Reports of Cases

JUDGMENT OF THE COURT (Grand Chamber)

16 June 2026*

(References for a preliminary ruling – Electronic commerce – Directive 2000/31/EC – Information society services – Article 2(h) – Coordinated field – Article 3 – Restriction on the free movement of information society services from another Member State – Derogation – Article 14 – Hosting – Article 15 – No general monitoring obligations – Electronic service to access pornographic content – National legislation prohibiting the provision of such content to minors and requiring the provider to put in place an age verification system – Articles 1 and 24 of the Charter of Fundamental Rights of the European Union – Electronic driving assistance or geolocation navigation service – National legislation prohibiting the provision of pornographic content to minors – National legislation prohibiting the rebroadcasting of information concerning certain roadside checks)

In Joined Cases C-188/24 and C-190/24,

TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France), made by decision of 6 March 2024, received at the Court on 7 March 2024, in the proceedings

WebGroup Czech Republic, a.s.,

NKL Associates s. r. o.

v

Ministre de la Culture,

Premier ministre,

intervening parties:

Osez le féminisme!,

Le mouvement du Nid,

Les effronté-E-S (C-188/24),

and

Coyote System

* Language of the case: French.

v

Ministre de l'Intérieur et des Outre-mer,

Premier ministre (C-190/24),

THE COURT (Grand Chamber),

composed of K. Lenaerts, President, T. von Danwitz (rapporteur), Vice-President, C. Lycourgos, I. Jarukaitis, M.L. Arastey Sahún, I. Ziemele, J. Passer, O. Spineanu-Matei, M. Condinanzi and F. Schalin, Presidents of Chambers, N. Piçarra, A. Kumin, N. Jääskinen, Z. Csehi and B. Smulders, Judges,

Advocate General: M. Szpunar,

Registrar: M. Siekierzyńska, Administrator,

having regard to the written procedure and further to the hearing on 24 March 2025,

after considering the observations submitted on behalf of:

– WebGroup Czech Republic, a.s. and NKL Associates s. r. o., by E. Piwnica, avocat,

– Coyote System, by G. Froger, avocat,

– Les effronté-E-S, by L. Questiaux, avocate,

– the French Government, by R. Bénard, B. Fodda and M. Guiresse, acting as Agents,

– the Czech Government, by A. Edelmannová, M. Smolek and J. Vláčíl, acting as Agents,

– the Norwegian Government, by K.H. Aarvik and I. Collett, acting as Agents,

– the European Commission, by L. Armati, O. Gariazzo, P.-J. Loewenthal and J. Szczodrowski, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 18 September 2025,

makes the following

Judgment

1 These requests for a preliminary ruling concern the interpretation of 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') (OJ 2000 L 178, p. 1), and Articles 1 and 24 of the Charter of Fundamental Rights of the European Union ('the Charter').

2 The requests have been made in two sets of proceedings, the first of which is between, on the one hand, WebGroup Czech Republic, a.s., and NKL Associates s. r. o., both publishers of websites broadcasting pornographic content established in the Czech Republic, and, on the other, the Ministre de la Culture (Minister for Culture, France) and the Premier ministre (Prime Minister) of the French Republic concerning the legality of a decree setting out the rules for implementing a statutory provision requiring a formal notice to be served on a person whose activity is to provide an online public communication service allowing minors to have access to pornographic content in breach of the code pénal (Criminal Code). The second dispute is between, on the one hand, Coyote System and, on the other, the Ministre de l'Intérieur et des Outre-mer (Minister for the Interior and Overseas Territories, France) and the Prime Minister of the French Republic concerning the legality of a decree prohibiting providers of electronic driving assistance or geolocation navigation services from rebroadcasting information transmitted by their users concerning certain roadside checks in order to prevent the evasion of those checks.

Legal framework

European Union law

The Charter

3 Article 1 of the Charter, entitled 'Human dignity', provides:

'Human dignity is inviolable. It must be respected and protected.'

4 Article 24 of the Charter, entitled 'The rights of the child', provides:

'1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

…'

Directive 2000/31

5 Recitals 8, 18, 22, 26, 42 and 47 of Directive 2000/31 state:

'(8) The objective of this Directive is to create a legal framework to ensure the free movement of information society services between Member States and not to harmonise the field of criminal law as such.

…

(18) Information society services span a wide range of economic activities which take place on-line; these activities can, in particular, consist of selling goods on-line; activities such as the delivery of goods as such or the provision of services off-line are not covered; …

…

(22) Information society services should be supervised at the source of the activity, in order to ensure an effective protection of public interest objectives; to that end, it is necessary to ensure that the competent authority provides such protection not only for the citizens of its own country but for all Community citizens; in order to improve mutual trust between Member States, it is essential to state clearly this responsibility on the part of the Member State where the services originate; moreover, in order to effectively guarantee freedom to provide services and legal certainty for suppliers and recipients of services, such information society services should in principle be subject to the law of the Member State in which the service provider is established.

…

(26) Member States, in conformity with conditions established in this Directive, may apply their national rules on criminal law and criminal proceedings with a view to taking all investigative and other measures necessary for the detection and prosecution of criminal offences, without there being a need to notify such measures to the [European] Commission.

…

(42) The exemptions from liability established in this Directive cover only cases where the activity of the information society service provider is limited to the technical process of operating and giving access to a communication network over which information made available by third parties is transmitted or temporarily stored, for the sole purpose of making the transmission more efficient; this activity is of a mere technical, automatic and passive nature, which implies that the information society service provider has neither knowledge of nor control over the information which is transmitted or stored.

…

(47) Member States are prevented from imposing a monitoring obligation on service providers only with respect to obligations of a general nature; this does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation.'

6 Article 1 of that directive, entitled 'Objective and scope', provides:

'1. This Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between the Member States.

2. This Directive approximates, to the extent necessary for the achievement of the objective set out in paragraph 1, certain national provisions on information society services relating to the internal market, the establishment of service providers, commercial communications, electronic contracts, the liability of intermediaries, codes of conduct, out-of-court dispute settlements, court actions and cooperation between Member States.

3. This Directive complements Community law applicable to information society services without prejudice to the level of protection for, in particular, public health and consumer

interests, as established by Community acts and national legislation implementing them in so far as this does not restrict the freedom to provide information society services.

4. This Directive does not establish additional rules on private international law nor does it deal with the jurisdiction of Courts.

5. This Directive shall not apply to:

(a) the field of taxation;

(b) questions relating to information society services covered by [Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31)] and [Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector (OJ 1998 L 24, p. 1)].

(c) questions relating to agreements or practices governed by cartel law;

(d) the following activities of information society services:

– the activities of notaries or equivalent professions to the extent that they involve a direct and specific connection with the exercise of public authority,

– the representation of a client and defence of his [or her] interests before the courts,

– gambling activities which involve wagering a stake with monetary value in games of chance, including lotteries and betting transactions.

6. This Directive does not affect measures taken at Community or national level, in [conformity with] Community law, in order to promote cultural and linguistic diversity and to ensure the defence of pluralism.'

7 Article 2 of Directive 2000/31, entitled 'Definitions', provides:

'For the purpose of this Directive, the following terms shall bear the following meanings :

(a) "information society services": services within the meaning of Article 1(2) of Directive 98/34/EC [of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 204, p. 37)] as amended by Directive 98/48/EC [of the European Parliament and of the Council of 20 July 1998 (OJ 1998 L 217, p. 18)];

…

(h) "coordinated field": requirements laid down in Member States' legal systems applicable to information society service providers or information society services, regardless of whether they are of a general nature or specifically designed for them.
(i) The coordinated field concerns requirements with which the service provider has to comply in respect of:

– the taking up of the activity of an information society service, such as requirements concerning qualifications, authorisation or notification,

– the pursuit of the activity of an information society service, such as requirements concerning the behaviour of the service provider, requirements regarding the quality or content of the service including those applicable to advertising and contracts, or requirements concerning the liability of the service provider;

(ii) The coordinated field does not cover requirements such as:

– requirements applicable to goods as such,

– requirements applicable to the delivery of goods,

– requirements applicable to services not provided by electronic means.'

8 Article 3 of Directive 2000/31, entitled 'Internal market', is worded as follows:

'1. Each Member State shall ensure that the information society services provided by a service provider established on its territory comply with the national provisions applicable in the Member State in question which fall within the coordinated field.

2. Member States may not, for reasons falling within the coordinated field, restrict the freedom to provide information society services from another Member State.

