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Monitoring Media Pluralism in the Digital Era

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MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2020

Country report: France

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Research Project Report

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Centre for Media Pluralism and Media Freedom
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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2020. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

Authorship and review

The CMPF partners with experienced, independent national researchers to carry out the data collection and author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire developed by the CMPF.

In France the CMPF partnered with Prof. Franck Rebillard and Dr. Jedediah Sklower (IRMÉCCEN - Université Sorbonne Nouvelle), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk

Scores between 34 to 66%: medium risk

Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2021 scores may not be fully comparable with previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2021, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

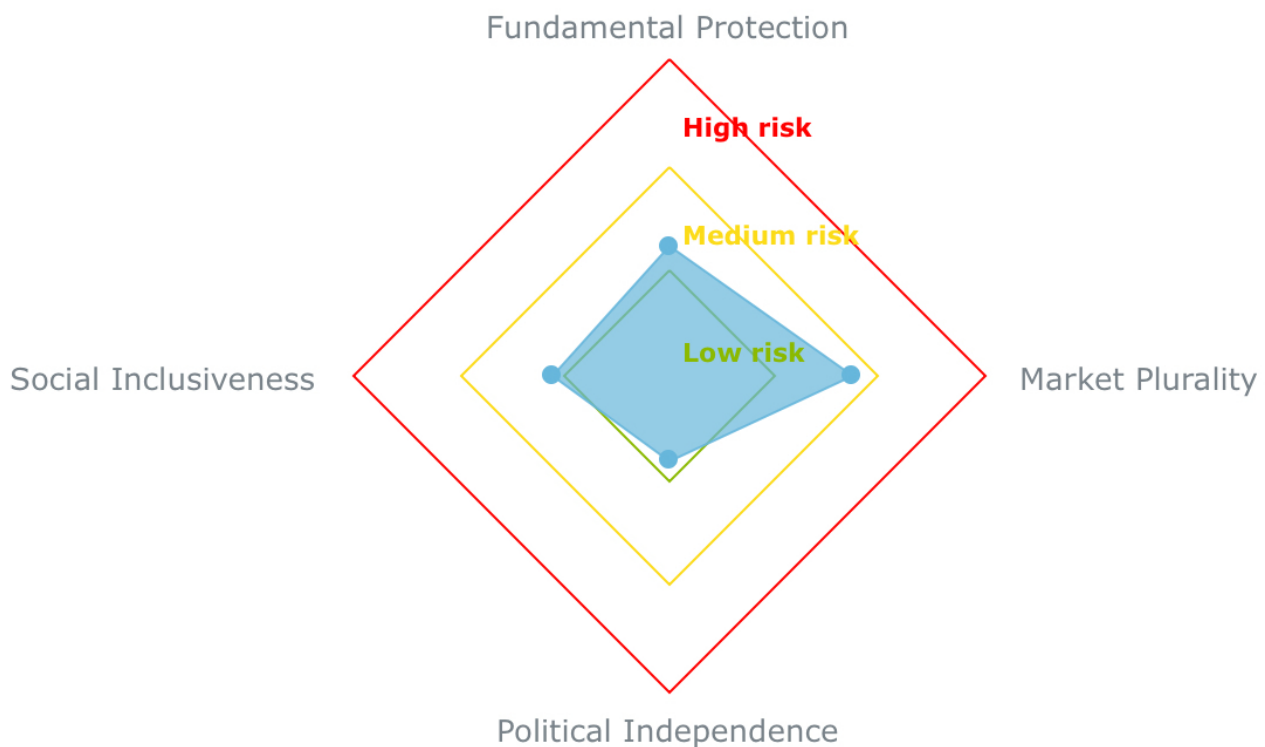
2. Introduction

- **Population:** As of January 2021, there are 67.4 million inhabitants in France, more than 2 million of which live in overseas territories (INSEE, 2021a).
- **Languages:** France has a diverse linguistic landscape: beside French, numerous regional languages (Alsatian, Basque, Breton, Catalan, Corsican, Occitan, and so forth), a variety of Creole and overseas languages, as well as languages spoken by immigrant communities, and sign language.
- **Minorities:** Ethnic minorities have no legal existence in France, and there are important restrictions on the production of ethnic statistics. In 2019, there were 6.7 million immigrants (among which 2.5 million acquired French citizenship) and 0.7 million foreigners born on French soil. 46.5% of immigrants living in France were born in Africa, 33.3% in Europe, 14.7% in Asia (INSEE, 2021b). With the response to the pandemic, the number of visas granted in 2020 fell drastically (-80%).
- **Economic situation:** France's GDP was about €2,279 trillion in 2020. France is the third-largest economy in Europe (behind Germany and Great Britain). It suffered a major recession in 2020 due to lockdown (-8.3%), a record since World War II (INSEE, 2021c).
- **Political situation:** Since the 2017 elections, France has been governed by President Emmanuel Macron, whose political party, the centrist and pro-free market La République En Marche (LaREM), controls the National Assembly. LaREM was created to conquer power outside of the traditional political landscape, in a context in which the far right has gained ground.
