[FR] RSF case review: ARCOM urges CNews to meet pluralism obligations

IRIS 2024-8:1/8

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In its decision of 13 February 2024 concerning Reporters Without Borders (RSF), the *Conseil d'Etat* (Council of State) asked the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) to review RSF's request that it serve a formal notice to CNews, requiring it to meet its obligations with regard to pluralism and independence of information. The regulator issued its decision on 29 July.

In order to assess the channel's overall respect for pluralism, ARCOM explained, in line with the *Conseil d'Etat's* ruling and its own decision of 17 July, that it would be examining a body of evidence based on the variety of topics discussed in its programmes, the diversity of speakers and the plurality of points of view expressed. It would also monitor the channel's compliance with its obligation to ensure that different viewpoints were expressed in its coverage of controversial issues.

In May 2021 and again when it had concluded its analysis, ARCOM decided that, despite the variety of topics discussed and the diversity of speakers, the broadcaster's coverage of numerous issues, such as violence against the police, the functioning of the judicial system and the effects of immigration on society, appeared one-sided, with opposing points of view very rarely broadcast.

It therefore issued a formal notice to CNews and urged it to be more careful to meet the pluralism requirement, which would be assessed in the light of the decision of 17 July 2024 (see IRIS 2024-8).

As regards independence of information, ARCOM rejected RSF's request that CNews be formally warned to meet its obligations in this area.

A few days earlier, on 24 July, with the licences of 15 national DTT broadcasters set to expire in 2025, ARCOM had announced a shortlist of channels that had applied for national terrestrial broadcasting licences. It had focused on the criteria listed in Articles 29, 30 and 30-1 of the Law of 30 September 1986, closely scrutinising each channel's contribution to the expression of diverse points of view.

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Although the 15 shortlisted channels included CNews, the regulator did not select the applications of C8 and NRJ12, which had both sought to retain their DTT broadcasting rights. C8 has received numerous warnings and sanctions in recent years, resulting in fines totalling EUR 7.6 million.

ARCOM announced that it would draw up licence agreements with each selected channel, which would be valid for up to ten years. These agreements will be established on the basis of the requirements enshrined in the Law of 30 September 1986 as interpreted under the case law of the *Conseil d'Etat*, especially with regard to pluralism (RSF decision and its consequences, ARCOM decision of 17 July), and in view of the commitments made by each applicant both in its written application and during its public hearing before the regulator.

Réexamen de la saisine de l'Association Reporters sans frontières, Communiqué de l'Arcom, 31 juillet 2024

https://www.arcom.fr/nos-ressources/espace-juridique/decisions/reexamen-de-la-saisine-de-lassociation-reporters-sans-frontieres-rsf

Review of the request of Reporters Without Borders, ARCOM press release, 31 July 2024

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