



Notification Number: 2015/10/F

Decree relating to the protection of internet users from websites inciting or condoning acts of terrorism and websites disseminating pornographic images or representations of minors, issued pursuant to Article 6-1 of amended Law No 2004-575 of 21 June 2004 on confidence in the digital economy

Date received : 08/01/2015

End of Standstill : 14/01/2015

Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - TRIS/(2015) 00043

Directive 98/34/EC

Translation of the message 001

Notification: 2015/0010/F

No abre el plazo - Nezhajuje 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: 201500043.EN)

1. Structured Information Line

MSG 002 IND 2015 0010 F EN 08-01-2015 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. –

Courriel : dlpaj-questions-penales@interieur.gouv.fr

4. Notification Number

2015/0010/F - SERV

5. Title

Decree relating to the protection of internet users from websites inciting or condoning acts of terrorism and websites disseminating pornographic images or representations of minors, issued pursuant to Article 6-1 of amended Law No 2004-575 of 21 June 2004 on confidence in the digital economy

6. Products Concerned

Internet service providers

7. Notification Under Another Act

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8. Main Content

This decree is issued pursuant to Article 6-1 of amended Law No 2004-575 of 21 June 2004 on confidence in the digital economy, as amended by Article 12 of Law No 2014-1353 of 13 November 2014 strengthening the provisions relating to the fight against terrorism. The decree sets out the procedure whereby internet users may be prevented from accessing child pornography websites or websites inciting or condoning acts of terrorism. The Ministry of the Interior shall send internet service providers the list of electronic addresses of online public communication services failing to comply with the provisions of the Penal Code, in order that the service providers may block the websites in question within 24 hours. The chosen blocking technique shall operate at domain name level. The list of electronic addresses of online public communication services shall be sent to internet service providers by secure means, thereby guaranteeing that its confidentiality and integrity will be preserved. The decree also sets out the procedures whereby internet service providers may receive financial compensation from the State in respect of any costs incurred as a result of implementing this procedure.

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, 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. In the same way as French legislation has already provided for child pornography websites, Law No 2014-1353 of 13 November 2014 strengthening the provisions relating to the fight against terrorism, previously notified to you, now provides the authorities with the possibility to block or remove websites inciting or condoning acts of terrorism through its amendment of Article 6 of Law No 2004-575 of 21 June 2004 on confidence in the digital economy and its creation of Article 6-1. The purpose of this draft decree is to make the provisions of Article 12 of Law No 2014-1353 applicable.



10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Law No 2014-1353 of 13 November 2014 strengthening the provisions relating to the fight against terrorism

The basic texts were forwarded with an earlier notification: 2014/291/F

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 order and particularly the protection of minors, in accordance with Article 9(7) of Directive 98/34/EC.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

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

SPS aspect

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

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

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