- **Media market:** As is the case in most Western European countries, France's mediascape hosts both a public and a private audiovisual sector. With the advent of digital terrestrial television in the 2000s, there was a multiplication of private channels, now controlled by a few major groups; the project to create a new single public entity has been postponed, due to the COVID-19 crisis. The print press is divided between national, mostly politicized outlets aimed at urban, upper-middle-class readers, and regional outlets whose readership is older and less well off. This media environment has been evolving at a fast pace with the progress of online media and digital platforms, while legacy media, and especially the print press, have been experiencing growing economic difficulties.
- **Regulatory environment:** The TV and radio sectors are regulated by the Conseil Supérieur de l'Audiovisuel (CSA). It is expected to merge with the authority in charge of author rights (HADOPI) and take on the supervision of online contents, while telecommunication networks and services will remain the prerogative of their existing regulator (ARCEP). Moreover, the national Competition Authority (Autorité de la concurrence) can be called upon for issues pertaining to economic concentration (08/01/1986 law no 86-897; Code of Commerce, art. L-233, L-420, L-430, L-464). At the European level, France has been, to a certain extent, a leader in the regulation of online issues: it was the first to apply the April 2019 EU Copyright Directive (no 2019/790) within months (07/24/2019 law no 2019-775) and planned a tax on the GAFA. However, the results of these measures and others have not met expectations, as was the case with recent laws dealing with disinformation and online hate speech.
- **COVID-19:** The effects of the COVID-19 crisis blended with a certain number of preexisting trends, notably enabling further concentration within all media sectors and increasing the professional and economic insecurity of many media professionals. The conjuncture is also affected by distrust in

mainstream information sources, a variety of attacks on journalists (terrorist threats, physical violence, harassment, strategic lawsuits against public participation [SLAPP]), and controversial legislative measures – on trade secrets, hate speech, the protection of the image of police officers – which have added to existing concerns.

3. Results from the data collection: assessment of the risks to media pluralism

France: Media Pluralism Risk Areas



JS chart by amCharts



Considering the indicators of the MPM, the assessments for France reveal the existence of a majority of situations in which the risk for media pluralism is “medium” (11 indicators). Even though high risk assessed indicators remain rare (2 indicators), it should be noted that low risk ones (7 indicators) do not dominate. The international context of the pandemic in 2020, of course, affected French society as well as its media. However, many problems stem from more structural evolutions whose causes and effects have been ignored at the national level for a rather long time, and several others are actually tied to reforms recently initiated by the executive branch.

