[FR] No appeal possible against CSA refusal to remind France Télévisions of its obligations with regard to handling information

IRIS 2018-4:1/20

Amélie Blocman
Légipresse

In a decision delivered on 14 February, the Conseil d'Etat made a number of points that needed to be made in respect of public-sector television channels. In the case at issue, the TV channel France 2 had broadcast as part of its 'Envoyé Spécial' programme a news report that questioned the quality of bathing water in the municipality of Cassis, near Marseille. Subsequently, the municipality sent a letter to the national audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) calling for it to issue a "reminder of their obligations" to the heads of France Télévisions "regarding the treatment and presentation of information". After examining the news feature at issue, the CSA's president informed the municipality of its refusal to uphold the application. The municipality of Cassis referred the matter to the Conseil d'Etat, calling for the decision to be cancelled.

The Conseil d'Etat recalled that, under Articles 48-1 et seq. of the Act of 30 September 1986, the CSA had powers to oblige the public-sector channels to meet the obligations imposed on them by the legislation in force: it could issue formal notice to comply; order the suspension of a programme, or a fine; require the offender to publish a communiqué on the air; or refer the matter to the disputes section of the Conseil d'Etat.

In the case at issue, the application by the municipality of Cassis was not calling on the CSA to exert any of the powers listed in Articles 48-1 et seq. of the Act of 30 September 1986, but merely to remind France Télévisions of the obligations incumbent on it under the Act and its schedule of obligations, pointing out that this fell within the scope of the CSA's regulatory mission if it noted a failing that was not such as to justify implementation of the said powers. The Conseil d'Etat added that neither such a reminder, possibly combined with a warning regarding future behaviour, nor the refusal to issue it constituted decisions with an adverse effect, against which it was possible to appeal. The application brought by the municipality of Cassis was therefore declared inadmissible.

Conseil d'Etat, (5e et 6e ch. réunies), 14 février 2018, Commune de Cassis

© European Audiovisual Observatory (Council of Europe) 2026

Conseil d'Etat, (5th and 6th chambers combined), 14 February 2018, Municipality of Cassis

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026