3. Paragraphs 1 and 2 shall not apply to the fields referred to in the Annex.

4. Member States may take measures to derogate from paragraph 2 in respect of a given information society service if the following conditions are fulfilled:

(a) the measures shall be:
(i) necessary for one of the following reasons:

– public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons,

– the protection of public health,

– public security, including the safeguarding of national security and defence,

– the protection of consumers, including investors;

(ii) taken against a given information society service which prejudices the objectives referred to in point (i) or which presents a serious and grave risk of prejudice to those objectives;
(iii) proportionate to those objectives;

(b) before taking the measures in question and without prejudice to court proceedings, including preliminary proceedings and acts carried out in the framework of a criminal investigation, the Member State has:

– asked the Member State referred to in paragraph 1 to take measures and the latter did not take such measures, or they were inadequate,

– notified the Commission and the Member State referred to in paragraph 1 of its intention to take such measures.

5. Member States may, in the case of urgency, derogate from the conditions stipulated in paragraph 4(b). Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State referred to in paragraph 1, indicating the reasons for which the Member State considers that there is urgency.

6. Without prejudice to the Member State's possibility of proceeding with the measures in question, the Commission shall examine the compatibility of the notified measures with Community law in the shortest possible time; where it comes to the conclusion that the measure is incompatible with Community law, the Commission shall ask the Member State in question to refrain from taking any proposed measures or urgently to put an end to the measures in question.'

9 Article 14 of Directive 2000/31, entitled 'Hosting', provides:

'1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service, Member States shall ensure that the service provider is not liable for the information stored at the request of a recipient of the service, on condition that:

(a) the provider does not have actual knowledge of illegal activity or information and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or information is apparent;

or

(b) the provider, upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the information.

2. Paragraph 1 shall not apply when the recipient of the service is acting under the authority or the control of the provider.

3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement, nor does it affect the possibility for Member States of establishing procedures governing the removal or disabling of access to information.'

10 Article 15 of that directive, entitled 'No general obligation to monitor', provides:

'1. Member States shall not impose a general obligation on providers, when providing the services covered by Articles 12, 13 and 14, to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.

…'

11 The annex to that directive, entitled 'Derogations from Article 3', is worded as follows:

'As provided for in Article 3(3), Article 3(1) and (2) do not apply to:

– copyright, neighbouring rights, rights referred to in [Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products (OJ 1987 L 24, p. 36)] and Directive 96/9/EC [of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ 1996 L 77, p. 20)] as well as industrial property rights;

– the emission of electronic money by institutions in respect of which Member States have applied one of the derogations provided for in Article 8(1) of Directive 2000/46/EC [of the European Parliament and of the Council of 18 September 2000 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions (OJ 2000 L 275, p. 39)],

– Article 44(2) of [Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ 1985 L 375, p. 3)],

– Article 30 and Title IV of [Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) (OJ 1992 L 228, p. 1)], Title IV of [Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive) (OJ 1992 L 360, p. 1)], Articles 7 and 8 of [Council Directive 88/357/EEC of 22 June 1988 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 73/239/EEC (OJ 1988 L 172, p. 1),] and Article 4 of [the second] [Council Directive 90/619/EEC of 8 November 1990 on the coordination of laws, regulations and administrative provisions relating to direct life assurance, laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 79/267/EEC (OJ 1990 L 330, p. 50)],

– the freedom of the parties to choose the law applicable to their contract,

– contractual obligations concerning consumer contacts,

– formal validity of contracts creating or transferring rights in real estate where such contracts are subject to mandatory formal requirements of the law of the Member State where the real estate is situated,

– the permissibility of unsolicited commercial communications by electronic mail.'

Directive 2010/13/EU

12 Recital 59 of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 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) (OJ 2010 L 95 p. 1), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 (OJ 2018 L 303, p. 69) ('Directive 2010/13'), provides:

'The availability of harmful content in audiovisual media services is a concern for legislators, the media industry and parents. There will also be new challenges, especially in connection with new platforms and new products. Rules protecting the physical, mental and moral development of minors as well as human dignity in all audiovisual media services, including audiovisual commercial communications, are therefore necessary.'

13 Article 1 of that directive provides:

'1. For the purposes of this Directive, the following definitions shall apply:

…

(aa) "video-sharing platform service" means a service as defined by Articles 56 and 57 [TFEU], where the principal purpose of the service or of a dissociable section thereof or an essential functionality of the service is devoted to providing programmes, user-generated videos, or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC [of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ 2002 L 108, p. 33)] and the organisation of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing;

…'

14 Article 6a(1) of Directive 2010/13 states:

'Member States shall take appropriate measures to ensure that audiovisual media services provided by media service providers under their jurisdiction which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.'

15 Article 28b of that directive provides:

‘1. Without prejudice to Articles 12 to 15 of Directive [2000/31], Member States shall ensure that video-sharing platform providers under their jurisdiction take appropriate measures to protect:

(a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 6a(1);

…

3. For the purposes of paragraphs 1 and 2, the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the general public interest.

Member States shall ensure that all video-sharing platform providers under their jurisdiction apply such measures. Those measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. Those measures shall not lead to any *ex-ante* control measures or upload-filtering of content which do not comply with Article 15 of Directive [2000/31]. For the purposes of the protection of minors, provided for in point (a) of paragraph 1 of this Article, the most harmful content shall be subject to the strictest access control measures.

Those measures shall consist of, as appropriate:

…

(f) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

…’

Directive (EU) 2015/1535

16 Article 1(1)(b) 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 (OJ 2015 L 241, p. 1) defines ‘service’ as ‘any Information Society service, that is to say, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services’.

Regulation (EU) 2024/1083

17 Recital 45 of Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (OJ L, 2024/1083) provides:

'Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect users of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, without prejudice to the country of origin principle, a mechanism is needed to allow any relevant national regulatory authority or body to request its counterpart to take necessary and proportionate actions to ensure the enforcement of obligations on video-sharing platform providers under Article 28b(1), (2) and (3) of Directive [2010/13]. That is key to ensuring that audiences and, in particular, minors are effectively protected across the [European] Union when accessing content on video-sharing platforms and that they can rely on an appropriate level of transparency when it comes to online commercial communications. Mediation provided by and opinions of the Board would be conducive to ensuring mutually acceptable and satisfactory results for the national regulatory authorities or bodies concerned. Where the use of such a mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can be restricted only where the conditions set out in Article 3 of Directive [2000/31] have been fulfilled and the procedure set out therein has been followed.'

18 Article 15 of that regulation, entitled 'Requests for enforcement of obligations of video-sharing platform providers', states:

'1. Without prejudice to Article 3 of Directive [2000/31], a requesting authority may submit a duly justified request to a requested authority which is competent for the subject matter of the request to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing platform providers under Article 28b(1), (2) and (3) of Directive [2010/13].

2. The requested authority shall inform the requesting authority, without undue delay, of the actions it has taken or plans to take, or about the reasons for which actions were not taken, pursuant to a request for enforcement under paragraph 1. The Board shall establish the timelines for that purpose in its rules of procedure.

3. In the event of a disagreement between the requesting authority and the requested authority regarding actions taken or planned to be taken or a lack of actions following a request for enforcement under paragraph 1, either authority may refer the matter to the Board for mediation with a view to finding an amicable solution.

Where no amicable solution is found following mediation by the Board, the requesting authority or the requested authority may request the Board to issue an opinion on the matter. In its opinion, the Board shall assess whether the request for enforcement under paragraph 1 has been sufficiently addressed. Where the Board considers that the requested authority has not sufficiently addressed the request for enforcement, the Board shall recommend actions to address the request. The Board shall issue its opinion, in consultation with the Commission, without undue delay.

4. Following receipt of an opinion as referred to in paragraph 3, second subparagraph, the requested authority shall, without undue delay and within timelines to be established by the Board in its rules of procedure, inform the Board, the Commission and the requesting authority of the actions taken or planned to be taken in relation to the opinion.'

French law

Case C-188/24

– *Criminal Code*

19 Article 227-24 of the Criminal Code provides:

'The manufacture, transportation or broadcasting by any means whatsoever and on any medium whatsoever of a message which is violent, incites terrorism or is pornographic, including pornographic images involving one or more animals, or is likely to undermine seriously human dignity or to incite minors to engage in games placing them in physical danger or the trafficking of such a message shall be punishable by three years' imprisonment and a fine of EUR 75 000 where that message is likely to be seen or perceived by a minor.

Where the offences provided for in this article are committed through the press, the audiovisual media or online public communication, the specific provisions of the laws regulating those matters shall be applicable in respect of the determination of the persons liable.

The offences provided for in this article shall be constituted, including where access by a minor to the messages mentioned in the first paragraph is the result of that minor simply declaring that he or she is at least 18 years of age.'