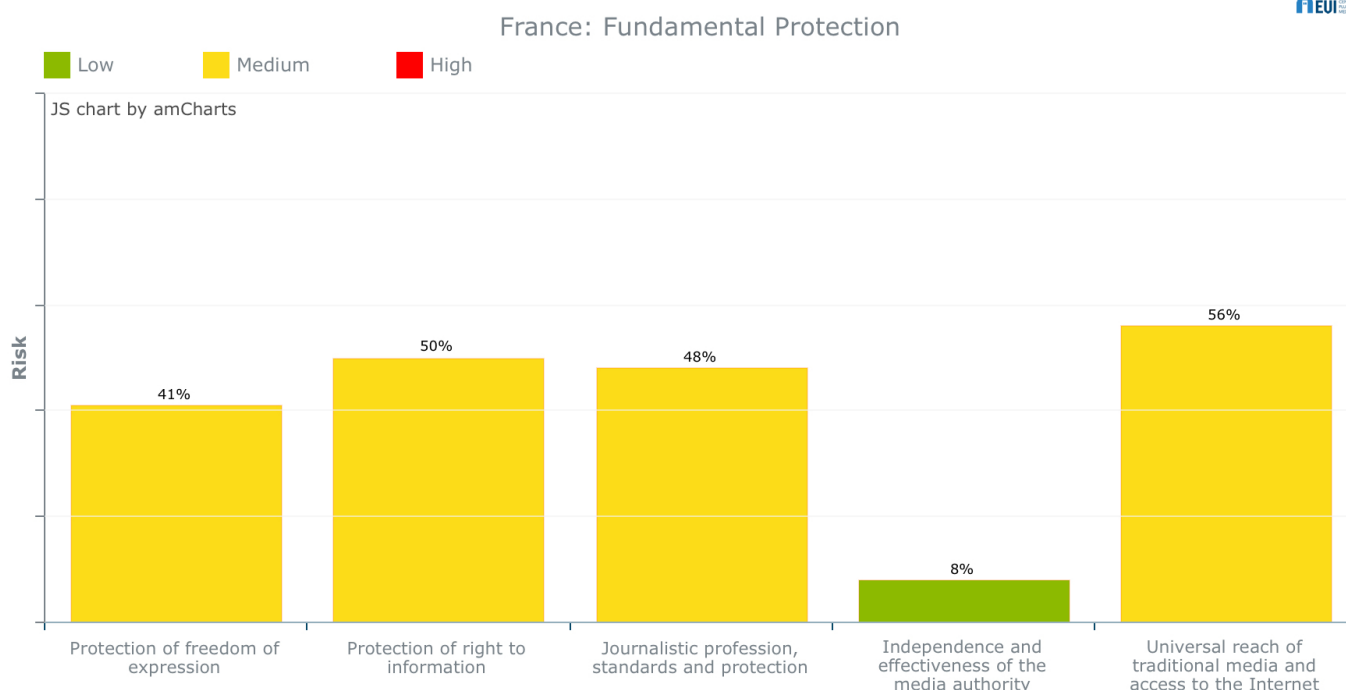
- While France has a strong legal infrastructure ensuring **Fundamental Protections** (medium risk – 41%), the only indicator showing a low risk in this set is that of the independence and effectiveness of the public media authority. Indeed, several recent legislative and regulatory endeavors represent a threat on freedom of expression and the right to information. Despite efforts to support the profession during the pandemic, the security of journalists has degraded on multiple fronts – socioeconomic, physical and legal.
- The area of **Market Plurality** is the most worrying of all (medium risk – 58%). Though the transparency of media ownership is relatively well ensured, anti-concentration norms have proven incapable of preventing the acceleration of media concentration in the hands of a small set of conglomerates and billionaires, while advertising revenues are shrinking at a fast pace (Rebillard, 2020), as they have been preempted by the online Google and Facebook duopoly (Perrot & al., 2020). This configuration seriously jeopardizes the economic viability of many media outlets. It thus threatens pluralism, as well as the credibility of many outlets, as some conglomerates impose deleterious professional and

managerial standards to reduced newsrooms, which undermine their independence and work.

- France has an efficient regulatory framework that ensures the **Political Independence** of public audiovisual media and support mechanisms (low risk – 27%). Direct political control of media outlets is rare. Yet, indirectly, the ties between private owners of media empires and powerful political figures or private economic interests sometimes lead to a favorable coverage of the latter’s agenda and ideological collusion.
- Recently, there has been a rising awareness of the problems associated with **Social Inclusiveness** (medium risk – 37%). Recent laws (08/04/2014 no 2014-873; 01/27/2017 no 2017-86) have specifically addressed these questions and others (harassment in the workplace, hate speech), but have often fallen short of providing efficient answers, as was the case with the Avia law (06/24/2020 no 2020-766). Despite formal progresses (in management positions, for instance), minorities still suffer from media stereotyping. Media literacy programs are strong, but unequally implemented at the national level; conspiracy theories are on the rise, as trust in the media remains low.

3.1. Fundamental Protection (41% - medium risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The **Protection of freedom of expression** indicator shows a medium risk assessment (41%). France’s constitution and legal apparatus (especially the famous 29 July 1881 law) – as well as the European texts it abides by – ensure freedom of the press, of opinion, and of expression (Bigot, 2017; Derieux, 2018). There are legally defined restrictions, which deal with defamation and public insults, privacy, right to image (1881 law), apology of terrorism (04/03/1995 law no 55-385; 11/14/2014 no 2014-1353), information manipulation

(12/22/2018 no 2018-1202) and hate speech (07/14/1990 “Gayssot” law no 90-615; 01/27/2017 no 2017-86; 06/25/2020 no 2020-766), as well as confidentiality safeguards (professional discretion, civil servant discretion, doctor-patient confidentiality, secret defense, etc.), especially for whistle-blowers (11/12/2007 law no 2007-1598; 01/03/2012 decree no 2012-484; 12/09/2016 “Sapin” law no 2016-1691).

