



Notification Number: 2014/291/F

Draft law strengthening the provisions relating to the fight against terrorism.

Date received : 23/06/2014

End of Standstill : 07/07/2014

Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - TRIS/(2014) 01740

Directive 98/34/EC

Translation of the message 001

Notification: 2014/0291/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: 201401740.EN)

1. Structured Information Line

MSG 002 IND 2014 0291 F EN 23-06-2014 F NOTIF

2. Member State

F

3. Department Responsible

Délégué interministériel aux normes – SQUALPI – Bât. Sieyès -Teledoc 151 – 61, Bd Vincent Auriol - 75703 PARIS Cedex 13
d9834.france@finances.gouv.fr
tél : 01 44 97 24 55

3. Originating Department

Ministère de l'intérieur, Direction des libertés publiques et des affaires juridiques, 11 rue des saussaies, 75008 Paris.



4. Notification Number

2014/0291/F - SERV

5. Title

Draft law strengthening the provisions relating to the fight against terrorism.

6. Products Concerned

Internet service providers

7. Notification Under Another Act

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8. Main Content

Article 6 of the draft law strengthening the provisions relating to the fight against terrorism supplements the provisions of the Law of 21 June 2004 on confidence in the digital economy, in order to afford administrative authorities the possibility of asking internet service providers to block access to websites inciting or condoning acts of terrorism in a similar manner to the measures against child pornography websites already implemented by the legislature. Service providers are also bound by the obligation of limited surveillance provided for under the Law of 21 June 2004.

9. Brief Statement of Grounds

Under Article 6-I-7 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy (LCEN), technical service providers have a particular obligation to support the fight against the dissemination of criminal offences relating to child pornography and the abuse of minors, the condonation of war crimes and crimes against humanity, incitement to racial hatred, incitement to violence, especially violence against women, and abuses of human dignity.

Internet service providers and website hosts have a threefold obligation of vigilance:

- to implement a mechanism enabling any person to bring to their attention the existence of websites or pages encouraging such crimes to be committed;
- to inform the public authorities at the earliest opportunity of any such alerts received;
- to make public the means that they will be employing in the fight against internet sites inciting these crimes.

These obligations under Article 6.I.7. of Law No 2004-575 of 21 June 2004 on confidence in the digital economy do not, however, relate to crimes as serious as inciting and condoning terrorism.

Furthermore, the majority of internet sites whose content is liable to incite or condone acts of terrorism are hosted overseas.

The first paragraph of Article 6 of the draft law therefore proposes that this obligation be extended to the fight against the incitement to and condonation of acts of terrorism, including the offence created under Article 4 of this draft law. The aim is firstly to protect the good faith internet user from content that they have not solicited



and secondly to prevent the spread of terrorist propaganda. For this purpose, administrative blocking has the advantage of being able to take action against a large number of websites or pages more quickly than legal blocking. It therefore reconciles effective preventive measures with respect for rights and freedoms, since this policing measure may be appealed before the courts.

10. Reference Documents - Basic Texts

No basic texts available

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Taking into account the increase in reported phenomena of radicalisation via internet usage, the envisaged provisions are of an urgent nature relating to the protection of public health, in accordance with point 7 of Article 9 of Directive 98/34/EC. The Council of State has just been made aware of the draft law, with a view to its examination by the Council of Ministers in early July. This draft law features on the agenda of the extraordinary session of parliament convened from 1 July 2014.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - the draft is not a technical provision or a conformity assessment procedure.

SPS aspect

No - the draft is not a sanitary or phytosanitary measure.

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: dir83-189-central@ec.europa.eu



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