



Notification Number: 2001/272/F

## Draft Act on the Information Society

Date received : 20/06/2001  
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Issue of comments by : Commission, Netherlands

### Message

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Message 002

Communication from the Commission - SG(2001) D/51385  
Directive 98/34/EC



Translation of the message 001

Notification: 2001/272/F

(MSG: 200101385.EN)

**1. Structured Information Line**

MSG 002 IND 2001 0272 F EN 21-09-2001 20-06-2001 F NOTIF 21-09-2001

**2. Member State**

France

**3. Department Responsible**

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questions de coopération économique européenne  
2, bd Diderot  
75012 PARIS

Délégué interministériel aux normes  
22, rue Monge  
75005 PARIS

**3. Originating Department**

Secrétariat général du Gouvernement  
58, rue de Varenne  
75007 PARIS

Secrétariat général de la défense nationale  
51, bd de la Tour-Maubourg  
75700 Paris 07 SP

Direction générale de l'industrie, des technologies de  
l'information et des postes  
20, avenue de Ségur  
75007 Paris

Direction du développement des médias  
69, rue de Varenne  
75007 Paris

Direction des archives de France  
60, rue des Francs-Bourgeois  
75171 Paris CEDEX 03

Direction des affaires civiles et du sceau  
13, place Vendôme  
75042 Paris - CEDEX 01

Direction des affaires criminelles et des grâces  
13, place Vendôme



75042 Paris - CEDEX 01

**4. Notification Number**

2001/272/F - SERV

**5. Title**

Draft Act on the Information Society

**6. Products Concerned**

Information Society services

**7. Notification Under Another Act**

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**8. Main Content**

The Draft Act on the Information Society constitutes a new stage in the adaptation process of French law to the Information Society which has recently been put into practice by the Law of 13 March 2000 adapting the law of evidence to information technologies and relating to electronic signatures and by the Decree of 12 September 2000 amending the Posts and Telecommunications Code and relating to access to the local loop.

This text, which transposes, in particular, the European Directive of 8 June 2000 on electronic commerce into French law, has the essential objective to promote confidence in electronic trade and to contribute to the democratisation of the use of the Internet.

The main provisions of the draft Act are as follows:

It promotes citizen access to digital information: on-line communications access is now part of the obligatory telecommunications service. The administration shall be responsible for making this digital data available to the public and to disseminate essential public data free of charge. Access to public archives will be made more open due to shortening of the special deadlines for free consultation of the archives.

- It guarantees the freedom of on-line communication: the connection between on-line communication and audiovisual communication is clarified by defining these with regard to the provisions of the Law of 1986 which applies to on-line communications. Technical operators' responsibility is regulated and the judicial authority shall receive new means to stop the dissemination of illegal content.

- It clarifies the legal framework applicable to electronic commerce: it recognises the validity of contracts concluded electronically in the Civil Code and lays down, in particular, amongst the options mentioned by the Community Directive, better consumer protection. The draft Act shall allow everyone, simply and free of charge, to refuse to receive unsolicited advertising by email.

- It promotes the development of digital networks, using satellite technologies and mobile telephone networks while facilitating infrastructure sharing between operators.

- Finally, it strengthens the means to combat cybercrime. The use of cryptography, a protection tool against electronic eavesdropping, shall be made entirely free, whereas the supply, import and export of such means shall require declaration. The means of the judicial authority in investigations into electronic crimes are also



strengthened and the provisions of the Penal Code are supplemented to fight against cybercrime more effectively.

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

See point 8

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

Reference documents:

- Posts and Telecommunications Code;
- Civil Code;
- Consumer Code ;
- Penal Code;
- Code of Criminal Procedure;
- Law No 78-753 of 17 July 1978 applying various measures to improve relations between the public administration and the public;
- Law No 79-18 of 3 January 1979 on archives;
- Law No 86-1067 of 30 September 1986 on freedom of communication;
- Law No 92-546 of 20 June 1992 on legal deposit.

All these texts can be consulted on and downloaded from the website: [www.legifrance.gouv.fr](http://www.legifrance.gouv.fr) (headings: "codes" et "lois et règlements" ["Codes", and "Laws and Regulations").

## **11. Invocation of the Emergency Procedure**

No

## **12. Grounds for the Emergency**

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## **13. Confidentiality**

No

## **14. Fiscal measures**

No

David O'Sullivan



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers

General Secretary  
European Commission