or products within France or registered by a person resident in France.

It also states that online public communication services have a duty not to implement a code or restriction on access that would prevent the collection of an Internet site. Where automatic collection procedures are not possible, for instance due to technical reasons, the recording arrangements must be determined by the depository by agreement with the publisher or producer of the content concerned, and the latter must deliver the passwords and access keys necessary for collection.

Finally, the draft decree stipulates the arrangements for the consultation, including by researchers, of the information collected.

#### **9. Brief Statement of Grounds**

Responsibility for legal deposit in respect of the Internet lies with the French National Library (BnF) and the National Audiovisual Institute (INA), which carry out automated collections performed with the aid of capture robots. Since it is impossible for the depositories to effect systematic depositing in respect of all Internet sites and all of their modifications over time, a choice must be made and provided for by way of a Council of State decree.

#### **10. Reference Documents - Basic Texts**

References to reference texts: Article L. 132-2-1 of the French Heritage Code.



**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

**15. Impact assessment**

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**16. TBT and SPS aspects**

TBT aspect

No – The draft is not a technical regulation or conformity assessment.

SPS aspect

No – The draft is not a sanitary or phytosanitary measure.

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