

TRIS NOTIFICATION PROCEDURE

French law to protect minors from the risks arising from the use of social networks

June 2026

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to provide its contribution to [TRIS notification procedure](#) 2026/0185/FR, regarding the French draft law aimed at protecting minors from the risks to which they are exposed by the use of social networks (hereinafter the French draft law).

The French draft law aims at enhancing the French framework to protect minors, including by prohibiting access to certain online social networking services for minors under the age of fifteen. The Computer & Communications Industry Association (CCIA Europe) shares the French Government's goal of ensuring the online world is a safe and enriching space for children and teenagers. Our member companies have long demonstrated a commitment to this objective by investing heavily in innovative safety features and age-appropriate experiences.

Nevertheless, while the objective is shared, we are concerned about the proposed path in the French draft law. At a time when EU institutions are calling for a harmonised Single Market to boost competitiveness, the French draft law promotes fragmentation and introduces mandates that conflict with EU law, namely the Digital Services Act (DSA), the General Data Protection Regulation (GDPR) and the country of origin principle. More concretely, the French draft law proposes national legislation that:

1. Overlaps with the DSA.
2. Breaches the country-of-origin principle.
3. Interferes with freedom of expression and information.
4. Conflicts with the GDPR.

Separately, CCIA Europe understands that the European Commission may proceed with an EU level proposal for the online protection of minors. In light of all this, CCIA Europe calls on the European Commission to issue a detailed opinion on the incompatibility of the French proposal with EU law, and to request France to pause its initiative pending ongoing work on a proposal at EU level.

1. Overlaps with the Digital Services Act

Given the direct applicability of the DSA, Member States should avoid any overlapping requirements that relate to matters falling within its scope.

The Digital Services Act (DSA) provides a fully harmonised framework for intermediary services, including for the protection of minors online.¹ To this end, it introduces a number of requirements at EU level with the goal of ensuring a safe, predictable and trusted online

¹ 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), available [here](#).

environment, including for minors, while effectively protecting fundamental rights enshrined in the Charter of Fundamental Rights and facilitating innovation.² In respect of this full harmonisation of EU rules, Member States should not adopt or maintain additional national requirements that overlap with matters regulated under the DSA.

Additionally, particularly when it comes to the protection of minors, existing rules are also complemented by guidelines that the Commission developed under Article 28 of the DSA to ensure a safe online experience for children and young people.³

Member States should therefore refrain from adopting additional national requirements relating to matters falling within its scope⁴. In practice, the French draft law raises a number of concerns.

Firstly, the draft law creates a list of banned services, which is based on risks identified by the French Regulatory Authority for Audiovisual and Digital Communication (ARCOM). The assessment of risks, including those related to minors, as well as the determination of the appropriate measures to mitigate such risks are fully harmonised matters regulated in Articles 28, 34 and 35 DSA.⁵ With a unilateral identification of services that are considered to be harmful and with the imposition of bans, the French legislator goes beyond the risk assessment and mitigation framework foreseen under the DSA and further detailed in the minor protection guidelines. This specifically undermines the overall goal of achieving a unified, safe and trustworthy single digital market.

Secondly, the French draft law introduces new requirements that compound to additional obligations on online platforms. For example, Articles 6-9 - I bis of the draft law require a parental control mechanism designed to collect parental consent. According to the draft law, “that consent shall specify the conditions and limits of the minor’s access to the service, in particular the nature of the accessible content, the maximum daily duration and the hours of use.” Such a granular consent would require online platforms to implement technical solutions at national level that go beyond what the DSA and the guidelines on Article 28 foresee.

As CCIA Europe already warned in our contributions to the TRIS notification on the French law to secure and regulate the digital space ([here](#) and [here](#)), the German State Treaty on Protection of Minors in the Media ([here](#)), the Irish Online Safety Code ([here](#)), and the Spanish law for the protection of minors ([here](#)), the adoption of diverging initiatives at Member State level undermines efforts by the European Commission and creates a patchwork of different initiatives across the European Union, increasing the risk of inconsistencies as well as legal and business uncertainty.

Beyond the comments to proposals that have already been submitted through the TRIS notification procedure, CCIA Europe also notes with concern references to age verification

² Charter of Fundamental Rights of the European Union, available [here](#).