This is where problems arise, especially with the growing use of strategic lawsuits against public participation procedures (SLAPP, “*procès-bâillons*” – gag lawsuits, in French) against individual journalists or media outlets (Fontaine & al., 2017; Voisard, 2016). This phenomenon is epitomized by billionaire (and media mogul) Vincent Bolloré, who has regularly attacked and resorted to flak against investigative journalists, NGOs and whistle-blowers who have denounced the numerous corruption scandals that various branches of his conglomerate have been involved in, especially in Africa (Reporters Without Borders, 2018). Here are a couple of recent examples: in July 2020, Bolloré was condemned for abusively using defamation procedures against Benoît Collombat, a journalist at France Inter who had investigated on the working conditions of a Cameroonian company (Socapalm) owned at 40% by Bolloré. In February 2021, the Versailles Court of Appeals overturned a 2019 ruling which had condemned *Mediapart* and its journalist Fanny Pigeaud for an article dealing with Bolloré’s economic and political influence in Cameroon.

Anti-terrorism measures, and the State’s frequent use of the state of emergency (Council of Europe Commissioner for Human Rights, 2019; Houry, 2018; Office of the United Nations High Commissioner for Human Rights, 2019) also represent a threat, as do recent laws, such as the aforementioned December 2018 one and its very broad definition of disinformation (Badouard, 2017, 2020; Doutreix & Barbe, 2019), or the 2021 law on “global security” (05/25/2021 no 2021-646) which had initially aimed at restricting the dissemination of the image of police forces – a provision which was eventually taken out, following criticisms and protests (Amnesty International, 2020b; Office of the United Nations High Commissioner for Human Rights, 2020; Syndicat National des Journalistes, 2020). These facts, and others, shed light on why France is ranked 34 in Reporters Without Borders’ (2020b) press freedom assessment.

The **Protection of right to information (RTI)** indicator also shows a medium risk assessment (50%). In this case too, this fundamental right is guaranteed by France’s legal apparatus (07/17/1978 law no 78-753; 07/11/1979 no 79-587; 04/12/2000 no 2000-321). However, it suffers important restrictions – France’s RTI law “applies only to the executive, excluding State owned enterprises and private bodies which undertake public functions”, according to the Center for Law and Democracy’s 2017 report – in a context of growing public demand for transparency (Commission d’Accès aux Documents Administratifs, 2019), which lead the aforementioned Center to rank France’s “very weak RTI law” 107 out of the 128 countries analyzed in its Global RTI rating. Moreover, a 30 July 2018 law on trade secrets (no 2018-670, which transposed an EU directive), whose perimeter was recently extended (12/07/2020 law no 2020-1525), further restricts access to this right and source confidentiality (Anticor, 2020; Anticor & Transparency International, 2020; Corporate Europe Observatory, 2015; Leroux & al., 2019; Reporters Without Borders, 2020a; SHERPA, 2020; Syndicat de la Presse Indépendante d’Information en Ligne, 2018). SLAPP procedures are on the rise, and there have also been recent cases of State pressure on journalists dealing with various affairs (“Benalla affair”, arms sales to Saudi Arabia to support its war in Yemen – Reporters Without Borders, 2019a).

The situation of the **Journalistic profession, its standards and protection** is worrying, despite a long-lasting tradition of unionization. Risk, here, is also medium (48%), as there is a general degradation, on many levels. Following years of mobilization, there has been a recent improvement of the status of *pigistes* (non-permanent wage-earning journalists), and yet, more and more journalists are submitted to pressures by their employers to accept the status of “*auto-entrepreneurs*”, i.e. self-employment “gigs” – which is contrary to the law (03/29/1936 “Brachard law”; 07/04/1974 “Cressard law” no 74-630), the Labor Code (art. L-7112-1), and collective agreements (Charon, 2020; Chupin, 2014; Dupuy, 2016; Frisque, 2013;

Profession : Pigiste, 2016; Société Civile des Auteurs Multimedia, 2019). Many abandon the profession (Charon & Pigeolat, 2020; Leteinturier, 2016). The online environment has created its specific brand of precarious “desk journalist” positions, with the multiplication of “web content producer” [*rédacteur web*] contracts or blogger positions (Neihouser, 2018), which do not offer the protections associated to the traditional status, extending a historical trend of deregulation to the media sector (Boltanski & Chiapello, 2018).

