[FR] Confirmation of Arcom's formal notice to Europe 1 for univocal and critical coverage of election news, without sufficient pluralistic expression

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Amélie Blocman
Légipresse

Europe 1 is seeking annulment on the grounds of ultra vires of Decision No. 2024-582 of 27 June 2024 by which the *Autorité de Régulation de la Communication Audiovisuelle et Numérique* (Arcom) gave it formal notice to comply, in future, with the provisions of 4° of I.1 of Article 2 of the decision of 4 January 2011 on the principle of political pluralism in radio and television services during election periods, which states: "Reports, commentaries and presentations to which elections give rise must be presented with a constant concern for moderation and honesty. Publishers must also ensure that the choice of extracts from the statements and writings of candidates and their supporters, and the comments to which they may give rise, do not distort the general meaning."

In this case, Arcom based its decision on the fact that the current affairs programme *On marche sur la tête*, which was broadcast daily on weekdays between 4 p.m. and 6 p.m., was characterised between 17 and 26 June 2024 by a one-sided treatment of election news and the broadcasting of comments likely to infringe these provisions. In addition to the echo given to these comments by the conditions in which they were broadcast, including the use of the host's and publisher's social network accounts, Arcom also based its decision on the brevity of the campaign for the legislative elections called following the dissolution of the National Assembly on 9 June 2024 and the particular vigilance it required of publishers.

The *Conseil d'État* noted that the programme that gave rise to the disputed formal notice was, as Arcom pointed out, scheduled on the applicant company's service from 17 June 2024 as a replacement for an entertainment programme and in the context of the campaign for the legislative elections of 30 June and 7 July 2024. Characterised by the strong presence on air of a star presenter and columnists already known for their participation in a television programme, the programme was devoted to news coverage of the elections. During the period in respect of which it was the subject of the disputed formal notice, it gave rise to a large number of systematically critical and particularly virulent comments against certain parties of the same political persuasion and to the calling into question of certain of their members, in sharp terms and by name. Although the applicant company disputed the scope of the comments made by Arcom, arguing that they

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had been contradicted in some way on the air, it was not clear from the evidence in the file that Arcom's assessment, based on numerous, convergent and precisely set out points, as to whether the publisher had complied with its obligation to treat election-related news with a constant concern for moderation and honesty, was erroneous.

In view of the recurrent nature of the comments made on air and all the characteristics of the treatment of election-related news in the context of the programme in question, the *Conseil d'État* ruled that Arcom, which had carried out a full examination of the case, had correctly applied the provisions it was responsible for ensuring compliance with, independently of the rules applicable to speaking time in terms of political pluralism, by giving formal notice to the service provider to present, with a constant concern for moderation and honesty, the reports, comments and presentations to which the elections gave rise. Europe 1's request was rejected.

CE, 30 septembre 2025, n° 497187, Société Europe 1

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-09-30/497187

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