³ European Commission’s Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Regulation (EU) 2022/2065, available [here](#).

⁴ Recital 9 DSA.

⁵ In the DSA, Article 28 relates to the online protection of minors, applicable to providers of online platforms, while Arts. 34 and 35 relate to risk assessment and risk mitigation obligations applicable to providers of very large online platforms (VLOPs) and very large online search engines (VLOSEs).

systems in Member States, such as in Art. 6-9 III of the French draft law. Rather than forcing a rigid national model of age verification, the European framework is built on the broader, technology-neutral concept of 'age assurance'. Crucially, under the risk-based, safety-by-design framework of the DSA and Paragraph 31 of the Article 28 Guidelines, it is the responsibility of the service providers to conduct a case-by-case risk assessment to determine which specific age assurance technology is appropriate and proportionate to mitigate their platform's specific risks. A systematic technical imposition conflicts directly with the risk-management principles of the DSA, while creating a fragmented landscape of conflicting national mandates that undermines the establishment of a true Digital Single Market.

Moreover, considering this is not the only proposal at a Member State level which would require age verification systems to be introduced, and taking into account the European Commission's recently adopted recommendation for Member States to accelerate the rollout of the EU age verification app and make it available by the end of the year,⁶ CCIA Europe urges the European Commission to call on the French government to refrain from adopting any proposals that would conflict with the full harmonisation character of the DSA or contravene EU law. A flexible, multi-method approach, supported by baseline safety measures, is vital to guarantee continued user access. Implementing rigid verification is highly problematic: younger users, particularly under-18s, frequently lack hard ID documents, making age assurance prone to significant challenges regarding accuracy, availability of signals, and circumvention.

2. Breach of the country-of-origin principle

Member States should avoid deviations from the country-of-origin principle that is at the core of the e-Commerce Directive, the AVMSD and the DSA to guarantee a truly unified EU internal market.

Consistent with the e-Commerce Directive,⁷ the DSA upholds the country-of-origin principle as a cornerstone of EU law. Under this principle, EU Member States should not subject service providers which are not established in their country and regulated by another EU Member State to additional, abstract and potentially onerous obligations under their national law.

For instance, the French draft law asserts jurisdiction over all services accessible in France, as indicated in Art. 6-9 III. By doing so, the draft law creates significant fragmentation and ignores the exclusive competence of the Member State of establishment enshrined in EU law.

While Article 3(4) of the e-Commerce Directive provides for exceptions from the country-of-origin principle, it states that these would only apply in specific circumstances, taking into account the prejudice - or serious and grave risk of prejudice - of the service to the objectives invoked to justify the restrictive measures. Making use of this exception

⁶ Commission's recommendation on the EU age verification blueprint, available [here](#).

⁷ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), available [here](#).

would also require abiding by a number of procedural prerequisites, such as addressing a prior request to the Member State of establishment and notifying the measures to the European Commission. CCIA Europe considers that the French draft Law does not meet the criteria for an exception.

Some of the requirements mentioned in the previous point, such as the implementation of specific parental control mechanisms in Art. 6-9 I bis constitute general and abstract measures that cannot benefit from the narrow, case-by-case exceptions to the e-Commerce Directive. These also overlap with the parental control mechanisms already regulated under Article 28b of the Audiovisual Media Services Directive (AVMSD).⁸ Such a proposed approach would result in significant legal fragmentation across the Single Market, forcing service providers established in other Member States to comply with a patchwork of national mandates. This would also conflict with the recent Court of Justice of the European Union interpretation of the country of origin principle⁹.

3. Conflict with the General Data Protection Regulation

Core data protection principles that have proven to be effective should continue to be respected by Member States.

The French draft law also presents concerns with regards to the protection of privacy and data protection rules.

By requiring social networking services to collect large-scale data points of directly identifiable personal data in order to both verify a user's age and to identify a user's parental authority over any identified minor seeking access to these services, the French draft law appears to go beyond the principles of proportionality and data minimisation under the the General Data Protection Regulation (GDPR). These principles require controllers to collect only the personal data that is strictly necessary for the purposes of the processing.

Further, the principle of proportionality appears to be contravened, since the age verification obligations arising under the French Draft law would apply across all social networking services and a number of online platforms, regardless of the actual level of risk they generate. Parental authorisation obligations also appear to apply to services not included in the list established by ARCOM. Therefore, even non-listed services would be presumed to present risks liable to harm the physical, mental or moral development of minors.

