[FR] Rejection of urgent appeal by C8, NRJ12 and Le Média against ARCOM’s decision to refuse DTT licence applications

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Amélie Blocman
Légipresse

In a press release dated 24 July 2024, the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) announced which broadcasters had been preselected for the reallocation of 15 DTT frequencies in 2025, rejecting the renewal applications of the channels NRJ12 and C8, as well as the application submitted by Le Média.

In separate appeals, the rejected companies asked the interim relief judge of the *Conseil d'Etat* (Council of State) to stay the execution of the decision announced in the ARCOM press release.

The company C8 claimed that the matter was urgent because the ARCOM decision would prevent it from obtaining a licence and oblige it to stop broadcasting with very little notice. There would be hardly any time before its DTT licence ended on 28 February 2025 in which it could appeal against the ARCOM’s decision, which would be issued by 15 January 2025 at the latest. Finally, it pointed out that, if its DTT licence was not renewed, it would lose all its turnover and the competitive balance of the market would be altered. Similarly, the other two channels argued that ARCOM’s decision, which they disputed, would cause serious and immediate harm to their interests, in particular their economic interests, and to those of television viewers.

However, the *Conseil d’Etat* ruled, firstly, that these elements did not constitute a sufficiently immediate attack on the companies concerned to justify interim proceedings. In particular, it emphasised that C8 could continue to broadcast in DTT until ARCOM issued its decision. Secondly, it noted that the fifth chamber of the litigation section would be able to enter the three companies’ annulment applications in the list of cases to be dealt with (on the merits) before the end of November 2024. It therefore considered that the condition of urgency could not be regarded as met. The applications were therefore rejected.

CE (réf.), 25 septembre 2024, N° 497988, 497832, 497994, C8, NRJ 12 et Le Média (3 espèces dans le même sens)

http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2024-09-25/497994

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Council of State, 25 September 2024, case nos. 497988, 497832, 497994, C8, NRJ12 and Le Média

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