

I. – Law No 2004-575 of 21 June 2004 on confidence in the digital economy is amended as follows:

1° Section 3 of Chapter II of Title I includes Articles 6-3 to 6-8;

2° After the same Section 3, a Section 3a is inserted, worded as follows:

‘Section 3a

Protection of minors online

Article 6-9. – I. – Minors under the age of 15 shall be prohibited from accessing an online social network service provided by an online platform if, due to its functionalities or commercial practices, it poses a risk to their safety or is likely to be detrimental to their physical, mental or moral development.

For the purposes of this paragraph I, social network services provided by an online platform offering at least one of the following functionalities or engaging in at least one of the following commercial practices – the list of which may be supplemented by decree – shall be deemed to pose a risk to the safety of minors under the age of 15 or to be likely to harm their physical, mental or moral development:

1. automatic triggering of videos;
2. the ability to scroll the screen indefinitely;
3. the broadcasting of live video streams;
4. interaction with accounts not previously accepted by the minor user under the age of 15;
5. recommendation of other accounts not followed by the minor user under the age of 15;
6. geolocation;
7. artificially scheduled or unsolicited notifications to regain users’ attention, such as those claiming to come from another user, social notifications relating to content with which the user has never interacted, or notifications creating a sense of scarcity and/or urgency;
8. the creation of virtual rewards for performing actions on the service;
9. filters allowing users to modify their physical appearance in images and video streams, which may be associated with negative effects on body image, self-esteem and mental health;
10. forms of virtual currency that can be exchanged for real money;

For the purposes of this article, an online platform and an online social network service shall be understood as defined in Article 6.

II. – Paragraph I of this article does not apply to online encyclopaedias, educational or scientific directories, platforms for the development and sharing of free software or open-source digital projects for educational purposes, collaborative services for sharing leisure,

information and mutual-support content, or online social network services created exclusively in connection with educational activities.

III. – By way of derogation, and in accordance with EU law, a minor under the age of 15 who has reached the age of 13 may access a service covered by paragraph I of this article, provided that they can demonstrate that they have the express authorisation of their legal representatives or persons with parental responsibility. This may be withdrawn at any time. The procedures for application of this article, and in particular those setting out the criteria for determining the status of the persons granting this exemption, shall be laid down by a decree of the Council of State.

IV. – For the purposes of this article, age verification of users of services covered by paragraph I shall comply with the conditions laid down in Article 28 of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) and the guidelines published by the European Commission pursuant to paragraph 4 thereof.

Data processing with a view to age verification of users of services covered by paragraph I shall comply with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

V. – Contracts concluded in breach of the provisions of paragraph I shall be automatically void.'

3° After the word: 'law', the end of the first subparagraph of Article 57 is worded as follows: 'No of to protect minors from the risks arising from the use of social networks.'

II. – This article shall enter into force on XXX. For accounts providing access to online social network services created before that date, paragraph I shall apply upon expiry of a period of four months from that date.

This paragraph II shall apply in New Caledonia, French Polynesia and Wallis and Futuna.

III. The provisions of this article shall cease to apply from the date of entry into application of a European Union regulation serving the same purpose.