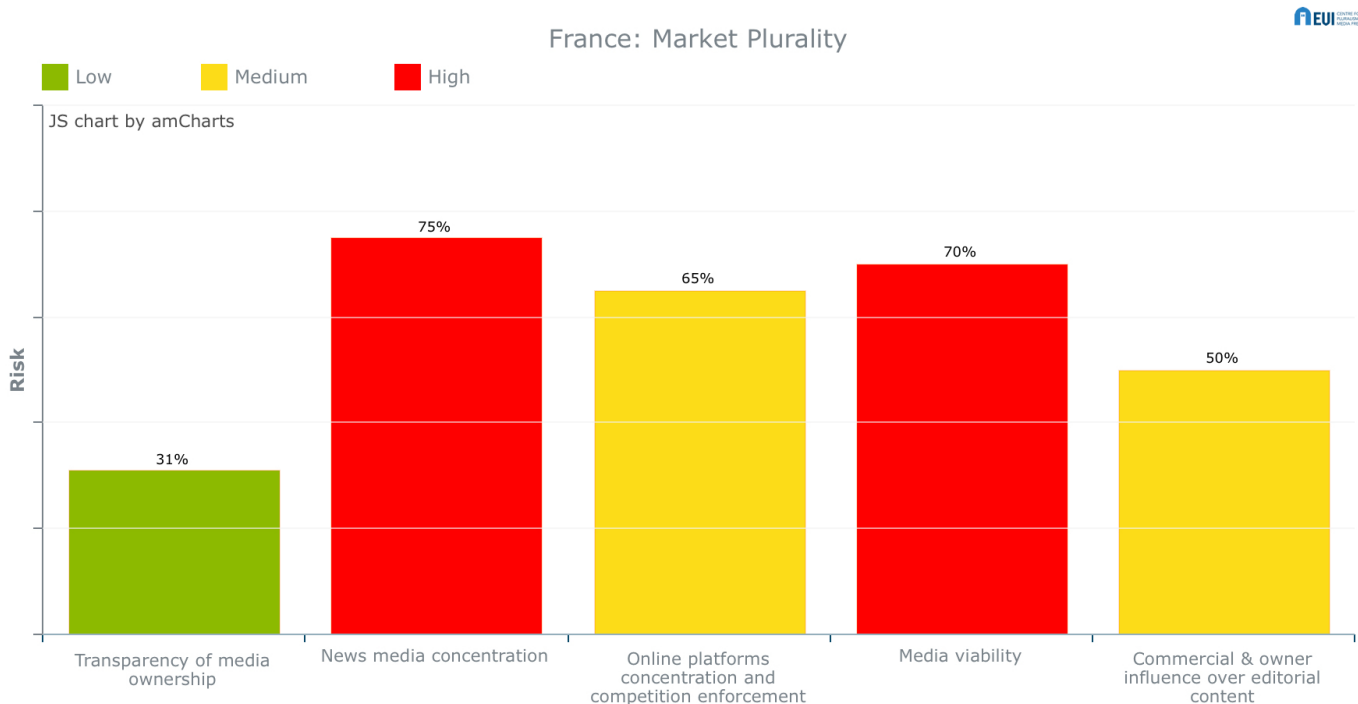
The high levels of media concentration, the deterioration of professional standards, terrorist threats (International Federation of Journalists, 2020) and violence against reporters – from protestors, private interests and police forces alike (Amnesty International, 2019, 2020a, 2020c; Bauer, 2020; Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists, 2020a, 2020b; Défenseur des Droits, 2020; European Centre for Press and Media Freedom, 2020; Reporters Without Borders, 2019b, 2021) –, cases of online harassment of female journalists, massive lay-offs in many media outlets, the COVID-19 crisis: all these factors, among others, paint a worrying *tableau* of the situation of journalists in France.

The Independence and effectiveness of the media authority indicator shows a low risk assessment (8%). The media regulator for TV and radio (CSA) is an independent public authority, with an autonomous budget. Its decisions are transparent, as is the appointment of its members (07/26/1983 no 83-675; 09/20/1986 no 86-1067; 11/15/2013 no 2013-1028). With the expansion of its missions to the online environment (following its fusion with the HADOPI), there is concern it could become more vulnerable to pressures if its budget is not increased accordingly.