– *Law No 2020-936*

20 Article 23 of loi n° 2020-936, du 30 juillet 2020, visant à protéger les victimes de violences conjugales (Law No 2020-936 of 30 July 2020 on the protection of victims of domestic violence) (JORF of 31 July 2020, text No 2), as amended by loi n° 2021-1382, du 25 octobre 2021, relative à la régulation et à la protection de l'accès aux œuvres culturelles à l'ère numérique (Law No 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age) (JORF of 26 October 2021, text No 2) ('Law No 2020-936'), was worded as follows:

'Where it is found that a person, whose activity is to publish an online public communication service, permits minors to access pornographic content in breach of Article 227-24 of the Criminal Code, the President of the Autorité de régulation de la communication audiovisuelle et numérique [(regulatory authority for audiovisual and digital communication, France (ARCOM))] shall issue that person with a formal notice ordering him or her to take any measure to prevent access by minors to the offending content. The person to whom the order is addressed shall have 15 days in which to submit his or her observations.

On expiry of that period, and in the event of a failure to comply with the order provided for in the first paragraph of the present article, and if the content remains accessible to minors, the President of [ARCOM] may bring an action before the President of the tribunal judiciaire de Paris [(Court of Paris, France)] for an order, in accordance with the expedited procedure on the merits of the case,

that the persons referred to in Article 6(I)(1) of loi nº 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique [Law No 2004-575 of 21 June 2004 on trust in the digital economy (JORF of 22 June 2004, text No 2)] shall terminate access to that service. The public prosecutor shall be notified of the decision of the President of the court.

The President of [ARCOM] may, on request, bring an action before the President of the Tribunal judiciaire de Paris [(Court of Paris)] for the same purpose where the online public communication service is made available from another address.

The President of [ARCOM] may also request the President of the tribunal judiciaire de Paris [(Court of Paris)] to order, under the expedited procedure on the merits of the case, any measure to put an end to the referencing of the online communication service by a search engine or directory.

The President of [ARCOM] may act *ex officio* or on a referral made by the Public Prosecutor's Office or by any natural or legal person having an interest in bringing proceedings.

The conditions for the application of the present article shall be laid down by decree.'

– *Decree No 2021-1306*

21 Article 1 of décret nº 2021-1306, du 7 octobre 2021, relatif aux modalités de mise en œuvre des mesures visant à protéger les mineurs contre l'accès à des sites diffusant un contenu pornographique (Decree No 2021-1306 of 7 October 2021 on the rules for implementing measures to protect minors from accessing websites broadcasting pornographic content) (JORF of 8 October 2021, text No 25) provides:

'The letter of formal notice sent by the President of the Conseil supérieur de l'audiovisuel [(audiovisual regulatory authority)] in the case provided for in the first paragraph of Article 23 of Law [No 2020-936] shall be notified by post in accordance with the rules laid down in Article 2(I) of the present decree.

The letter of formal notice shall set out the facts identified and how they contravene Article 227-24 of the Criminal Code.

By the same letter, the president of the audiovisual regulatory authority shall invite the person to whom the order is addressed to submit his or her written observations within the period laid down in the first paragraph of Article 23 of the abovementioned Law of 30 July 2020 in accordance with the rules laid down in Article 2(II) of the present decree.'

22 Under Article 3 of that decree:

'In order to assess, pursuant to the first paragraph of Article 23 of Law [No 2020-936], whether the person whose activity is to publish an online public communication service permits minors to access pornographic content in breach of Article 227-24 of the Criminal Code, the President of [ARCOM] shall take into account the level of reliability of the technical process put in place by that person in order to ensure that users wishing to access the service are adults.'

23 Under Article 5 of that decree:

'When an order has been made for the termination of access to an online public communication service by a court decision under the conditions set out in Article 23 of Law [No 2020-936], the persons referred to in Article 6(I) of Law [No 2004-575] shall terminate that access by any appropriate means, in particular by using the domain name blocking (DNB) protocol.

Users of online public communication services to which access is prevented shall be directed to an [ARCOM] information page indicating the reasons for the blocking measure. …'

Case C-190/24

– *The Road Traffic Code*

24 Article L. 130-11 of the code de la route (Road Traffic Code) provides:

'I. - Where a roadside check is conducted on a road, whether open to public traffic or not, which involves the interception of vehicles and is intended either to perform the operations provided for in Articles L. 234-9 or L. 235-2 of the present code or Articles 78-2-2 or 78-2-4 of the code de procédure pénale (Code of Criminal Procedure) or to verify that drivers or passengers are not wanted by the judicial authorities for crimes or offences punishable by at least three years' imprisonment or are not included in the file mentioned in Article 230-19 of that code on account of the threat they present to public order or public security or because they are the subject of a decision to place them on an involuntary basis in a psychiatric institution or have escaped from such an institution, the administrative authority may prohibit any operator of an electronic driving assistance or geolocation navigation service from rebroadcasting, through that service, any message or information published by users of that service where such rebroadcasting is likely to permit other users to evade the check.

The prohibition on rebroadcasting mentioned in the first paragraph of the present Section I shall consist, for any operator of an electronic driving assistance or geolocation navigation service, in hiding, for all roads or sections of roads indicated to it by the competent authority, all messages and information which it would usually have rebroadcasted to users in a normal mode of operation of the service. The duration of such a prohibition may not exceed two hours if the roadside check relates to an operation provided for in Articles L. 234-9 or L. 235-2 of the present code or 12 hours if it relates to another operation mentioned in the first paragraph of the present Section I. The roads or sections of roads concerned may extend no further than a radius of 10 kilometres around the roadside checkpoint where it is located outside a built-up area and 2 kilometres around the roadside checkpoint where it is located within a built-up area.

II. - The prohibition mentioned in Section I of this article shall not apply to the events or conditions provided for in Article 3 of Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users [(OJ 2013 L 247, p. 6)].

III. - The rules for determining the roads or sections of roads covered by the prohibition referred to in section I, the arrangements for communicating with operators of electronic driving assistance or geolocation navigation services for the purposes of implementing that prohibition and the measures intended to ensure the confidentiality of the information transmitted to those operators shall be laid down by a decree of the Conseil d'État [(Council of State, France)].'

25 Article L. 130-12 of the Road Traffic Code lays down the penalties applicable in the event of an infringement of the broadcasting prohibition referred to in Article L. 130-11 of that code.

– *Decree No 2021-468*

26 Décret nº 2021-468, du 19 avril 2021, portant application de l'article L. 130-11 du code de la route (Decree No 2021-468 of 19 April 2021 implementing Article L. 130-11 of the Road Traffic Code) (JORF of 20 April 2021, text No 48) lays down the rules relating to the provisions of Article L. 130-11, in particular the rules for determining the roads or sections of roads covered by the prohibition, the methods of communication with the operators of an electronic driving assistance or geolocation navigation service for the purposes of implementing that prohibition, and the measures intended to ensure the confidentiality of the information communicated to such operators.

27 Under Article R. 130-12 of the Road Traffic Code, inserted by Article 1 of that decree:

'I. - … The decision prohibiting rebroadcasting shall specify the roads or sections of roads concerned and shall specify the date and times at which that prohibition shall begin and end.

II. - Information relating to the prohibition on rebroadcasting, excluding any information relating to the reasons for the roadside inspection concerned, shall be communicated to operators of the electronic driving assistance or navigation service …'

The disputes in the main proceedings and the questions referred for a preliminary ruling

Case C-188/24

28 WebGroup Czech Republic and NKL Associates are companies whose registered office is in Prague (Czech Republic) and who operate pornographic websites.

29 Those companies were the subject of a formal notice from the President of ARCOM, pursuant to Decree No 2021/1306 implementing Law No 2020-936 and Article 227-24 of the Criminal Code which prohibits any person from broadcasting a pornographic message likely to be seen by a minor. According to the last paragraph of that article, that offence is committed even if access by a minor to the messages in question results from a simple declaration by that minor that he or she is at least 18 years old.

30 Those companies challenged the formal notices addressed to them before the tribunal judiciaire de Paris (Court of Paris) and at the same time brought, at first and final instance, before the Conseil d'État (Council of State), which is the referring court, applications for annulment of that decree, inter alia on the ground of infringement of EU law.

31 To that end, those companies raised, inter alia, the failure to provide notice of Law No 2020-936 and of Decree No 2021-1306 to the Commission and the Czech Republic, in breach of Article 3 of Directive 2000/31, and infringement of the objectives of that directive in so far as that law and that decree impose measures of a general and abstract nature – namely the establishment of technical mechanisms for blocking access by minors to pornographic content – covering a category of given information society services described in general terms and applying without distinction to any provider in that category.

32 The referring court notes that the questions raised in Case C-188/24 are decisive for the outcome of the dispute before it and that they present a serious difficulty. In particular, it asks whether criminal provisions intended to ensure the protection of minors and measures requiring the establishment of technical mechanisms for blocking access by minors to pornographic content fall within the 'coordinated field' and constitute a 'requirement' relating to the pursuit of the activity of an information society service, within the meaning of Directive 2000/31. If the answer is in the affirmative, it asks how the requirements arising from that directive should be reconciled with those arising from the protection of human dignity and the best interests of the child, as enshrined, inter alia, in Articles 1 and 24 of the Charter.

