

[FR] Dismissal of appeal seeking to order Arcom to investigate whether CNews and Europe 1 are meeting pluralism obligations

IRIS 2026-9:1/7

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An organisation campaigning for diversity of opinion in public debate, along with other applicants, asked the interim relief judge at the Council of State (*Conseil d'État*) to suspend the implicit refusal of the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) and its independent rapporteur to act on their requests concerning the CNews television channel and Europe 1 radio station. In particular, they urged Arcom to abandon its policy of not taking up cases on its own initiative, to strip CNews of its status as a service of general interest, and to take measures against both services in order to put an end to the alleged breaches of their obligations regarding respect for the principle of pluralism of thought and opinion. Such measures could include suspending or revoking their broadcasting licences. They also asked the independent rapporteur to initiate proceedings on account of the repeated nature of these breaches.

To justify the urgency of their request, the applicants argued that the disputed decisions and Arcom's failure to act undermined the nation's fundamental interests due to the pro-Russian editorial stance of the CNews and Europe 1 services, as well as the interests that the legislature had sought to protect due to other serious, repeated and unpunished breaches by these services, in particular of their obligations to ensure the pluralistic expression of different schools of thought and opinion, to guarantee the accuracy and sources of all news reports, and not to broadcast programmes that undermined social cohesion and incited hatred or violence. They also argued that the absence of sanctions for these breaches would undermine democratic principles guaranteeing the integrity of the forthcoming presidential election.

However, the Council of State found, on the one hand, that whilst the existence, repetition and seriousness of the alleged breaches or violations by CNews and Europe 1, assuming they were established, were likely to cast serious doubt on the legality of all or part of the disputed decisions of Arcom or its independent rapporteur, they could not, in themselves, establish the urgency required to suspend those decisions. Such urgency was a separate condition that needed to be met if the interim relief judge, asked to hear the case pursuant to Article L. 521-1 of the Code of Administrative Justice, was to rule on the matter.

Furthermore, the mere fact that these breaches or violations had allegedly taken place in the run-up to the presidential election was also not sufficient to establish the urgency required to suspend these decisions, particularly given that the specific rules applicable to radio and television services during an election period did not apply. There was therefore insufficient urgency to justify suspending the enforcement of the decisions at issue without awaiting the judgment on the merits. The application was therefore dismissed.

Conseil d'État, réf., 8 septembre 2026, n° 519299

<https://www.legifrance.gouv.fr/ceta/id/CETATEXT000054832491>

Council of State, interim relief judge, 8 September 2026, case no. 519299

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