[FR] Authorization of a complaint of an association, with the objective of protecting the interests of TV viewers

IRIS 1996-3:1/14

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On 29 November 1995, the Paris Regional Court gave judgment on the legitimate interest in bringing proceedings of TV Carton Jaune , an association working to ensure the accuracy of television news coverage. The association claimed that the channel TF1 and one of its journalists had failed in their duty of informing viewers honestly and accurately, and brought proceedings against them under the general liability provision of Article 1382 of the Civil Code (see: IRIS 1995-7:13). On 18 February, TF1 had reported that a shell which had hit the market in Sarajevo had been fired from the Bosnian, and not the Serb lines - a claim which was denied by the authorities and other journalists.

The Court decided that:

- The bringing of proceedings was legitimate in terms of the association's statutory aim, which was to protect the specific interests of its members, who had come together for the purpose of collectively defending the right of each one to information.

- However, it could not lawfully bring proceedings in defence of its members' collective interests in the absence of any law empowering it to do so. It did not appear from its statutory aim that the association's interests coincided with the higher interests of the whole community of viewers or that it was sufficiently representative to act on their behalf. The Court based itself on two decisions of the Constitutional Council concerning respect for honesty and pluralism of information and the guarantees provided for viewers, as well as Article 11 of the Declaration of the Rights of Man and of the Citizen of 1789, concerning the free communication of ideas and opinions.

It also pointed out that, while the Audiovisual Supervisory Board (Conseil Supérieur de l'Audiovisuel, CSA) was the sole guarantor of pluralism of information, protection of the subjective right to information was a matter for the courts. There were, however, no specific laws authorising the courts to verify the content of information in cases where violation of this right was alleged. This meant that they could not assess the substance of that information without violating freedom of expression.

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Jugement du TGI de Paris, 1ère chambre, 1re section, Patrouilleau et a. c/ Volker et a., du 29 novembre 1995. (La Semaine Juridique (JCP), Ed. G. n°1, 1996).

Judgment of the Paris Regional Court, 1st Division, 1st Section, in Patrouilleau and others v. Volker and others, 29 November 1995. Submissions of MM. A. Montebourg and P. Moncorps for the plaintiffs and defendants (La Semaine Juridique [JCP], Ed. G., No. 1, 1996).

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