33 In those circumstances, the Conseil d'État (Council of State) decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

'[(1)] In the first place, must provisions falling within the scope of criminal law, in particular general and abstract provisions which refer to certain conduct as constituting a criminal offence liable to prosecution, be regarded as falling with the scope of the "coordinated field" of [Directive 2000/31] where they are capable of applying both to the conduct of an information society service provider and to that of any other natural or legal person? Or must it be considered, since the sole purpose of [that] directive is to harmonise certain legal aspects of such services without harmonising the field of criminal law as such and since it lays down only requirements applicable to services, that such criminal provisions cannot be regarded as requirements applicable to the taking up and pursuit of the activity of the information society services falling within the "coordinated field" of that directive? In particular, do the criminal provisions intended to ensure the protection of minors fall within the scope of that "coordinated field"?

[(2)] Must the requirement that publishers of online communication services are to put in place measures to prevent minors from accessing pornographic content which they broadcast be regarded as falling [within] the scope of the "coordinated field" of Directive [2000/31], which harmonises only certain legal aspects of the services concerned, whereas, if that obligation concerns the pursuit of the activity of an information society service, in so far as it relates to the behaviour of the service provider and the quality or the content of the service, it does not concern, however, the establishment of service providers, commercial communications, electronic contracts, the rules on the liability of intermediaries, codes of conduct, out-of-court dispute settlements, court actions or cooperation between Member States and, therefore, does not relate to any of the subjects governed by the harmonising provisions of Chapter II of that directive?

[(3)] If the answer to the preceding questions is in the affirmative, how should the requirements of Directive [2000/31] be reconciled with those arising from the protection of human rights and fundamental freedoms in the European Union, in particular the protection of human dignity and the best interests of the child, guaranteed by Articles 1 and 24 of the [Charter] and by Article 8 of the [Convention] for the Protection of Human Rights and Fundamental Freedoms[, signed in Rome on 4 November 1950], where the mere adoption of individual measures taken in respect of a given service does not appear to be such as to ensure effective protection of those rights? Is there a general principle of EU law that allows Member States to take, in particular in case of an emergency, measures – including when they are general and abstract with regard to a category of service providers – that are required to protect minors against violations of their dignity and integrity, by way of

derogation, where necessary, in respect of providers governed by Directive [2000/31], from the principle of regulation of those providers by their State of origin laid down in that directive?'

Case C-190/24

34 Coyote System, a company established in France, provides a service which is classified as an 'electronic driving assistance or geolocation navigation service', within the meaning of Article L. 130-11 of the Road Traffic Code.

35 For the purposes of public policy, security and safety, Article L. 130-11 makes provision for the implementation of a mechanism that enables the competent administrative authority to prohibit operators of services of that kind, for a limited period and within a limited geographical area, from rebroadcasting messages from their users likely to reveal the location of alcohol and drug testing, as well as certain police operations, for example against persons wanted for serious crimes or offences (including acts of terrorism) or because they have escaped from a psychiatric institution. That mechanism was established by Decree No 2021-468 implementing Article L. 130-11.

36 Coyote System applied to the Conseil d'État (Council of State), which is the referring court, for annulment of that decree, inter alia on the ground of infringement of Directive 2000/31, and raised the same complaint by way of a plea of illegality against Article L. 130-11 of the Road Traffic Code.

37 In support of its action, that company submits, first, that the prohibition on rebroadcasting laid down in Article L. 130-11 of the Road Traffic Code and established by Decree No 2021-468 does not comply with the objectives of Directive 2000/31. Second, that prohibition on rebroadcasting infringes Article 15 of that directive in that it imposes on operators of an electronic driving assistance or geolocation navigation service a general obligation to monitor the information which they transmit.

38 The referring court notes that the questions raised in Case C-190/24 are decisive for the outcome of the dispute before it and that they present a serious difficulty. In that regard, it asks whether such a prohibition on rebroadcasting falls within the 'coordinated field' and constitutes a 'requirement' relating to the pursuit of the activity of an information society service, within the meaning of Directive 2000/31, and whether it is a general monitoring obligation, prohibited by Article 15 of that directive.

39 In those circumstances, the Conseil d'État (Council of State) decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

'[(1)] Must the prohibition, imposed on operators of an electronic driving assistance or geolocation … navigation service, on [rebroadcasting] messages and [information] published by users of that service and likely to allow other users to evade certain roadside checks be regarded as falling within the "coordinated field" as provided for by Directive [2000/31], whereas, although it concerns the pursuit of the activity of an information society service, in that it relates to the behaviour of the service provider, the quality or content of the service, it does not concern the establishment of the service provider, commercial communications, electronic contracts, the liability of intermediaries, codes of conduct,

out-of-court dispute settlements, court actions or cooperation between Member States, and does not therefore relate to any of the matters governed by the harmonising provisions set out in Chapter II of that directive?

[(2)] Must a prohibition on [re]broadcasting, which aims in particular to prevent persons wanted for crimes or offences, or who present a threat to public order or security, from being able to evade road checks, fall within the scope of the requirements relating to the pursuit of the activity of an information society service that a Member State cannot impose on a provider of information society services established in another Member State, whereas recital 26 of [Directive 2000/31] states that [that] directive cannot preclude Member States from applying their national rules on criminal law and criminal proceedings with a view to taking all investigative and other measures necessary for the detection and prosecution of criminal offences?

[(3)] Must Article 15 of Directive [2000/31], which prohibits the imposition on service providers of a general obligation to monitor – not including the obligations applicable to a specific case – be interpreted as meaning that it precludes the application of a provision which merely states that the operators of an electronic driving assistance or geolocation … navigation service must not [rebroadcast], in specific cases and within the framework of that service, certain categories of messages and [information], without the operator having to be aware of content thereof?'

Procedure before the Court

40 By decision 11 February 2025, the Court joined Cases C-188/24 and C-190/24 for the purposes of the written and oral parts of the procedure and the judgment.

The questions referred for a preliminary ruling

The first to third questions referred in Case C-188/24 and the first and second questions referred in Case C-190/24

41 As is apparent from the orders for reference, the referring court is uncertain whether the legislation which it has been asked to annul falls within the 'coordinated field' and constitutes 'requirements' relating to the taking up or pursuit of the activity of an information society service, within the meaning of Directive 2000/31.

42 The view must therefore be taken that, by its first to third questions in Case C-188/24 and by its first and second questions in Case C-190/24, which it is appropriate to examine together, the referring court asks, in essence, whether Directive 2000/31 precludes a Member State from imposing on providers of information society services established in other Member States a general and abstract obligation under criminal law, intended to prevent access by minors to pornographic content (Case C-188/24) and prohibiting such providers from rebroadcasting information relating to certain roadside checks (Case C-190/24). In that context, that court also seeks, by its third question in Case C-188/24, explanations as to how to reconcile, where appropriate, the requirements resulting from that directive and those arising from the protection of human dignity and the best interests of the child, as enshrined in Articles 1 and 24 of the Charter.

43 In accordance with Article 1(1) and (2) of Directive 2000/31, read in the light of recital 8 thereof, that directive seeks to contribute to the proper functioning of the internal market through the creation of a legal framework to ensure the free movement of information society services between Member States, approximating, to the extent necessary for the achievement of that objective, certain national provisions on those services (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 257).

44 Article 2(a) of that directive, read in conjunction with Article 1(1)(b) of Directive 2015/1535, defines 'information society services' as being 'any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services', it being understood, as can be seen from recital 18 of Directive 2000/31, that those services span a wide range of economic activities which take place online (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 258).

45 Article 3 of Directive 2000/31 is, for its part, a central provision in the scheme and system put in place by that directive, in so far as it enshrines the principle of control in the originating Member State, also referred to in recital 22 of that directive which states that 'information society services should be supervised at the source of the activity' (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 259 and the case-law cited).

46 According to Article 3(1) of Directive 2000/31, each Member State is to ensure that the information society services provided by a service provider established on its territory comply with the national provisions applicable in the Member State in question which fall within the coordinated field, that field covering, as is stated in Article 2(h) of that directive, the requirements laid down in the Member States' legal systems applicable to information society service providers or information society services, regardless of whether they are of a general nature or specifically designed for them (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 260).

47 In accordance with Article 2(h)(i) of Directive 2000/31, that field relates to requirements with which the service provider must comply and which concern the taking up of the activity of an information society service, such as requirements concerning qualifications, authorisation or notification, and the requirements concerning the pursuit of the activity of that service, such as requirements concerning the behaviour of the service provider, the quality or content of the service, or the liability of the service provider.

