



Notification Number: 2007/223/F

Decree implementing Article 6 of Law No 2004-75 of 21 June 2004 on confidence in the digital economy, as amended by Article 40 of the Law of 5 March 2007 on crime prevention.

Date received : 23/04/2007
End of Standstill : 24/07/2007 (24/08/2007)
Issue of comments by : United Kingdom
Issue of detailed opinion by : Commission, Malta

Message

Message 002

Communication from the Commission - SG(2007) D/50986
Directive 98/34/EC
Translation of the message 001
Notification: 2007/0223/F

No abre el plazo - Nezaahajuje 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: 200700986.EN)

1. Structured Information Line

MSG 002 IND 2007 0223 F EN 24-07-2007 23-04-2007 F NOTIF 24-07-2007

2. Member State

F

3. Department Responsible

Délégué interministériel aux normes – SQUALPI – 12, rue Villiot – 75572 PARIS Cedex 12
d9834.france@industrie.gouv.fr ou syrte@industrie.gouv.fr
tél : 01 53 44 97 04 – fax : 01 53 44 98 88

3. Originating Department



Ministère délégué à l'Industrie
Direction Générale des Entreprises
Service de la Société et des Technologies de l'Information
12, rue Villiot
75572 PARIS Cedex 12

4. Notification Number

2007/0223/F - SERV 60

5. Title

Decree implementing Article 6 of Law No 2004-75 of 21 June 2004 on confidence in the digital economy, as amended by Article 40 of the Law of 5 March 2007 on crime prevention.

6. Products Concerned

Information society services (Internet access, hosting)

7. Notification Under Another Act

-

8. Main Content

The Decree to which this notification relates aims to define the provisions set out in Article 40 of the Law of 5 March 2007 on crime prevention, amending Article 6 of the Law of 21 June 2004 on confidence in the digital economy. The objective is to bolster the fight against the increase in illegal online gambling activities by requiring intermediary service providers to set up an appropriate warning facility bringing this to the attention of their subscribers.

The Decree thus requires service providers to set aside a special information area on their portals and other interactive services, in order to alert the public to the risks involved in connecting to illegal online gambling sites. The Decree also provides that, within this information and warning facility, service providers should include a hypertext link giving the public direct access to a list of illegal online gambling sites drawn up by the competent national authorities.

A joint Order by the Minister for the Interior and the Minister responsible for Industry, which is currently being prepared, will add the finishing touches to this facility by specifying the technical means of fulfilling the obligations thus imposed on service providers.

9. Brief Statement of Grounds

The fight against the growth in illegal Internet gambling activities is of ongoing concern to the French authorities. In this context, which has a certain number of similarities with the problems involved in the fight against foreign child pornography sites, the provisions adopted in 2004 in the Law on confidence in the digital economy provide a valuable precedent.

Article 6 of the Law of 2004 introduces a specific warning mechanism intended to combat particularly unpleasant content (child pornography, incitement to racial hatred, glorification of war crimes). This mechanism is based on the following principles: vigilance from citizens and users, and cooperation between Internet service providers and government departments.

The aim of the new technical regulation is to take this tried and tested instrument and to translate it, appropriately adapted, to the plan for combating illegal online gambling sites. The general outline of the



proposed technical regulations is therefore not new: it is specifically taken from the instrument that was adopted in 2004 to establish a collaboration between Internet service providers to pursue an objective of general interest (combating sites and content that attack human dignity or the protection of childhood). The scheme therefore reuses a solution that has already been endorsed, applying it to another, equally incontestable, objective of general interest (combating illegal gambling).

It involves calling on Internet operators to take over this warning activity by providing, on their own portals and aimed at their subscribers, preventative information with the aim of informing users of the identity of gambling sites condemned by the Minister of the Interior and of alerting them to the risks involved in visiting such sites.

This instrument is therefore based on a warning method that enables the competent national authorities, via the Internet service providers, to increase the general public's awareness of this type of illegal activity and to prevent the spread and use thereof.

10. Reference Documents - Basic Texts

- a) The Decree to which this notification relates implements the Law of 5 March 2007 amending Article 6 of the Law of 21 June 2004 on confidence in the digital economy.
- b) The draft Law on confidence in the digital economy was the subject of previous notification 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 aspect (Agreement on Technical Barriers to Trade)

- a) NO
- b)
 - i) 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)

- a) NO.
- b)



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

Catherine Day
Secretary-General
European Commission

Point de contact Directive 98/34
Fax: (32-2) 296 76 60
email: dir83-189-central@ec.europa.eu

sent to :

BELNotif Qualité et Sécurité
Mme Descamps

Bundesministerium für Wirtschaft und Technologie (Referat EA3)
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau Brigitte WIKGOLM

CU N Lovseth Hanne Leen
.

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism
M. Antonis Ioannou

Czech Office for Standards, Metrology and testing
Mrs Lucie Ruzickova

Department of Trade and Industry Office of Science & Innovation
Mr Philip Plumb

Délégation Interministérielle aux Normes
Mme Piau

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
M.Mourtzanos K

EU internal market coordination (Ministry of Economics)



Mrs Zanda Liekna

Erhvervs- og Boligstyrelsen
Lene Hald Nielsen

European Free Trade Association

.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Institut Belge de Normalisation
Mme F. Hombert

Instituto Português da Qualidade
Sra Cândida Pires

Kauppa-ja teollisuusministeri
Ms. Leila Orava

Kommerskollegium
Ms Kerstin Carlsson

Lithuanian Standards Board
Daiva Lesickiene

Malta standards Authority
Francis E. Farrugia

Min. of Economic Affairs & Communication
Mr. Karl Stern

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financiën Belastingdienst - Douane Noord / CDIU
De Heer IJ.G. van der Heide

Ministerio de Asuntos Exteriores Secretaría de Estado para la Unión Europ
Esther Perez Pelaez

Ministero dello sviluppo economico F1 - Ispettorato tecnico industria
Signor Vincenzo Correggia

Ministry of Economy Dept for Economic Regulations
Mrs Barbara H. Kozłowska

Ministry of Economy and Commerce Division for Internal Market
Razvan CUC

NSAI
Mr Tony Losty



National Agency for Enterprise & Housing Dahlerups Pakhus
Mrs. Pernille Hjort Engstroem

Office of standards, metrology & Testing Director of the department of European I
Mrs Kvetoslava STEINLOVA

Représentation Permanente de la Belgique auprès de l'Union européenne

.

Représentation Permanente de la France

.

Représentation Permanente du Luxembourg

.

SL

.

Service de l'Energie de l'Etat
Mr J.-P. Hoffmann

Slovenian Institute for Standardization SIST
Mrs Vesna Stazisar

State Agency for Metrology and Technical Surveillance
Violetta Veleva

Undersecretariat of Foreign Trade General Directorate of Standardisation
Mr Mehmet COMERT

sent to :

CU N Lovseth Hanne Leen

.

Department of Trade and Industry Office of Science & Innovation
Mr Philip Plumb

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

European Free Trade Association

.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas



Kauppa-ja teollisuusministeri

Ms. Leila Orava

Ministry of Economy and Commerce Division for Internal Market

Razvan CUC

NSAI

Mr Tony Losty

Représentation Permanente de l'Irlande

Denis Colfer

Représentation Permanente du Royaume-Uni

.

SL

.

State Agency for Metrology and Technical Surveillance

Violetta Veleva

Undersecretariat of Foreign Trade General Directorate of Standardisation

Mr Mehmet COMERT