

No 141

SENATE

ORDINARY SESSION OF 2025–2026

16 June 2026

BILL

*to strengthen the effectiveness of the related rights
of press publishers and news agencies*

(expedited procedure)

*The Senate amended, at first reading, the bill adopted by the
National Assembly at first reading, following initiation of the
expedited procedure, the text of which is as follows:*

See:

National Assembly (17th parliamentary term): **824, 991** and T.A. **250**

Senate: **475, 720** and **721** (2025 – 2026).

Article 1

? The Intellectual Property Code is amended as follows:

? 1. Article L218-4 is amended as follows:

? a) (*Removed*)

? b) The last paragraph reads as follows:

? ‘The Regulatory Authority for Audiovisual and Digital Communication shall determine the conditions of application of this Article, after consulting the online public communication services, press publishers and news agencies concerned. ’;

c) (*Removed*)

? 2. After the same Article L218-4, Articles L218-4-1 to L218-4-5 are inserted, worded as follows:

? ‘Article L218-4-1. – I. – Online public communication services shall provide press publishers and news agencies with information relating to the uses of press publications by their users as well as the information necessary for the assessment of the remuneration referred to in Article L218-4 and its distribution.

? ‘Online public information services shall ensure that the information they provide to press publishers and news agencies is comprehensive, reliable and objective; these organisations may submit requests to them for further information.’ The information shall be updated annually.

? ‘If the information is not provided within thirty days of a request by a press publisher or a news agency, or if it does not meet the requirements set out in the first two paragraphs of this Article, the press publishers or news agencies concerned may refer the matter to the Regulatory Authority for Audiovisual and Digital Communication.’

‘The authority shall give its decision within two months of the matter being referred to it.’

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- ?? ‘II (*new*). – After giving the parties concerned the opportunity to submit their comments, the Regulatory Authority for Audiovisual and Digital Communication shall issue a reasoned decision rejecting the application or issue an order setting out the list of information to be disclosed and prescribing the procedures by which the online public communication service must carry out such disclosure.
- ?? ‘III (*new*). – The Regulatory Authority for Audiovisual and Digital Communication may impose, under the conditions laid down in Article 42-7 of Law No 86-1067 of 30 September 1986 on freedom of communication, a financial penalty in the event of non-compliance with the injunction referred to in II. The penalty may relate to the same facts or cover the same period as those covered by the injunction. The injunction shall then be decided by a restricted panel composed of four members of the Authority, excluding its Chair. The panel shall only deliberate if at least three members are present. The penalty is imposed by a panel comprising the other five members of the Authority, and may only deliberate if at least four of its members are present.
- ?? ‘The penalty shall be proportionate to the extent of the harm caused to the claimant newspaper publisher or news agency, to the circumstances of the online public communication service against which the penalty is imposed, and to the recurrence of the conduct that was the subject of an injunction.’ It shall be determined individually and shall state the reasons on which it is based.
- ?? ‘The maximum amount of the penalty shall, for an online public communication service, be 1 % of the amount of the worldwide pre-tax turnover calculated on the basis of the last financial year for which accounts have been closed.
- ?? ‘IV (*new*). – Decisions made by the Regulatory Authority for Audiovisual and Digital Communication are notified to the parties concerned and may be referred to the Council of State.
- ?? ‘Article L218-4-2. – Negotiations between online public communication services and newspaper publishers or news agencies with a view to determining the amount of remuneration referred to in Article L218-4 must be conducted in good faith.