48 Furthermore, Article 3(2) of that directive provides that Member States may not, for reasons falling within the coordinated field, restrict the free movement of information society services from another Member State (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 262).

49 Accordingly, Directive 2000/31 is based on the application of the principle of control in the originating Member State and the principle of mutual recognition, so that, within the coordinated field defined in Article 2(h) of that directive, information society services are regulated solely in the Member State on whose territory the providers of those services are established (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 263 and the case-law cited).

50 In the present case, the referring court asks whether the legislation which it has been asked to annul and which is applicable to services that may be classified as information society services, within the meaning of Article 2(a) of Directive 2000/31, should not be regarded as being excluded, from the outset, from the coordinated field defined in Article 2(h) of that directive because, on the one hand, they do not relate to any of the requirements or matters governed by the harmonising provisions of Chapters II and III of that directive and, on the other, they arise from a general and abstract obligation under criminal law (Case C-188/24) or pursue objectives of public policy, security and safety (Case C-190/24).

51 It is therefore necessary to ascertain whether, in the light of the wording of Article 2(h) of Directive 2000/31, its context and the objectives of that directive, the coordinated field, within the meaning of that provision, is limited in both respects, which would mean that the legislation at issue in the disputes in the main proceedings does not fall within the mechanism laid down in Article 3 of that directive.

The scope of the coordinated field within the meaning of Article 2(h) of Directive 2000/31

52 In the first place, as regards the question whether the coordinated field is limited to the requirements and matters governed by the harmonising provisions contained in Chapters II and III of Directive 2000/31, it must be observed, first, that it is apparent from the wording of Article 2(h)(i) and (ii) of that directive that the coordinated field, referred to in that provision, covers all requirements laid down by the legal systems of the Member States relating to the taking up or pursuit of the activity of an information society service, with the exception of requirements such as those applicable to goods, to the supply of goods and to services not provided by electronic means. In particular, that definition does not make the coordinated field subject to the condition that only matters harmonised by that directive are covered.

53 Second, as regards the context of that provision, it should be noted that Article 3(3) of Directive 2000/31, read in conjunction with the annex thereto, provides that the mechanism referred to in Article 3(1) and (2) does not apply, in essence, to intellectual property law, the emission of electronic money, undertakings for collective investment in transferable securities, insurance, certain aspects of contracts or the permissibility of unsolicited commercial communications by electronic mail. As the Advocate General observed in point 62 of his Opinion, it would not have been necessary to exclude such aspects from that mechanism if the coordinated field was limited to the requirements and matters governed by Chapters II and III of that directive.

54 Third, as regards the objective of Directive 2000/31, it must be borne in mind that it is apparent from Article 1(1) and (2) thereof, read in conjunction with recital 8, that that directive is intended to contribute to the proper functioning of the internal market. On the one hand, it creates a legal framework which ensures the free movement of information society services between Member States and which consists, inter alia, in the application of the mechanism referred to in Article 3(1) and (2) of that directive, under which, within the coordinated field, information society services are to be regulated solely in the Member State in which the providers of those services are established. On the other, that directive lays down, in particular in Chapters II and III thereof, provisions approximating, to the extent necessary to achieve that objective, certain national provisions applicable to those services.

55 Thus, Article 2(h) and Article 3 of Directive 2000/31, on the one hand, and the provisions of Chapters II and III of that directive, on the other, are two tools that are distinct, albeit complementary to their objective. As the Advocate General observed in point 56 of his Opinion,

the principles laid down in Article 3 of that directive are of interest above all in the case of national provisions in respect of which that directive does not make provision for harmonisation. In those circumstances, to exclude from the coordinated field any requirement or matter not covered by Chapters II and III of that directive would be tantamount to prejudicing the objective of that directive, by nullifying the effects of the cardinal principles of supervision in the home Member State and mutual recognition, set out in Article 3(1) and (2) of that directive, for requirements and matters other than those covered by those chapters.

56 It follows that the coordinated field referred to in Article 2(h) of Directive 2000/31 is not limited to the requirements and matters governed by the harmonising provisions contained in Chapters II and III of that directive.

57 In the second place, as regards the question whether the coordinated field also applies to general and abstract rules under the criminal law of the Member States and to national rules pursuing objectives of public policy, security and safety, it should be noted, first, that it is apparent from the actual wording of Article 2(h) of Directive 2000/31 that the general and abstract nature of legislation cannot have the effect of excluding that legislation from the coordinated field.

58 Moreover, it follows that rules which come under criminal law or pursue the abovementioned objectives are, in principle, part of the coordinated field in so far as they lay down requirements concerning the taking up or pursuit of the activity of an information society service, which are not excluded under Article 2(h)(ii) of that directive. In that regard, it must be held that the legislation at issue in the disputes in the main proceedings clearly does not fall within the requirements excluded from the coordinated field under the latter provision, such as those applicable to goods as such, to their supply or to services not provided by electronic means.

59 Second, as regards the context of Article 2(h) of Directive 2000/31, it must be observed that only legislation adopted in the fields of taxation, data protection, cartels, the notary profession, legal representation before the courts and gambling is specifically excluded from the scope of that directive by Article 1(5) thereof. Consequently, in so far as it does not relate to the fields excluded by that provision, legislation coming under criminal law or pursuing objectives of public policy, security and safety may fall within the scope of that directive and thus within the coordinated field within the meaning of Article 2(h).

60 It is common ground that the legislation at issue in the disputes in the main proceedings does not concern the areas excluded by Article 1(5) of Directive 2000/31.

61 Nor does that legislation come under the derogations referred to in the annex to Directive 2000/31, recalled in paragraph 53 above, which concern the cases in which, in accordance with Article 3(3) of that directive, paragraphs 1 and 2 of Article 3 are not applicable. As the Advocate General observed in point 62 of his Opinion, the express exclusion, by that annex, of certain areas not harmonised by that directive from the mechanism referred to in paragraphs 1 and 2 is exhaustive, which means that the other non-harmonised areas, such as criminal law and the safeguarding of public policy, security and safety, fall within the coordinated field and that mechanism.

62 Furthermore, as regards, more specifically, national legislation pursuing objectives of public policy, security and safety, that interpretation is supported by the provision in Article 3(4) of Directive 2000/31, according to which Member States may, under certain conditions, take measures derogating from Article 3(2) provided that those measures are necessary for reasons,

inter alia, of public policy and public security, including the protection of national security. Therefore, that provision itself provides that Member States, other than the one in whose territory an information society service provider is established, may take measures falling within the coordinated field if they are necessary for one of those reasons.

63 As regards legislation falling within the scope of criminal law, recital 8 of Directive 2000/31 states that the objective of that directive is to ensure the free movement of information society services and not to harmonise the field of criminal law 'as such'. Indeed, that directive does not make the requirements in criminal matters that are provided for by the legal systems of the Member States and are applicable to providers of information society services or to those services themselves, subject to any harmonisation. Recital 26 of that directive states that it is in conformity with the conditions established in that directive that Member States may apply their national rules on criminal law and criminal proceedings. Thus, the distinction made by Directive 2000/31 between, on the one hand, the approximation of certain national provisions referred to in Article 1(2) of that directive and, on the other, the coordinated field defined in Article 2(h) thereof, supports the conclusion that provisions of criminal law may fall within that coordinated field, even though they have not been harmonised.

64 Third, to exclude generally from the coordinated field any legislative provision coming under criminal law and/or pursuing objectives of public policy, security and safety, in the absence of an express indication by the EU legislature other than those referred to in paragraphs 58 to 61 above, would prejudice the objective of ensuring the free movement of information society services.

65 In those circumstances, Directive 2000/31 covers provisions that lay down requirements relating to the taking up or pursuit of the activity of information society services, irrespective of their nature or the field they fall within under national law, with the exception of requirements or fields which, by virtue of Article 1(5), Article 2(h)(ii) or Article 3(3) of that directive, are expressly excluded from the scope of that directive, the coordinated field or the mechanism referred to in Article 3(1) and (2). Accordingly, national provisions falling within the scope of criminal law and/or pursuing objectives of public policy, security and safety are not, as such, excluded from the scope of the coordinated field.

66 It thus follows from paragraphs 57 to 65 above that the legislative provisions at issue in the disputes in the main proceedings fall within the coordinated field provided that they include those requirements relating to the taking up or pursuit of the activity of information society services, within the meaning of Article 2(h)(i) of Directive 2000/31.

Whether there is a requirement within the meaning of Article 2(h)(i) of Directive 2000/31

67 It should be recalled, in relation to Case C-188/24, that the Court has already held that a national measure which requires the provider of an information society service to set conditions for access to its service, by means of an obligation to provide information, constitutes a requirement concerning the pursuit of an activity, within the meaning of Article 2(h)(i) of Directive 2000/31 (see, to that effect, judgment of 1 October 2020, *A (Advertising and sale of medicinal products online)*, C-649/18, EU:C:2020:764, paragraph 88).

