

[FR] The Council of State upholds a €50 000 fine imposed by ARCOM on C8

IRIS 2026-2:1/13

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C8 asked the Council of State (*Conseil d'État*) to annul the decision by which the French audiovisual regulator (*Autorité de Régulation de la Communication Audiovisuelle et Numérique* - ARCOM) had fined it €50 000 for breaching its obligation to respect human rights laid down in its licence agreement, following the broadcast of a feature on xylazine, described as "the zombie drug", during the programme "*PAF avec Baba*" on 12 September 2023.

The Council of State noted that the host of the programme had wanted to draw viewers' attention to the dangers posed by this substance, which was initially prescribed in animal medicine and thought to be used as an adjuvant to certain drugs, causing hallucinations and a sedative effect. A ten-second video broadcast during the programme showed two people walking with difficulty in the street, to illustrate the harmful effects of xylazine. Information given by the presenter when introducing the video made it possible to locate these people in the Rouen area and, despite the poor resolution of the image, they were likely to be easily identifiable on the basis of their silhouettes and clothing. In this context, the channel should have taken precautions to ensure that these people, filmed in a public space without their knowledge or permission, could not be identified, including by their close circle of acquaintances. The broadcast of this video without the implementation of technical anonymisation procedures was likely to infringe their privacy, image, honour and reputation, especially since their walking had not been affected by drug-taking but by a disability. Lastly, the Council of State noted that the fact that the channel had made the disputed footage inaccessible and published a correction the day after the broadcast was not enough to rule out the commission of the breach.

Taking into account the seriousness of the breach and the company's turnover, ARCOM had not therefore exceeded its powers by imposing a €50 000 fine on C8.

Conseil d'État, 18 décembre 2025, n°496478 - Sté C8

<https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-12-18/496478>

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