[FR] Case Brought by Association of Television Viewers not Admissible

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On 8 February 1994, the television news on the channel TF1 broadcast a report by Mr Bernard Volker on the explosion of a shell on 5 February 1994 on the market in Sarajevo which caused the death of 68 people. The reporter said that, according to official UNPROFOR sources, the shell had been fired from the Bosnian lines and not from the Serbian lines. Considering this information to be false, and that the reporter and the channel had failed to meet their obligation to provide the public with exact, honest information, the association TV Carton Jaune, an association whose aim is to represent the collective interests of television viewers as regards the probity of information, and one of its members had the channel and the reporter summoned to court to be ordered to pay a symbolic franc in damages as compensation for the prejudice suffered, on the basis of Article 1382 of the Civil Code.

In the initial proceedings the Regional Court of Paris (Tribunal de grande instance) admitted their applications but declared them unfounded. On appeal, the Court of Appeal of Paris (cour d'appel) invalidated the judgment and declared the claimants inadmissible. The judges in the second proceedings recalled that appreciation of failure on the part of a reporter or a television channel to meet their obligations was one of the main responsibilities of the CSA (Conseil Supérieur de l'Audiovisuel), the independent regulatory body. The rules for civil liability could therefore only be applied where a broadcast constituted an infringement of personal liberties. Continuing with this line of reasoning, the Court of Appeal considered that the association did not produce proof of any such infringement of the interests of its members and that, in the absence of specific legal provision enabling it to do so, it was not entitled to take legal action in defence of the general interests of television viewers.

Cour d'appel de Paris, 24 février 1998, M. Patrouilleau, Association TV Carton jaune c/ B. Volker

Court of Appeal of Paris, 24 February 1998, Mr Patrouilleau, Association TV Carton Jaune v. B. Volker

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