68 A mechanism for checking the age of users of an information society service allowing access to pornographic content is intended to set the conditions for access to that service by those users.

69 As regards Case C-190/24, it must be observed that the prohibition on operators of an electronic driving assistance or geolocation navigation service from rebroadcasting information transmitted by their users on certain roadside checks entails a limitation of the current functionalities of such a service, the purpose of which is to make its users aware of road traffic information. Such a prohibition therefore constitutes a requirement relating to the content of that service.

70 It follows that the legislation at issue in the main proceedings contains requirements relating to the pursuit of the activity of providing information society services, for the purposes of the second indent of Article 2(h)(i) of Directive 2000/31. That legislation therefore falls within the coordinated field and thus comes under the mechanism referred to in Article 3(1) and (2) of that directive.

The mechanism referred to in Article 3(1) and (2) of Directive 2000/31

71 As has been noted in paragraphs 45 to 49, 54 and 55 above, in accordance with that mechanism – which is based on the cardinal principles of supervision in the home Member State and mutual recognition, laid down in Article 3(1) and (2) of Directive 2000/31 – in the context of the coordinated field, information society services are regulated solely in the Member State in which the providers of those services are established.

72 In particular, Article 3(2) provides that Member States may not, for reasons falling within the coordinated field, restrict the free movement of information society services from another Member State.

73 In those circumstances, it is necessary to ascertain whether the legislation at issue in the main proceedings restricts the free movement of those services.

74 In that regard, it is apparent from the documents before the Court that the legislation at issue in Case C-188/24 requires operators of pornographic sites, subject to administrative and criminal penalties, to make access by users to those sites conditional by means of a mechanism for verifying the age of those users in order to prevent access by minors. Thus, the obligation to provide for such a mechanism, in so far as it is applicable to providers of those services established in other Member States, constitutes a restriction on the freedom to provide those services, within the meaning of Article 3(1) and (2) of Directive 2000/31.

75 As regards the legislation at issue in Case C-190/24, it should be noted that that legislation provides for the possibility of prohibiting operators of an electronic driving assistance or geolocation navigation service, subject to criminal penalties, from rebroadcasting information transmitted by their users relating to certain roadside checks. Those operators may therefore, on the basis of that legislation, be required to limit the functionalities of that service on French territory.

76 In that regard, it is apparent from the order for reference that Decree No 2021-468 implementing Article L. 130-11 of the Road Traffic Code is applicable to any operator of an electronic driving assistance or geolocation navigation service, whether established in French territory or in the territory of another Member State.

77 The view must therefore be taken that that legislative provision, in so far as it also applies to operators of such a service established in other Member States, may entail a restriction on the free movement of that service.

78 That being said, it must be borne in mind that Article 3(4) of Directive 2000/31 allows, under certain conditions, a derogation from the principle laid down in Article 3(2). Accordingly, it is necessary to examine whether the legislation at issue in the main proceedings is capable of satisfying those conditions.

The conditions for a derogation referred to in Article 3(4) of Directive 2000/31

79 To begin with, it should be borne in mind that, pursuant to Article 3(4)(a) of Directive 2000/31, Member States may, in respect of a given information society service, take measures that derogate from Article 3(2) of that directive, provided, first, that those measures are necessary in the interests of public policy, the protection of public health, public security or the protection of consumers, second, that those measures are taken against an information society service which actually prejudices those objectives or presents a serious and grave risk to those objectives, and, third, that those measures are proportionate to those objectives (judgment of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 303 and the case-law cited).

80 Furthermore, Article 3(4)(b) of that directive makes that option subject to compliance with rules of a procedural nature, that is to say, an unsuccessful invitation to the Member State of establishment of the providers in question to take sufficient measures and notification to the Member State of establishment and the Commission of the intention to take such measures.

81 As regards the first of the conditions set out in Article 3(4)(a) of Directive 2000/31, it is necessary to ascertain whether the objectives pursued by the legislation at issue in the main proceedings corresponds to those referred to in that provision and whether the measures imposed by that legislation may be regarded as necessary in order to safeguard those objectives.

82 As regards the legislation at issue in Case C-188/24, it is apparent from the first indent of Article 3(4)(a)(i) of Directive 2000/31 that the concept of 'public policy' referred to therein covers, inter alia, the protection of minors and the fight against violations of human dignity concerning individual persons, which corresponds to the objectives pursued by that legislation.

83 As regards the legislation at issue in Case C-190/24, it should be noted that, in addition to public policy and, in particular, the prevention, investigation, detection and prosecution of criminal offences referred to in the first indent of Article 3(4)(a)(i) of Directive 2000/31, public security and national security appear in the third indent of that provision. Reasons of public policy, security and safety are thus capable of justifying prohibitions on the rebroadcasting of information relating to roadside checks, such as those provided for in that legislation.

84 As regards the second of the conditions set out in Article 3(4)(a) of Directive 2000/31, according to which measures derogating from Article 3(2) must be taken against a given information society service which actually prejudices the objectives referred to in paragraphs 81 to 83 above or presents a serious and grave risk of prejudice to those objectives, it should be borne in mind that that condition must be interpreted as meaning that general and abstract measures aimed at a category of given information society services described in general terms and applying without distinction to any provider of that category of services do not meet those conditions (see, to that effect, judgments of 9 November 2023, *Google Ireland and Others*, C-376/22, EU:C:2023:835, paragraph 60; of 30 May 2024, *Airbnb Ireland and Amazon Services Europe*, C-662/22 and C-667/22, EU:C:2024:432, paragraph 70; and of 21 April 2026, *Commission* v *Hungary (Values of the European Union)*, C-769/22, EU:C:2026:326, paragraph 309).

85 In the present case, as regards the legislation at issue in Case C-188/24, it is apparent from the file before the Court that Article 227-24 of the Criminal Code generally prohibits any person from manufacturing, transporting or broadcasting, by any means whatsoever and on any medium whatsoever, certain content or messages likely to be seen or perceived by minors. It thus concerns, in accordance with the case-law cited in the preceding paragraph, general and abstract legislation covering, inter alia, a whole series of categories of information society services described in terms that apply without distinction to providers falling within those categories and established, as the case may be, in another Member State. Such legislation cannot therefore satisfy the second of the conditions listed in Article 3(4)(a) of Directive 2000/31.

86 That being said, it is apparent from the order for reference that, in addition to the general prohibition laid down by the criminal law, Article 23 of Law No 2020-936 provides that a specific administrative authority, namely the President of ARCOM, is to give formal notice, individually, to a provider of an online public communication service broadcasting pornographic content to take every measure to prevent access by minors to that content. Furthermore, where that service provider does not comply with that formal notice, it is open to that administrative authority to bring legal proceedings in order to ensure the adoption of technical measures intended to prevent the broadcasting of that content.

87 Article 3(4)(a) of Directive 2000/31 does not preclude a Member State from being able to adopt legal provisions, in compliance with the conditions laid down in that provision, providing for an individual formal notice to be served on providers of an information society service, such as public communication services broadcasting pornographic content. In the light of their individualised nature, such formal notices may thus be classified as measures taken against a given information society service which prejudices the objectives referred to in paragraph 82 above or presents a serious and grave risk of prejudice to those objectives, within the meaning of that provision.

88 As regards the legislation at issue in Case C-190/24, it is apparent from Article L. 130-11 of the Road Traffic Code and from Decree No 2021-468 that any operator of an electronic driving assistance or geolocation navigation service may be prohibited by the competent administrative authority from rebroadcasting, by means of that service, any message or information issued by users of that service where such rebroadcasting is likely to enable other users to evade certain roadside checks.

89 In that regard, Article 3(4)(a) of Directive 2000/31 allows a State to adopt legislation providing for measures to be taken against a given information society service which prejudices the objectives referred to in paragraph 83 above or presents a serious and grave risk of prejudice to those objectives, within the meaning of that provision.

90 It follows that measures which may be adopted under the legislation referred to in paragraphs 85 and 88 above, such as formal individual notices to public communication service providers broadcasting pornographic content or decisions prohibiting the operators of a given service from rebroadcasting certain information, may constitute measures taken against a given information society service, within the meaning of Article 3(4)(a) of Directive 2000/31.

91 As regards the third of the conditions set out in Article 3(4)(a) of Directive 2000/31, namely the proportionality of the measures taken in the light of the objectives pursued by the legislation at issue in the main proceedings, it should be pointed out, as regards Case C-188/24, that Article 28b(3)(f) of Directive 2010/13, applicable *ratione temporis* from 19 September 2020 to

services the purpose of which is the provision of programmes and videos, such as the services at issue in that case, identifies the creation of age verification systems for users of video-sharing platforms as allowing the protection of minors in respect of content which may impair their physical, mental or moral development.