This would also directly contravene Article 28(3) of the DSA, which expressly notes that "compliance with the obligations set out in this Article shall not oblige providers of online platforms to process additional personal data in order to assess whether the recipient of the service is a minor".

⁸ Directive 2018/1808 of the European Parliament and of the Council of 14 November 2018 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, available [here](#).

⁹ CJEU 9 November 2023, case C376/22 (Kopl-G), ECLI:EU:C:2023:835, available [here](#).

4. Interference with minors' freedom of expression

Arbitrary and disproportionate interference with minors' fundamental rights to seek and receive information should be prevented.

The right to freedom of expression is protected by the European Convention on Human Rights, including the right to hold opinions and to receive and impart information and ideas.¹⁰ Further, Article 24 of the Charter of Fundamental Rights expressly states that children may express their views freely.

Article 6-9 I bis of the French draft law requires the prior express consent of at least one of the minor's guardians to access a service provided by an online platform incorporating the functionalities of an online social networking service. This wording appears to include access by minors to any such online platform, even those not expressly included in the list to be developed by ARCOM. It means that the French draft law would restrict access to services that are explicitly *not* considered by ARCOM to be harmful to a minor's physical, mental or moral development. In consequence, the French draft law would arbitrarily limit minors' access to one or several of their primary sources of information.

The European Commission, in its guidelines on Article 28 of the DSA, expressly notes that when providers of online platforms implement measures to protect minors, they must ensure that any restriction on the exercise of the fundamental rights and freedoms of recipients remains proportionate. On the contrary, with this measure, the French draft law risks disproportionately interfering with minors' freedom of expression and information.

Establishing blanket restrictions on entire categories of online services fails to address the risk profiles of the different services, is inherently disproportionate and goes against the safety by design principle established as a standard in the EU through the DSA. Rather than risking a high impact on minors' access to information, policymakers should identify and mitigate the specific risks and functionalities that raise concerns across services. This approach is already cemented in a comprehensive EU digital corpus, including through the DSA, the AVMSD, and the Terrorist Content Online (TCO) Regulation,¹¹ making broad access restrictions legally excessive and redundant.

In the ongoing effort to protect minors in their online interactions, targeting specific features rather than addressing broad categories of online services can be a more effective way of protecting young users while at the same time preserving their fundamental rights to learn and explore in age-appropriate digital environments.¹²

Conclusion

CCIA Europe asks the European Commission to issue a detailed opinion regarding the EU-law incompatibility of the draft law.

¹⁰ Article 10(1) of the European Convention on Human Rights states that "everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises". Text available [here](#).

¹¹ Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online, available [here](#).

¹² More details on CCIA Europe's views on age-appropriate design can be found [here](#).

Further, as established in Article 6 of Directive 2015/1535,¹³ Member States shall postpone the adoption of a draft technical regulation if the Commission finds that the draft concerns a matter where work at the European Union level is planned or already underway in the same field.

The European Commission is currently awaiting recommendations from its expert panel tasked with exploring key issues related to the online safety of minors, which are expected to be presented by the summer of 2026. On the basis of these recommendations, the European Commission will then decide on potential EU-wide measures to be taken.

Given that the French draft law is at risk of conflicting with rules already established in EU law, as well as potentially conflicting with future initiatives that the European Commission may undertake with regards to the protection of minors online, CCIA Europe asks the European Commission to request the French government to postpone the adoption of the French draft law, pursuant to Art. 6 of Directive 2015/1535.

CCIA Europe and its Members remain committed to promoting a safe digital ecosystem for all users, and to paying particular attention to the needs of minors in the online space, through harmonised, future-proof policies that foster innovation while at the same time upholding fundamental rights of all users, including but not limited to the rights to freedom of expression and information.

If Member States believe that additional legislation is necessary, national laws and treaties should respect and uphold the principles and legislative mandates established by the European Union, in order to guarantee a consistent and integrated Digital Single Market.

About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

For more information, visit: twitter.com/CCIAEurope or www.ccianet.org

CCIA is registered in the EU Transparency Register with number 281864052407-46.

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¹³ Articles 6(3) to 6(5) of 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, available [here](#).