

# Explanatory Notes



Notes on the data provided in the transparency report submitted in response to the obligations set forth in the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services

17 April 2025

## Context

*“The Digital Services Act aims to create a safer online environment for consumers and companies in the European Union (EU), with a set of rules designed to:*

*[...]*

***deal with illegal content and products, hate speech and disinformation;***

***achieve greater transparency with better reporting and oversight;***

*[...]”*

*(Source: <https://eur-lex.europa.eu/EN/legal-content/summary/digital-services-act.html>)*

*“To ensure an adequate level of transparency and accountability, providers of intermediary services should make publicly available an annual report in a machine-readable format, in accordance with the harmonised requirements contained in this Regulation, **on the content moderation in which they engage, including the measures taken as a result of the application and enforcement of their terms and conditions.** However, in order to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro or small enterprises as defined in Commission Recommendation 2003/361/EC (25) and which are not very large online platforms within the meaning of this Regulation.”*

*(Recital 49 of the Regulation)*

The transparency reporting obligations provided by the Regulation apply in particular to providers of intermediary services and of online platforms and search engines.

As the registry office for **.fr** domain names, Afnic performs a general interest service which consists in particular of contributing on a daily basis to a secure and stable Internet.

As a top-level domain registry, Afnic is considered as a provider of so-called “mere conduit” services for the purposes of the Regulation, and as such is not subject to the obligations regarding content moderation imposed on providers of intermediary services.

The blocking or deletion of a domain name, which are technically the only means of intervention available to the registry, and which are regulated by the law in Article L45 of the

French Postal and Electronic Communications Code (CPCE), do not cover the withdrawal of content. Blocking involves cutting off a service of identification and communication, and can be likened to a telephone company's de-activating a telephone number, while deletion means the definitive disappearance of the domain name, with the consequent loss of the exclusive right to use thereof. The actions available to the registry are covered in the chapter headed "Numbering and Addressing" of the Code. The registry manages and distributes addresses and identifiers. It neither hosts nor transmits content other than these addresses and identifiers. However, Afnic is transparent as regards its actions to combat abuse associated with domain names.

For this reason, Afnic has decided to publish this transparency report. Since the report has to follow certain forms, and since it is geared above all to content moderation, there are many headings that the registry cannot complete. With this in mind, Afnic offers hereunder some indications as to how to interpret the report.

**1/ The parts of the transparency report (lines or sheets) that concern Afnic are identified in the column headed "Applicability" by the word "ALL".**

Some headings apply solely to online platforms or very large online platforms.

Thus the following headings of the transparency report do not apply to Afnic:

- 4\_notices
- 9\_human resources
- 10\_AMAR

**2/ For the other parts of the report that do apply, it is important to bear in mind that Afnic, as a TLD registry, applies the provisions of Articles L45ff, of the Postal and Electronic Communications Code on the management of French TLDs.**

**Accordingly it does not have the power to take action on illicit online content and is not responsible for content moderation**

Therefore Afnic is not concerned by the following sheets of the transparency report on content moderation:

- 6\_own initiative\_TC
- 7\_appeals and recidivism
- 8\_automated\_means
- 11\_qualitative

On the other hand, whenever Afnic receives, through its online form, **reports of illicit content**, namely: *"any information that, in itself or in relation to an activity, including the sale of*

*products or the provision of services, is not in compliance with Union law or the law of any Member State which is in compliance with Union law, irrespective of the precise subject matter or nature of that law*” (Article 3 (h) of the Regulation), it always acknowledges receipt and informs the competent French authorities if necessary.

Whenever the **reports concern domain names of an illicit nature, or contrary to public order or to its registration rules** (whether or not they redirect to illicit content), Afnic takes appropriate measures to guide the whistleblowers as to the actions they should take in response to the case reported and informs the competent French authorities if necessary.

The same applies when such domain names are detected by Afnic.

In parallel with this, and in accordance with Article L45-2 of the CPCE, Afnic also receives **orders from public authorities** ordering it to take technical measures (blocking or deletion) against domain names in order to prevent their holders from exploiting them.

Having reminded readers of this context, we now go on to make some observations on each of the sheets of the transparency report.

## Sheet 1: report\_identification

This worksheet identifies Afnic and the period covered by the Report

## Sheet 2: categories\_names

This worksheet classifies illicit contents in the form of categories so as to guide providers of intermediary services in classifying illicit domain names and contents that they detect or that are reported to them.

## Sheet 3: member\_states\_orders

This worksheet contains:

- The number of **requests for disclosure of information** made by a duly empowered authority.
- The number of **orders** received by Afnic from an authority requiring it to block a domain name

### 1) Requests for disclosure of information:

The orders received or requests for information based on communication rights only very rarely specify the abuse justifying the request. Afnic is not therefore able to classify these requests.

They are accordingly listed on line 92 of the report, in columns K, L and M.

**K:** The value is the total number of orders and requests for information based on communication rights.

**L:** Afnic responds immediately to these requests without issuing an acknowledgement of receipt; the value 0 means there is no acknowledgement of receipt.

**M:** Afnic responds to these requests between 1 and 48 hours after receiving them. The average response time for the total value in K is shown in column M.

## 2) Orders

**The orders received by Afnic are those covered by the last paragraph of Article L 45-2 of the CPCE. They are detailed in columns G, H, I and J.**

**G:** The total number of these orders is shown in line 2 of the report and then categorised line by line in the same column.

**H:** The value “1” indicates that the infringement has been referred to in at least one of the orders; in line 2 the value corresponds to the total number of unique infringements referred to in all the orders together.

**I:** Afnic does not send an acknowledgement of receipt to the competent authority but informs it of the execution of the measure requested; the value “0” means there is no acknowledgement of receipt

**J:** The average response time for the entire value shown in G is 72 hours; pursuant to Article L. 521-3-1-2-c of the French Consumer Code, Afnic cannot execute the measure before 48 hours have elapsed.

## Sheet 5: own\_initiative\_illegal

This worksheet contains:

- **The reports received by Afnic** through its form exclusively concerning **illicit content**, namely: *“any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State which is in compliance with Union law, irrespective of the precise subject matter or nature of that law”* (Article 3 (h) of the Regulation). Afnic always acknowledges receipt to whistleblowers and takes the appropriate measures to guide them as to what action to take, responding to the case reported and informing the competent French authorities if necessary.

- **Domain names** of an illicit nature **or** contrary to public order (**whether or not they redirect to illicit content**) **detected by Afnic**. In this case, Afnic informs the competent French authorities.

These reports and detections are listed and categorised in columns F and V.