[FR] Rejection of request for an injunction against Arcom for failure of CNews and Europe 1 to respect pluralism

IRIS 2026-4:1/19

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A number of academics, radio listeners and TV viewers, as well as candidates in the municipal elections, asked the interim relief judge of the Council of State (*Conseil d'État*) to order the French audiovisual regulator (*Autorité de Régulation de la Communication Audiovisuelle et Numérique* – Arcom) to use its powers of investigation and sanction against the services CNews and Europe 1 for failure to comply with its decision no. 2024-15 of 17 July 2024 concerning respect for the principle of pluralism of schools of thought and opinion. They argued that Arcom's failure to use its statutory powers to ensure that the services in question complied with their obligations, despite the extent of the breaches observed, constituted a serious and manifestly unlawful breach of the pluralism of schools of thought and opinion referred to in Article 3-1 of the Act of 30 September 1986, Article 13(1) of which requires broadcasters to respect such pluralism in their programming.

The interim relief judge pointed out that, under the special procedure provided for in Article L. 521-2 of the Code of Administrative Justice (*Code de la justice administrative*), he could only order emergency measures if he thought they were likely to safeguard, within a period of 48 hours, a fundamental freedom that was being seriously and manifestly infringed. In any case, he could only intervene under the conditions of particular urgency provided for by this provision if the situation at issue allowed the necessary protection measures to be taken usefully and very quickly.

To justify the urgency, the applicants pointed to the seriousness of the infringement and the fact that the election campaign for the municipal elections on 15 and 22 March was currently underway. However, in the opinion of the interim relief judge, such factors did not justify his intervention under Article L. 521-2 of the Code of Administrative Justice. He therefore rejected the application.

Conseil d'État (réf.), 10 mars 2026, n° 513377, C. B. et a.

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-03-10/513377

Council of State (interim relief judge), 10 March 2026, no. 513377, C. B. et al.

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