

Notification 2019/412/F

"Draft Law aimed at combating hate content on the internet"

According to the notification message submitted by French authorities, the draft act concerns “online public communication platforms for the purpose of sharing public content or the classification or referencing, by means of computer algorithms, of content offered or put online by third parties and whose activity on French territory exceeds thresholds determined by decree (mainly social networks and search engines).” The brief statement on Grounds states that “French public authorities, along with others, are seeing an alarming spread of hate speech, racism and violence on the Internet. The dissemination and strong virality of hateful content is slowly altering the values of social cohesion and ‘living together’ and also threatens to undermine the enormous opportunities brought by the ongoing digital changes. The French legislator intends, by this proposal, to strengthen the means of combatting this scourge, by involving more the economic operators concerned and by setting up the Superior Council on the Audiovisual as a regulatory authority in the matter, as the role already devolved to this Council in the fight against false information on the Internet.”

The French authorities wish to apply the "urgency procedure" (art. 6 (7) Directive (EU) 2015/1535).

Refusal of the "urgency request": explanation

This procedure can be requested on the basis of **urgent reasons, occasioned by serious and unforeseeable circumstances** relating to the protection of public health or safety, the protection of animals or the preservation of plants and, for rules on services, also for public policy, notably the protection of minors (...). The Member State has to indicate the reasons for the "urgency" of the measures in the notification message.

After having carefully examined the request for urgent adoption, the Commission notes that the French authorities did not provide evidence showing that the conditions required by Article 6(7) of Directive (EU) 2015/1535, notably the urgent reasons occasioned by serious and unforeseeable circumstances, are fulfilled.

The normal 3 months standstill period shall apply. This will allow the competent Commission services to assess the notified draft with regard to the applicable EU law.

Assessment of the services:

DG CNECT F.2: agreement

DG JUST C.2: agreement

DG HOME D.2: agreement

Decision proposed: refusal of urgency