[FR] *Conseil d'Etat* upholds €50 000 fine imposed on CNews for misrepresenting a survey on insecurity in France

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The company responsible for the CNews television channel is seeking the annulment of a decision by the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM). Under the decision, the company was fined €50 000 following a sequence lasting approximately three minutes, broadcast on 26 September 2022 during the programme Face à l'info, relating to the results of an online survey of the world's safest cities carried out by the *Numbéo* website, which publishes summaries based on data supplied solely by its users. The survey was presented in graphical form as a table of the world's safest countries, placing France 27th out of 29, notably behind all the European countries evaluated and Mexico. The presenter of the programme described these results without indicating how they had been obtained or expressing any reservations about the methodology behind them, and deduced that France had been "downgraded" and was "plunging in terms of insecurity". The floor was then given to the speakers in the studio, all of whom deplored the high level of insecurity in France and the upsurge in violent acts, one referring to the alleged fear of many people that their "hands will be cut off", and another to the rape of women by Sudanese migrants. Another speaker felt that "all this" was "the symptom of a general breakdown of insecurity that is becoming a political and social norm". None of them expressed any reservations about the reliability of the survey, with one speaker even pointing out that France's 27th position was found in "countless international rankings" and that this did not reflect a feeling but a reality.

The *Conseil d'État* (Council of State) ruled that, since this survey clearly lacked any probative value, the programme had wrongly presented the resulting rankings as credible, and all the speakers on the programme had referred to France's alleged "downgrading", ARCOM was legally entitled to consider that the broadcaster had breached its obligation of honesty and rigour in the presentation and processing of information and the expression of different points of view on controversial issues within the meaning of Article 2-3-7 of its licence and Article 1 of the decision of the *Conseil Supérieur de l'Audiovisuel* (ARCOM's predecessor as the French audiovisual regulator – CSA) of 18 April 2018 on the honesty and independence of information and programmes. This was despite the fact that certain reservations about the survey had reportedly been expressed in other programmes on the same channel, and that the results of the survey had, at the

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time of the broadcast, been commented on in the press. In view of these factors, ARCOM was also able to sanction the applicant without disproportionately infringing the freedom of expression protected by Article 10 of the European Convention on Human Rights.

Under the terms of Article 42-2 of the Law of 30 September 1986, “The amount of the financial penalty must be commensurate with the seriousness of the breaches committed and the benefits derived from the breach, but may not exceed 3% of the turnover excluding tax generated during the last complete financial year, calculated over a twelve-month period.” Given the nature of the breaches identified by ARCOM, the sensitivity of the subject matter and the fact that the programme in question had been broadcast during prime time, the fine of €50 000, or approximately 0.11% of the channel’s pre-tax turnover, should not be considered excessive.

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http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-21/492834

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