92 In that regard, it should be borne in mind that, under Article 1 of the Charter, human dignity is inviolable. It must be respected and protected. In addition, Article 24(1) of that Charter provides that children have, inter alia, the right to such protection as is necessary for their well-being.

93 Recital 59 of Directive 2010/13 reflects the fundamental nature of the right to human dignity and the consideration of the best interests of the child resulting from Articles 1 and 24 of the Charter, in so far as it emphasises the importance of protecting the physical, mental and moral development of minors and the protection of human dignity in all audiovisual media services. That importance requires, as is apparent from Articles 6a and 28b of that directive, that the effective prevention of access by minors to pornographic content is ensured when Directives 2000/31 and 2010/13 are implemented by the Member States, in accordance with the rules of the principle of mutual recognition.

94 It follows that a national measure requiring the provider of a given service to establish a system for verifying the age of users of pornographic sites must be regarded as being proportionate to the objective of protecting minors and human dignity, within the meaning of Article 3(4)(a) of Directive 2000/31, where that provider has not taken the appropriate measures referred to in Article 28b of Directive 2010/13.

95 Furthermore, Article 15 of Regulation 2024/1083, applicable *ratione temporis* from 8 May 2025 to the services at issue in Case C-188/24, established structured cooperation between requesting authorities and requested authorities enabling a duly justified request to be submitted to a requested authority inviting it to take necessary and proportionate actions for the effective enforcement of the obligations imposed under Article 28b(1) to (3) of Directive 2010/13. As is apparent from recital 45 of that regulation, where the use of the mechanism introduced by Article 15 does not lead to an amicable solution between the Member States concerned, the freedom to provide information society services from another Member State may be restricted only where the conditions set out in Article 3 of Directive 2000/31 have been fulfilled and the procedure set out in that article has been followed.

96 As regards Case C-190/24, subject to verification by the referring court, it appears that the possibility of a prohibition on rebroadcasting laid down by the legislation at issue in that case is proportionate to the objectives of public policy, security and safety pursued by those provisions.

97 That being said, legislation such as that at issue in Cases C-188/24 and C-190/24 may be implemented only in so far as compliance with the procedural obligations laid down in Article 3(4)(b) of Directive 2000/31 is ensured.

98 As regards those procedural obligations, namely the obligation to make a prior, unsuccessful, request to the Member State in which the service provider concerned is established so that it may itself take measures and that of prior notification to the Commission and that Member State, it should be recalled that those obligations constitute essential procedural requirements which justify the unenforceability of non-notified measures restricting the free movement of information society services against individuals (see, to that effect, judgment of 19 December 2019, *Airbnb Ireland*, C-390/18, EU:C:2019:1112, paragraph 94).

99 As regards Case C-190/24, admittedly, it is clear from the expression 'without prejudice' in Article 3(4)(b) of Directive 2000/31 that the procedural obligations laid down in that provision do not apply in the context of court proceedings, including preliminary proceedings and acts carried out in the framework of a criminal investigation, which is also confirmed by recital 26 of that directive as regards the obligation to notify the Commission.

100 However, it is important to note, subject to verification by the referring court, that the prohibitions on rebroadcasting laid down by the legislation at issue in that case do not, in themselves, appear to fall within such proceedings and acts, unless the roadside check concerned by the prohibition is ordered in the context of a criminal investigation.

101 That being said, a Member State may, under Article 3(5) of Directive 2000/31, derogate from the procedural obligations laid down in Article 3(4)(b) of that directive in the case of urgency. In that situation, the measures are to be notified in the shortest possible time, indicating the reasons why the Member State considers that there is urgency.

102 It is for the referring court to determine, if necessary, whether the conditions laid down in Article 3(4) or Article 3(5) of Directive 2000/31 are satisfied.

103 In the light of all the foregoing, the answer to the first to third questions in Case C-188/24 and the first and second questions in Case C-190/24 is that Article 2(h) and Article 3 of Directive 2000/31 must be interpreted as meaning that:

– the coordinated field, referred to in the first of those provisions, is not limited to the requirements and matters governed by the harmonising provisions of Chapters II and III of that directive and may cover both criminal legislation that is general and abstract as well as legislation pursuing objectives of public policy, security and safety, provided that that legislation lays down requirements, relating to the taking up or pursuit of the activity of information society services, which are not excluded from the coordinated field under Article 2(h)(ii), and that it relates to areas which are not excluded from the scope of that directive by virtue of Article 1(5) thereof or the mechanism referred to in Article 3(1) and (2) of that directive, by virtue of paragraph 3 thereof;

– they preclude a Member State from applying a general and abstract obligation under criminal law, intended to prevent access by minors to pornographic content, to information society service providers established in other Member States;

– they do not preclude, subject to compliance with the conditions laid down in Article 3(4) of Directive 2000/31, read in the light of Articles 1 and 24 of the Charter, and without prejudice to the application of Article 3(5) of that directive, a Member State from making provision for the adoption of measures requiring providers of a given service, established in other Member States, to establish a system for verifying the age of users of pornographic sites, where those providers have not taken the appropriate measures referred to in Article 28b of Directive 2010/13;

– they do not preclude a Member State, subject to compliance with the conditions laid down in Article 3(4) of Directive 2000/31 and without prejudice to the application of Article 3(5) of that directive, from making provision for the adoption of measures prohibiting providers of a given service, established in other Member States, from rebroadcasting information relating to certain roadside inspections on grounds of public policy, security or safety.

The third question in Case C-190/24

104 By the third question referred in Case C-190/24, the referring court asks the Court of Justice for its interpretation of Article 15(1) of Directive 2000/31. It is apparent from the grounds of the order for reference and from the written and oral observations before the Court of Justice in the present case that that question is based on the premiss that the operator of an electronic driving assistance or geolocation navigation service falls within the scope of Article 14 of Directive 2000/31.

105 In those circumstances, the view must be taken that, by that question, the referring court asks, in essence, whether Article 14(1) and Article 15(1) of Directive 2000/31 must be interpreted as meaning that an operator of an electronic driving assistance or geolocation navigation service falls within the scope of those provisions and whether Article 15(1) precludes national legislation that allows that operator to be prohibited from rebroadcasting information relating to certain roadside checks.

106 In the first place, as regards Article 14 of Directive 2000/31, it concerns hosting, that is to say, as is apparent from Article 14(1), an 'information society service … that consists of the storage of information provided by a recipient of the service'. That definition does not preclude a service which also has as its purpose the broadcasting or sharing of such information from falling within, under certain conditions, the concept of 'hosting' (see, to that effect, judgments of 16 February 2012, *SABAM*, C-360/10, EU:C:2012:85, paragraph 27; of 22 June 2021, *YouTube and Cyando*, C-682/18 and C-683/18, EU:C:2021:503, paragraph 106; and of 26 April 2022, *Poland* v *Parliament and Council*, C-401/19, EU:C:2022:297, paragraph 28).

107 That being said, the fact that the service provided by an operator includes the storage of information transmitted to it is not in itself a sufficient ground for concluding that that service, in all situations, falls within the scope of Article 14(1) of Directive 2000/31 (see, to that effect, judgment of 12 July 2011, *L'Oréal and Others*, C-324/09, EU:C:2011:474, paragraph 111 and the case-law cited).

108 In that regard, it must be borne in mind that, for that to be the case, it is essential that the provider of the service concerned is an 'intermediary service provider' within the meaning of the provisions of Section 4 of Chapter II of Directive 2000/31. As stated in recital 42 of that directive, the exemptions from liability provided for in that directive, including those laid down in Article 14 thereof, cover only cases where the activity of the service provider is limited to the technical process of operating and giving access to a communication network. Recital 42 also states that that activity is of a mere technical, automatic and passive nature, which implies that the information society service provider has neither knowledge of nor control over the information which is transmitted or stored (see, to that effect, judgment of 22 June 2021, *YouTube and Cyando* (C-682/18 and C-683/18, EU:C:2021:503, paragraph 105).

109 Thus, in order to ascertain whether the operator of such a service may be exempted, under Article 14(1) of Directive 2000/31, from liability for the stored content, it is necessary to examine whether the role played by that operator is neutral, that is to say, whether its conduct is merely technical, automatic and passive, which means that it has no knowledge of or control over the content it stores, or whether, on the contrary, that operator plays an active role that gives it knowledge of or control over that content (see, to that effect, judgment of 22 June 2021, *YouTube and Cyando*, C-682/18 and C-683/18, EU:C:2021:503, paragraph 106 and the case-law cited).

