



Notification Number: 2007/141/F

Draft Decree on the right of reply applicable to online services for communication to the public implementing Article 6(IV) of Law No 2004-575 of 21 June 2004 for confidence in the digital economy

Date received : 14/03/2007

End of Standstill : 15/06/2007

Message

Message 002

Communication from the Commission - SG(2007) D/50674

Directive 98/34/EC

Translation of the message 001

Notification: 2007/0141/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: 200700674.EN)

1. Structured Information Line

MSG 002 IND 2007 0141 F EN 15-06-2007 14-03-2007 F NOTIF 15-06-2007

2. Member State

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3. Department Responsible

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3. Originating Department



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4. Notification Number

2007/0141/F - SERV20

5. Title

Draft Decree on the right of reply applicable to online services for communication to the public implementing Article 6(IV) of Law No 2004-575 of 21 June 2004 for confidence in the digital economy

6. Products Concerned

Online services for communication to the public

7. Notification Under Another Act

No

8. Main Content

The notified draft Decree lays down the procedures for exercising the right of reply online and, primarily, the *ratione materiae* limits of this right (Article 1(2)). Taking account of the interactivity logic of the Internet, this right cannot be exercised for online public communications services such as forums or chats in which dialogue is established between users and which offer any person the ability to respond to content made available to the public and to directly make comments through the sending of messages.

Article 6(IV) of the Law of 21 June 2004 specifies the person to which the request for exercising the right of reply should be addressed: this shall be the director of the publication, or, should the editor choose to be anonymous, the host of the website in question, it being his or her responsibility to pass on the request to the director of the publication. The notified draft Decree lays down the penal sanction applicable to the host should they not respect the obligation to pass on such a request for which they are responsible (Article 6).

The draft Decree also lays down the procedures according to which the request to exercise the right of reply must be sent to the Director of the publication (Article 1(1)), as well as the compulsory or optional notes to be included (Articles 2 and 5). It also makes the director of the publication responsible for the obligation to let the applicant know the action they intend to take in response to their request, and, where applicable, according to which procedures (Article 4).

Finally, the notified draft Decree lays down the form and the length of the expected response of the director of the publication (Article 3) and the conditions for making this available to the public (Article 4).

9. Brief Statement of Grounds

Article 6(IV) of Law No 2004-575 of 21 June 2004 for confidence in the digital economy created a right of reply appertaining to services for communication to the public on line, referring to the laying down of precise procedures for the implementation of this Law to a Council of State Decree.



10. Reference Documents - Basic Texts

- a) The notified draft Decree must be taken on the basis of Article 6(IV) of Law No 2004-575 of 21 June 2004 for confidence in the digital economy
- b) -
- c) Notification N° 2003/0127/F

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

-

13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

-

16. TBT and SPS aspects

TBT and SPS aspects (Agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on Technical Barriers to Trade)

NO

This draft is not a technical regulation or a conformity assessment procedure pursuant to Annex 1 to the TBT Agreement.

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

NO

The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

Catherine Day
Secretary-General
European Commission

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Single Market for goods
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