[FR] Conseil d’Etat rejects appeals against EUR 200 000 fine imposed by CSA against CNews

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Following the broadcast of the programme “Face à l'info” on CNews on 20 September 2020, the *Conseil Supérieur de l'Audiovisuel* (French audiovisual regulatory body – CSA) (now ARCOM) fined the broadcaster EUR 200,000 pursuant to Article 42-1 of the Law of 30 September 1986 after the political commentator Eric Zemmour said several times on air that foreign “unaccompanied minors” were “for the most part”, “thieves”, “rapists” and “murderers”. Eric Zemmour and the broadcaster both asked the *Conseil d’Etat* (Council of State) to cancel the fine.

The *Conseil d’Etat* began by rejecting the request of Eric Zemmour, who had not been directly sanctioned under the decision. Pursuant to the *Loi sur la communication audiovisuelle* (Audiovisual Communication Law), CNews was the only party entitled to appeal to the *Conseil d’Etat* against the CSA’s decision. Even though Eric Zemmour had made the remarks in question, and even though the sanction harmed his reputation, he did not have the right to ask for it to be annulled.

The *Conseil d’Etat* then ruled on the request filed by CNews. The CSA had correctly decided that the broadcast of the comments, which had incited hatred and discriminatory conduct, infringed the provisions of Article 15 of the Law of 30 September 1986. The channel had also failed in its obligation to retain control over the content of its programmes. The CSA had noted that none of the other people in the studio had reacted sufficiently strongly to the comments. Finally, the comments had been broadcast without being edited, even though the programme had been transmitted with a slight delay.

As far as the size of the fine was concerned, the *Conseil d’Etat* held that, in view of the seriousness of the offences, a EUR 200 000 fine, which represented approximately 0.5% of the broadcaster’s pre-tax turnover for the previous financial year, was not disproportionate. The request of CNews was therefore rejected.

Conseil d'État, 12 juillet 2022, Sté d'exploitation d'un service d'information et É. Zemmour

http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2022-07-12/451897

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Council of State, 12 July 2022, Sté d'exploitation d'un service d'information and E. Zemmour

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