110 In the light of recital 42 of Directive 2000/31, those two conditions requiring knowledge and control should be understood as being alternative to and independent of each other. Therefore, the operator of an information society service which controls the stored information is excluded from the benefit of Article 14(1) of that directive, even if it does not become aware of that information due to the automation of the information processing.

111 As the Advocate General stated, in essence, in point 239 of his Opinion, it is, inter alia, by means of the algorithm used that such an operator exercises control over the information stored. So long as it has predetermined, by means of that algorithm, the conditions under which such information may or may not be broadcast, it is irrelevant that that operator does not itself carry out additional interventions which have the effect of promoting, modifying or deleting information stored with a view to it being broadcast.

112 In that regard, it must be made clear that if, beyond the mere categorisation and indexation of information for the purpose of improving its accessibility, the algorithm used determines, in the interest of the operator or its service, under what conditions, how and in which order of priority that information is or is not broadcast, that operator exercises control over that information, with the result that the service it offers cannot be classified as an 'information society service … that consists of the storage of information provided by a recipient of the service', within the meaning of Article 14(1) of Directive 2000/31 (see, to that effect, judgments of 23 March 2010, *Google France and Google*, C-236/08 to C-238/08, EU:C:2010:159, paragraphs 115 and 117; of 12 July 2011, *L'Oréal and Others*, C-324/09, EU:C:2011:474, paragraph 116; and of 22 June 2021, *YouTube and Cyando*, C-682/18 and C-683/18, EU:C:2021:503, paragraph 114).

113 In such a situation, in accordance with its wording, which makes its application conditional upon the existence of a provision of services referred to, inter alia, in Article 14 of Directive 2000/31, the obligations which Article 15(1) of that directive imposes on the Member States are not applicable with regard to an operator of such a service who exercises control within the meaning of the preceding paragraph.

114 It is for the referring court to carry out the necessary checks to that end.

115 In the second place, if the referring court were to conclude that the role of a service provider such as Coyote System is neutral within the meaning of the case-law referred to in paragraph 109 above and that the service it offers may therefore be classified as an 'information society service … that consists of the storage of information provided by a recipient of the service', within the meaning of Article 14(1) of Directive 2000/31, it would have to examine whether such a service provider may be subject to a prohibition on rebroadcasting relating to certain roadside checks under Article 14(3) and whether such a prohibition is compatible with Article 15(1) of that directive.

116 First, as regards Article 14(3) of Directive 2000/31, that provision states that Article 14 does not affect the possibility, for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement. The Court has stated that such an order may also be made in a situation where the service provider is not regarded as being liable within the meaning of Article 14 (see, to that effect, judgments of 3 October 2019, *Glawischnig-Piesczek*, C-18/18, EU:C:2019:821, paragraphs 24 and 25, and of 22 June 2021, *YouTube and Cyando*, C-682/18 and C-683/18, EU:C:2021:503, paragraph 131). In addition, as set out in Article 14(3) of that directive, that article does not affect the possibility for Member States to establish procedures governing the removal of stored information or the disabling of access to such information.

117 Read in conjunction with paragraph 1 thereof, Article 14(3) of Directive 2000/31 must be understood as meaning that it concerns orders requiring an information society service provider, within the meaning of paragraph 1, to terminate any infringement on the part of the recipient of the service due to, inter alia, the presence of illegal information stored on its website or on its platform by removing or blocking access to that information or by preventing any other such infringement, in particular by removing or blocking access to illegal information the content of which is identical or equivalent to information which has already been declared illegal (see, to that effect, judgments of 3 October 2019, *Glawischnig-Piesczek*, C-18/18, EU:C:2019:821, paragraphs 24 and 37).

118 It is for the referring court to ascertain, in particular, whether the prohibition on rebroadcasting information relating to certain roadside checks laid down by the legislation at issue in the main proceedings is intended to block access to illegal information stored on the Coyote System platform or to put an end to an illegal activity or infringement on the part of users of the service or to prevent such an activity or infringement, within the meaning of Article 14(3) of Directive 2000/31.

119 Second, as regards the issue whether Article 15(1) of Directive 2000/31 precludes such legislation, it should be borne in mind that the prohibition on Member States imposing a general monitoring obligation on providers of intermediary services is clarified in recital 47 of that directive, in that it does not concern monitoring obligations 'in a specific case' and, in particular, does not preclude decisions of national authorities taken in accordance with national law concerning such a case (see, to that effect, judgment of 3 October 2019, *Glawischnig-Piesczek*, C-18/18, EU:C:2019:821, paragraph 34).

120 In that regard, the Court has already held that an order addressed to a host provider to remove specific items of the stored content that is identical or similar to content declared to be illegal by a national court is not such as to impose on that host provider an obligation to monitor generally the information which it stores. In particular, such an order does not require the hosting provider to carry out an independent assessment of the stored content, since it may confine itself to identifying the content covered by the order by means of automated search tools (see, to that effect, judgment of 3 October 2019, *Glawischnig-Piesczek*, C-18/18, EU:C:2019:821, paragraphs 46 and 47).

121 The referring court expressly states that an operator of an electronic driving assistance or geolocation navigation service may comply with the prohibitions on rebroadcasting information relating to certain roadside checks laid down by the legislation at issue in the main proceedings, without having to acquaint itself with the content of the messages transmitted by its users in order to drawing attention to such roadside checks. Thus, it is clear that the information which is the subject of those prohibitions on rebroadcasting is circumscribed in such a way that its rebroadcasting may be automatically prevented by the operator concerned.

122 In the light of the foregoing, the answer to the third question in Case C-190/24 is that Article 14(1) and Article 15(1) of Directive 2000/31 must be interpreted as meaning that:

– where, by means of an algorithm, the operator of an information society service consisting, inter alia, in the storage of information provided by a recipient of the service determines, in its own interest or that of its service, under what conditions, how and in which order of priority that information is or is not broadcast as part of that service, it exercises control over that information, with the result that it cannot be classified as a provider of an 'information society

service … that consists of the storage of information provided by a recipient of the service', within the meaning of Article 14(1), and that Article 15(1) therefore does not apply to it;

– they do not preclude a Member State from prohibiting, on grounds of public policy, security or safety, the operators of an electronic service which may be classified as an 'information society service … that consists of the storage of information provided by a recipient of the service', within the meaning of Article 14(1), from rebroadcasting information relating to certain roadside checks.

Costs

123 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court of Justice, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Grand Chamber) hereby rules:

1. Article 2(h) and Article 3 of 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'),

must be interpreted as meaning that:

– the coordinated field, referred to in the first of those provisions, is not limited to the requirements and matters governed by the harmonising provisions of Chapters II and III of that directive and may cover both criminal legislation that is general and abstract as well as legislation pursuing objectives of public policy, security and safety, provided that that legislation lays down requirements, relating to the taking up or pursuit of the activity of information society services, which are not excluded from the coordinated field under Article 2(h)(ii), and that it relates to areas which are not excluded from the scope of that directive by virtue of Article 1(5) thereof or the mechanism referred to in Article 3(1) and (2) of that directive, by virtue of paragraph 3 thereof;

– they preclude a Member State from applying a general and abstract obligation under criminal law, intended to prevent access by minors to pornographic content, to information society service providers established in other Member States;

– they do not preclude, subject to compliance with the conditions laid down in Article 3(4) of Directive 2000/31, read in the light of Articles 1 and 24 of the Charter of Fundamental Rights of the European Union, and without prejudice to the application of Article 3(5) of that directive, a Member State from making provision for the adoption of measures requiring providers of a given service, established in other Member States, to establish a system for verifying the age of users of pornographic sites, where those providers have not taken the appropriate measures referred to in Article 28b of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 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);

– **they do not preclude a Member State, subject to compliance with the conditions laid down in Article 3(4) of Directive 2000/31 and without prejudice to the application of Article 3(5) of that directive, from making provision for the adoption of measures prohibiting providers of a given service, established in other Member States, from rebroadcasting information relating to certain roadside inspections on grounds of public policy, security or safety.**

2. Article 14(1) and Article 15(1) of Directive 2000/31

must be interpreted as meaning that:

– **where, by means of an algorithm, the operator of an information society service consisting, inter alia, in the storage of information provided by a recipient of the service determines, in its own interest or that of its service, under what conditions, how and in which order of priority that information is or is not broadcast as part of that service, it exercises control over that information, with the result that it cannot be classified as a provider of an 'information society service … that consists of the storage of information provided by a recipient of the service', within the meaning of Article 14(1), and that Article 15(1) therefore does not apply to it;**

– **they do not preclude a Member State from prohibiting, on grounds of public policy, security or safety, the operators of an electronic service which may be classified as an 'information society service … that consists of the storage of information provided by a recipient of the service', within the meaning of Article 14(1), from rebroadcasting information relating to certain roadside checks.**

[Signatures]