- ?? ‘During the negotiation period, online public communication services shall neither restrict the visibility of press publications of the press publishers or news agencies concerned nor alter the manner in which such publications are displayed.’
- ?? ‘Without prejudice to the right of the parties to bring legal proceedings, if, within three months of the date of the request for negotiation, the parties have not reached an agreement on the amount of remuneration due under related rights, either party may refer the matter to the Regulatory Authority for Audiovisual and Digital Communication, which shall receive their submissions and examine their proposals. Within two months of the matter being referred to it, the Authority shall either determine which of the proposals complies with Article L218-4 or, if no proposal has been put forward or if none complies with Article L218-4, it shall set the amount of the remuneration.
- ?? ‘The decision of the authority setting the amount of remuneration is notified to the parties, who may lodge an appeal with the Paris Court of Appeal.’ The appeal shall not have suspensive effect. However, the First President of the Court of Appeal hearing the appeal may order a stay of execution of the decision if its enforcement is liable to give rise to manifestly excessive consequences.
- ?? ‘Article L218-4-3 (new). – I. – The Regulatory Authority for Audiovisual and Digital Communication may obtain from the parties any information it deems necessary for the performance of the tasks set out in Articles L218-4-1 and L218-4-2, without such information being withheld on the grounds of business confidentiality. It may hear any person whose contribution it deems to be useful.
- ?? ‘II. – The Regulatory Authority for Audiovisual and Digital Communication may draw on the expertise of the government administrative department referred to in Article 36(I) of Law No 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age, and may call upon the external services and technical, economic or legal expertise necessary to carry out the tasks referred to in Articles L218-4-1 and L218-4-2. The authority may, by means of a reasoned decision, require the online public communication service to bear all or part of the costs incurred, taking into account the failure to respond to its requests for information, any conduct by the online public communication service aimed at deliberately delaying the

determination of the amount of remuneration due in respect of related rights, and any other conduct aimed at obstructing the exercise of its duties.

?? ‘Article L218-4-4 (new). – The Regulatory Authority for Audiovisual and Digital Communication refers to the Competition Authority the practices prohibited by Articles L420-1, L420-2 and L420-5 of the Commercial Code of which it is aware. This referral may be made in the context of an emergency procedure, in accordance with Article L464-1 of the same Code.

?? ‘The authority may also refer any competition-related matter to the Competition Authority for an opinion, pursuant to Article L462-1 of the said Code.’

?? ‘Article L218-4-5 (new). – For the purposes of carrying out the tasks referred to in Articles L218-4-1 and L218-4-2, the Regulatory Authority for Audiovisual and Digital Communication may use methods for the automated collection of publicly available data that do not involve any biometric recognition systems, including where access to such data requires logging into an account. This implementation is carried out notwithstanding the general conditions of use or licences of the services of the operators concerned or their applications making the data in question available to the public.’

?? ‘These publicly accessible data collection methods are strictly necessary and proportionate, and are carried out by the officials referred to in Article L331-14.’

?? ‘Where such data are likely to contribute to the fulfilment of the tasks referred to in the first paragraph of this article, they shall be retained for a maximum period of two years from the date of their collection and deleted at the end of that period.’ However, where such data is used in the context of proceedings that may result in the imposition of a sanction, the necessary data may be retained until the conclusion of those proceedings and until all rights of appeal have been exhausted.

?? ‘The data referred to in Article 9 of 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), manifestly unrelated to

the performance of the tasks referred to in the first subparagraph of this Article shall be destroyed no later than five working days after their collection.’

- ?? The detailed rules for the application of this Article shall be laid down by a decree of the Council of State, adopted after consultation of the French Data Protection Authority. ’

Article 1bis A

- ? After the first subparagraph of paragraph I of Article L 218-1 of the Intellectual Property Code, the following two subparagraphs are inserted:

- ? ‘Press publications and online news services registered with the Joint Commission for Publications and News Agencies shall, unless there is evidence to the contrary, be presumed to constitute a press publication within the meaning of this Section I.’

- ? ‘Any question relating to the identification of publications falling within the scope of press publications within the meaning of this I may be referred to the Regulatory Authority for Audiovisual and Digital Communication for an opinion by a press publisher, a news agency or an online public communication service.’

Article 1 bis (Unamended)

Article 2

The Intellectual Property Code is amended as follows:

- ? 1. A (new) After paragraph 3 of Article L331-12, a new paragraph 4 is inserted, worded as follows:

- ? ‘4. A mission relating to the exercise of the related right of press publishers and news agencies under the conditions referred to in Articles L218-4-1 to L218-4-5. ’;

- ? 1. to 3. (Deleted)

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Article 2bis (new)

- ❑ After the sixth paragraph of point 1 of Article L811-1-1 of the Intellectual Property Code, a paragraph worded as follows is inserted:
- ❑ ‘Articles L218-1, L218-4 to L218-5 and L331-12 shall apply in their wording resulting from Law No of on the strengthening of the effectiveness of the related rights of press publishers and news agencies. ’

Article 3

(Unamended)

Deliberated in public sitting in Paris on 16 June 2026.

The President, Signed:

Gérard LARCHER