

FRENCH REPUBLIC

Ministry of the Economy, Finance
and Industrial and Digital Sovereignty

Decree No. of
Amending Decree No 2022-603 of 21 April 2022 laying down the list of
independent administrative and public authorities which may use the support of the
centre of expertise for digital regulation and on the methods of data collection
implemented by that service in the context of its experimentation activities

NOR: ECOI2509737D

Public concerned: *operators of digital services referred to in the first and seventh subparagraphs of Article 36(I) of Law 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age, users of these services, agents of the centre of expertise for digital regulation (Pôle d'Expertise de la Régulation Numérique – PEReN).*

Subject: *The Decree specifies the automated collection methods for publicly accessible data that can be implemented by the centre of expertise for digital regulation as part of its experimentation and public research activities provided for in Article 36(I)(5) and (6) of Law 2021-1382 of 25 October 2021.*

Entry into force: *the text shall enter into force on the day after its publication.*

Application: *the text is adopted pursuant to Article 36 of Law 2021-1382 of 25 October 2021, as amended by Law No 2024-449 of 21 May 2024 on securing and regulating the digital space.*

The Prime Minister,

On the report of the Minister for the Economy, Finance and Industrial and Digital Sovereignty;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and in particular Notification **XXX**;

Having regard to Regulation (EU) No 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);

Having regard to Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act);

Having regard to Regulation (EU) 2022/1965 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);

Having regard to Law No 78-17 of 6 January 1978 on data processing, files and civil liberties, as amended;

Having regard to Law No 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age, as amended by Law No 2024-449 of 21 May 2024 on securing and regulating the digital space, particularly Article 36 thereof;

Having regard to Decree No 2020-1102 of 31 August 2020 establishing a service with national competence establishing a service with national competence called the ‘centre of expertise for digital regulation’ (PEReN);

Having regard to Decree No 2022-603 of 21 April 2022 laying down the list of independent administrative and public authorities which may use the support of the centre of expertise for digital regulation and on the methods of data collection implemented by that service in the context of its experimentation activities;

Having regard to Opinion No 2024-066 of the French Data Protection Authority (Commission nationale de l’informatique et des libertés – CNIL) dated 26 September 2024;

Having heard the Council of State (Internal Affairs Section),

Hereby decrees:

Article 1

Chapter II of the aforementioned Decree No 2022-603 of 21 April 2022 is amended as follows:

I. – In the title of the chapter, the words ‘Experimentation activities (Articles 2 to 6)’ are replaced by the words ‘Experimentation and public research activities (Articles 2 to 6)’;

II. – In Article 2:

1° in the first subparagraph:

(a) the words ‘in the context of the experimentation activities mentioned in the fifth subparagraph’ are replaced by the words ‘in the context of the experimentation and public research activities mentioned in the fifth and sixth subparagraphs’;

(b) the words ‘of the online platforms of the operators defined in Article L111-7 of the Consumer Code’ are replaced by the words ‘of the digital services of the operators mentioned in the first and seventh subparagraphs of the above-mentioned Article 36(I)’;

(c) The words ‘access to these platforms’ are replaced by the words ‘access to these digital services’;

2° In the second subparagraph, after the words ‘chaque activité d’expérimentation’ in the French version, the words ‘ou de recherche’ are inserted, giving the English meaning ‘each experimentation or research activity’;

III. – In Article 3:

1° In the first subparagraph, after the words ‘chaque activité d’expérimentation’ in the French version, the words ‘ou de recherche’ are inserted, giving the English meaning ‘each experimentation or research activity’ and the words ‘online platform’ are replaced by the words ‘digital services’;

2° In (6), after the words ‘responsible for the experimentation’ the words ‘or the research project’ are inserted;

3° In the penultimate subparagraph, the words ‘online platform’ are replaced by the words ‘digital services’ and the words ‘They shall inform’ are replaced by the words ‘They may inform’;

4° In the last subparagraph, the words ‘online platform’ are replaced by the words ‘digital services’;

IV. – In the first subparagraph of Article 4, the words ‘online platforms’ are replaced by the words ‘digital services’ and the words ‘the operators of these platforms’ are replaced by the words ‘these digital service operators’;

V. – In Article 5(1) and (2), the words ‘the online platforms’ are replaced by the words ‘the digital services’;

VI. – In Article 6, after the words ‘the experimentation’, the words ‘or the research project’ are inserted.

Article 2

The Minister for the Economy, Finance and Industrial and Digital Sovereignty and the Minister for Culture shall be responsible, each within their own area of competence, for the implementation of this Decree, which will be published in the *Official Journal* of the French Republic.

Done on

By the Prime Minister:

The Minister for the Economy, Finance and Industrial and Digital Sovereignty,

Éric LOMBARD

The Minister for Culture,

Rachida DATI