

Message 001

Communication from the Commission - TRIS/(2025) 2078

Directive (EU) 2015/1535

Notification: 2025/0423/ES

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20252078.EN

1. MSG 001 IND 2025 0423 ES EN 05-08-2025 ES NOTIF

2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente

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4. 2025/0423/ES - SERV30 - Media

5. Draft bill for ORGANIC LAW, GOVERNING THE RIGHT TO RECTIFICATION

6. - SERV 30 – Media

- SERV 50 – Protection of private life

- SERV 60 – Internet-related services (online platforms)

7.

8. Governs the exercise of the right to rectification, which consists of the right of any person concerned by information disseminated on social media or by users of online platforms, in relation to facts that the person considers inaccurate and disclosure of which they consider could harm them, to rectify that information with their version of those facts, requesting publication of the rectified version by the same media channel.

Lays down: the purpose and content of the right; the persons who can exercise the right and those obliged to publish the rectification; the procedure and deadline for requesting a rectification; the content of the rectification; the conditions that publication of the rectification must meet; and judicial proceedings for rectifications, in the event that the request for rectification has not been followed.

The main new aspect of the law concerns how rectifications are governed when the information has been disseminated by digital media and users of particular significance on online platforms.

Currently, Article 85(2) of Organic Law 3/2018 governs the right to rectification on the internet, providing that:

– Those responsible for social networks and equivalent services shall adopt appropriate protocols to enable the exercise of the right to rectification vis-à-vis users who disseminate content that violates the right to honour, personal and family privacy on the internet and freedom of expression and information, in accordance with the requirements and procedures laid down in Organic Law 2/1984 of 26 March governing the right to rectification.

- Where digital media is required to respond to a request for rectification made against them, they shall publish a clarification notice in their digital archives, stating that the original news item does not reflect the individual's current situation. This notice shall be displayed in a visible position together with the original information.

The new aspects of this law are:

1) Regulation of the rectification of information published by users of particular significance on online platforms. A user of particular significance is a user of an online platform who, at the time of disseminating the information, has a number of followers equal to or greater than 100 000 on a single platform, or a number of followers equal to or greater than 200 000 in total between all the platforms on which that user carries out their activity.

In the case of information published on online platforms, it is specified that it is the user – not the platform – who is responsible for responding to the request for rectification when it is the user who effectively has control over the selection of the content or information.

(2) In general, the requirement laid down in Organic Law 2/1984 that a request for rectification must be made by any means that allows the date it was made and received to be ascertained is maintained. A provision is added stating that digital media and online platforms on which information that may be subject to rectification can be disseminated must have in place an easily accessible and visible mechanism which allows the requester to send the text or content of the rectification directly and immediately, ensuring a record of the date the request was sent and receipt thereof.

3) Considering the specific characteristics pertaining to the dissemination of information on the internet, a special period of 20 calendar days is provided for exercising the right to rectification.

(4) The way in which the information is published is adapted to the characteristics specific to the

dissemination of content and information on digital media and online platforms, in order to ensure that the rectification is publicised effectively. In this regard, regulation of this area is based on the solution applicable to digital media provided for in Article 85(2) of Organic Law 3/2018.

9. During the more than 40 years that have passed since the enactment of Organic Law 2/1984 of 26 March, the media landscape has undergone some extremely profound changes due to the use of new technologies, affecting those who prepare and publish information, the dissemination channels and even the content and form of messaging.

Alongside traditional forms of media – print, radio and television – digital media now has a strong presence too. Furthermore, a large volume of information is now disseminated through online platforms, which have become the ordinary channels for disseminating content. This poses new challenges to exercising the right to rectification and safeguarding the fundamental rights to which that right is linked, such as the right to honour and personal portrayal, and to freedom of expression and information.

Another significant change is that the information circulating in these new forms of media is often put out by private individuals or users with a large number of followers, who, as opinion makers, play a role very similar to that which was traditionally the domain of journalists. On other occasions, these forms of media spread messages from individuals who remain anonymous or information generated through artificial intelligence. The main purpose of the law is to facilitate the practice of the right to rectification, providing greater clarity and security in that regard, by updating some aspects of the legal framework concerning rectification to reflect the new reality of a digital society and the changes in legislation and case law that have occurred since the approval of Organic Law 2/1984 of 26 March, which affect the exercise of this right.

10. References to basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

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