[FR] ARCOM clarifies monitoring of TV and radio channels' respect for pluralism

IRIS 2024-8:1/9

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The *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) published a decision dated 17 July 2024, in which it issued new rules on the monitoring of private and public broadcasters' compliance with their obligations regarding pluralism of opinion. In its decision, the regulator explained the conditions for the implementation of the *Conseil d'Etat* (Council of State) decision of 13 February 2024 (see IRIS 2024-3:1/12), in which ARCOM was given six months to review the compliance of TV channel CNews at the request of Reporters Without Borders (see IRIS 2024-8). The *Conseil d'Etat* had ruled that, when carrying out this task, the regulator should take into account the diversity of opinions expressed by all participants in the programmes broadcast.

ARCOM reaffirmed the primacy of freedom of communication, which meant that broadcasters had sole responsibility for choosing the topics to be covered on their channels and the people who should speak about them. It had to ensure that "the expression of views and opinion does not, with regard to the need for diversity, show a clear and lasting imbalance, in particular in news bulletins and news-based programmes. In its assessment, it will take into account the comments of all participants in the programmes broadcast".

In order to assess a channel's overall respect for pluralism, ARCOM explained that it would examine a range of evidence based on the variety of topics discussed in its programmes, the diversity of speakers and the plurality of points of view expressed. Broadcasters will not be required to set up a reporting system, nor to classify or categorise everyone who speaks on air with regard to their viewpoints or political leanings (subject to the application of the provisions of the decision of 22 November 2017 on the principle of political pluralism).

ARCOM will also take into account broadcasters' compliance with their obligation to ensure the expression of different points of view in their coverage of controversial issues in accordance with the decision of 18 April 2018, as well as their compliance with the decision of 22 November 2017 on the principle of political pluralism in radio and television services and, during election periods, with the decision of 4 January 2011 on the principle of political pluralism in radio and television services during election periods.

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ARCOM’s assessment will be carried out over a period of at least one month for 24-hour news channels and three months for all other channels. At ARCOM’s request, broadcasters will need to provide the evidence it requires to monitor their compliance with this obligation during the period indicated. At the end of this assessment, any “clear and lasting imbalance” in the expression of opinions may be punished.

On the basis of these clarified evaluation criteria, ARCOM reviewed the request of Reporters Without Borders that it should issue a formal notice to CNews, requiring it to comply with its obligations in this area. It issued its decision on 29 July (see IRIS 2024-8).

Délibération n° 2024-15 du 17 juillet 2024 relative au respect du principe de pluralisme des courants de pensée et d'opinion par les éditeurs de services, JO du 19 juillet 2024

https://www.legifrance.gouv.fr/download/file/Jq9Wy7eevAOYPsFSdT4hSEd9U0FCEBUDGln4NG1t4R8=/JOE_TEXTE

Decision no. 2024-15 of 17 July 2024 on broadcasters' respect for the principle of pluralism of opinion, OJ of 19 July 2024

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