[FR] C8 must pay EUR 3 million fine imposed by CSA after phone call hoax

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On 26 July 2017, the *Conseil supérieur de l'audiovisuel* (the French audiovisual regulator – CSA) imposed one of the largest fines it had ever inflicted on a television channel for inappropriate conduct on air. Pursuant to Articles 42 and 42-1 of the Act of 30 September 1986, it fined the C8 channel (Groupe Canal Plus) EUR 3 million following a sequence broadcast during the programme *Touche pas à mon poste* two months earlier. During the programme, its presenter had encouraged people contacted by telephone to talk about their private lives and sexual activities in very crude terms with no idea that their words would be broadcast to the public. Among the numerous criticisms provoked by the broadcast, one individual had claimed that his appearance on the programme had resulted in very grave consequences. However, this complaint, which had been widely reported in the media before the CSA had issued the fine, was proven to be false a few months later.

The companies Groupe Canal Plus and C8 therefore asked the CSA to withdraw the sanction. After the CSA rejected their request, they asked the *Conseil d'Etat* (Council of State) to lift its decision.

The companies argued that, since the complaint had turned out to be false, the sanction had been based on factually incorrect evidence. In a decision of 30 September 2020, the Conseil d'Etat ruled that, although the inaccuracy of the allegations that had appeared to have been made by a participant in the programme was undisputed, its investigations showed that the sanction had only been based on the programme's content and not on its supposed consequences. The TV channel and its parent company therefore had no grounds to ask for the decision to be annulled.

It is worth recalling that, last year, the Conseil d'Etat cancelled one of the sanctions imposed by the CSA on the same channel following practical jokes played in programmes featuring the same presenter, requiring the audiovisual regulator to reimburse EUR 1.1 million to C8.

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https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2020-09-28/431349

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