



Notification Number: 2018/159/F

Law on measures to combat the spread of fake news

Date received : 10/04/2018

End of Standstill : 11/07/2018

Message

Message 002

Communication from the Commission - TRIS/(2018) 00908

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0159/F

No abre el plazo - Nezaħajuje 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 - Não 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: 201800908.EN)

1. Structured Information Line

MSG 002 IND 2018 0159 F EN 10-04-2018 F NOTIF

2. Member State

F

3. Department Responsible

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4. Notification Number

2018/0159/F - SERV

5. Title

Law on measures to combat the spread of fake news

6. Products Concerned

Operators of online platforms

7. Notification Under Another Act

-

8. Main Content

The aim of the draft law is to combat the spread of fake news, particularly at election time, via audiovisual media and the internet.

The proposed provisions contain the requirement for internet service providers and hosts to cooperate in combating the spread of fake news. These intermediaries would thus be required to implement an easily accessible and visible reporting mechanism, immediately inform the competent public authorities of reports sent to them, and make public the means they will be employing to combat the spread of illegal fake news.

Such a duty to cooperate is stated in Article 6-I of Law No 2004-575 of 21 June 2004 on confidence in the digital economy, with regard to various forms of illegal content (condoning crimes against humanity, advocating terrorism, inciting racial hatred, etc.).

In order to make internet users aware of the origin of information to which they are exposed and to make it easier to understand and verify the veracity of said information, the draft law intends – only during election campaigns – to impose on online platforms a more stringent transparency requirement vis-à-vis the content of information promoted in exchange for payment ('sponsored content').

Article L111-7 of the Consumer Code states that operators of online platforms must provide consumers with reliable, clear and transparent information as to whether there is a contractual relationship, capital ties or payment for the benefit of said operators when they influence the ranking of content, goods and services suggested or made available online. This requirement will, in particular, impose a requirement on platforms stipulating that they must clearly indicate, e.g. by displaying an icon, that content has been promoted in exchange for payment.

The draft law aims to make this transparency requirement more stringent by requiring platforms to inform the public of the identity of the advertiser, those inspecting the advertiser or on whose behalf the advertiser is acting, as well as the amounts (exceeding a limit to be defined by decree) spent on promoting this content. Since only information content is concerned, content aimed at promoting goods or services, such as those published on e-commerce platforms, is not subject to this more stringent transparency requirement.



9. Brief Statement of Grounds

Given the level of interest in combating the spread of fake news, more stringent transparency requirements are imposed on platforms that are used on a massive scale and in a sophisticated way by those wishing to spread fake news, without disproportionately restricting the freedom of trade and industry.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): - Book I, Title I, Chapter VII of the Electoral Code
- Article 6 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy

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 neither a technical regulation nor a conformity assessment procedure.

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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