[FR] C8 warned after televised altercation between Cyril Hanouna and MP Louis Boyard

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ARCOM (the French audiovisual and digital communications regulator) has issued a formal notice to the television channel C8, urging it to guarantee the independence of information following comments made during the programme "*Touche pas à mon poste*" broadcast on 10 November 2022. French MP Louis Boyard (of the 'La France Insoumise' political party), a former pundit on the programme, had been invited to talk about the reception of migrants on board a humanitarian ship. When the MP began discussing the unequal distribution of wealth and, in the same context, the activities in Africa of Vincent Bolloré, a C8 shareholder, he was interrupted by the programme presenter, who said, among other things: "You know you're in the Canal group here. You want to talk about the Bolloré group. You know you're in the Bolloré group here. […] What the fuck are you doing here? What the fuck are you doing here? What the fuck are you doing here? […]". Asked by the MP why he was not being allowed to criticise a shareholder of the channel, the presenter and some of the programme's pundits became aggressive towards him and insulted him. During this sequence, which lasted over nine minutes, the presenter said in particular: "I don't even know what you're talking about […], you're not here for that […]. Why did you come? Why did you come? […]. Why did you take the money when you were a pundit? Why did you come? […]. It didn't bother you to take money when you were here […]. I don't even know what you're talking about. […]. I don't bite the hand that feeds me, and you shouldn't bite the hand that fed you […]".

ARCOM began by pointing out that, pursuant to Article 42 of Law no. 86-1067 of 30 September 1986 and Article 4-2-1 of the channel's agreement with the *Conseil supérieur de l'audiovisuel* (CSA, ARCOM's predecessor as the French audiovisual regulator) of 29 May 2019, it was entitled to issue a formal notice to C8, urging it to respect its obligations. In particular, Article 2-3-8 of the agreement required "the broadcaster to respect decisions of the *Conseil supérieur de l'audiovisuel* concerning the honesty and independence of information and news programmes". Article 4 of the CSA's decision of 18 April 2018 concerning the honesty and independence of information and news programmes states that: "The provider of an audiovisual communication service must ensure that information and news programmes are produced under conditions that guarantee independence of information, in particular with regard to the economic interests of its shareholders and advertisers."

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In the case at hand, ARCOM ruled that the guest had been expressly prevented from criticising a shareholder of the Canal+ group, to which the C8 channel belongs. It therefore considered that the programme had not been produced under conditions that guaranteed independence of information with regard to the economic interests of a shareholder.

Since the broadcaster had therefore failed to respect Article 2-3-8 of its licence agreement and the aforementioned provisions of Article 4 of the decision of 18 April 2018, to which it referred, ARCOM issued a formal notice to C8, urging it to comply with the aforementioned stipulations. The same day, the audiovisual regulator fined C8 EUR 3.5 Million for insulting comments broadcast during the same programme. Meanwhile, the European Court of Human Rights dismissed a claim by C8 that a previous EUR 3 Million fine imposed by the CSA in 2017 had violated its freedom of expression protected by Article 10 of the European Convention on Human Rights.

Décision n° 2023-64 du 9 février 2023 mettant en demeure la société C8, JORF du 11 février 2023

https://www.legifrance.gouv.fr/download/pdf?id=3moJtl8Gesxg05r_oq87F5dOjmBpmRbjVjXPIpbydpI=

Decision no. 2023-64 of 9 February 2023 issuing a formal notice to C8, OJ of 11 February 2023

Arrêt du 9 février 2023, affaire C8 (CANAL 8) c. FRANCE, (requêtes nos 58951/18 et 1308/19)

https://hudoc.echr.coe.int/eng?i=001-222892

Judgment of 9 February 2023, case of C8 (Canal 8) v. France, application nos. 58951/18 and 1308/19

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