For the **Universal reach of traditional media and access to the Internet** assessment, see section 4.

3.2. Market Plurality (58% - medium risk)

The Market Plurality area focuses on the economic risks to media pluralism, deriving from lack of transparency and concentration of ownership, sustainability of the media industry, exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on transparency of media ownership. Lack of competition and external pluralism is assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), considering separately horizontal and cross-media concentration; the concentration of online advertising market; and the role of competition enforcement. The indicator on media viability measures the trend of revenues and employment, in relation with GDP trends. The last indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence



The **Transparency of media ownership** indicator is the only one of the Market plurality area to show a low risk assessment (31%). Indeed, France imposes the publication of all direct and indirect/final owners of media outlets (08/01/1986 law no 86-897; 09/20/1986 no 86-1067; 06/12/2009 no 2009-669; 11/14/2016 no 2016-1524; 12/09/2016 no 2016-1691); the implementation in France of recent EU Directives on transparency further secures it. However, research has, for instance, stressed that the complexity and multilayered nature of numerous media conglomerate's ownership structures create a certain degree of opacity (Cagé & al., 2017), with mother companies often based in foreign nations (some of them in tax havens).

Among all MPM indicators, **News media concentration** is the one assessed at the highest risk (75%). France established a certain number of anti-concentration thresholds in the various media sectors as well as specific or overarching regulation and surveillance authorities (07/29/1982 law no 82-652; 10/23/1984 no 84-947; 02/01/1994 no 94-88; 08/01/2000 no 2000-719; 07/17/2001 no 2001-624). Yet this apparatus has proven its powerlessness in the face of trends that, since the 1980s, and more so in the past 15 years, have favored high levels of horizontal and crossmedia concentration (Acrimed & *Le Monde diplomatique*, 2020; Cagé & al., 2017; Carasco, 2018; Chupin & al., 2012; Diard, 2016; Kamina, 2016; Lagues & al., 2016).

In recent years, major magazine press groups have been sold by their historical owners. For instance,

Reworld Media took over Mondadori France (*Auto Plus, Biba, Nous deux, Grazia, Closer, Science & vie, Télé star...*) in January 2020, and Bertelsmann sold its Prisma Media group (*Capital, Géo, Gala, Voici, Télé loisirs, Femme actuelle*) to Vivendi in December 2020. The Bolloré empire is further bloated by its April 2020 investment in the Lagardère group; the mogul has clearly expressed his desire to create new synergies between the Europe 1 radio channel (which is part of the Lagardère group) and his far right 24-hour news television channel CNews. The project is for the moment blocked by Bernard Arnault, who also massively invested in the Lagardère group, as it was being dismantled. The latest case of this trend is the acquisition by the TF1 group (owned by Bouygues) of the M6-RTL group (owned by Bertelsmann). The operation will not concern the 24-hour news channels. If it is approved by the Competition Authority, the new entity will control most of the private television market in France (TF1+M6 = 42% of the free-to-air TV audience and 70% of TV advertising, as of June 2021).

Construction, arms, transportation & logistics, telecommunications: the groups that have invested in the sector since the 1980s operate in economic fields in which the State has important stakes, which are highly dependent on public procurement, and traditionally highly regulated. Media control, in this context, can lead to influence, and the ties these owners often have with leading political figures – among which Presidents Macron or Sarkozy (Cassini & Faye, 2021; Lévrier, 2019) – are well known and documented. This situation has already had dire consequences on pluralism, freedom of expression, and the public sphere. However, national media are scrutinized by their competitors and own staff (as was the case when Daniel Křetínský entered *Le Monde's* capital), the interventions of media owners are publicly denounced and thus often counterproductive.

The **Online platforms concentration** indicator is only slightly less alarming than the previous subindicator, with a medium-to-high-risk assessment (65%) – see section 4 for details.

The **Media viability** indicator is the second one to have a “high risk” assessment (70%). Most fields within the media sector have been experiencing structural challenges for years, and despite emergency measures and an important improvement in social benefits for *pigistes*, the COVID-19 crisis has worsened their situation, with revenues plummeting in 2020. All sectors have been impacted; according to data collected after the first lockdown in France (May 2020) by the *Département des Études, de la Prospective et des Statistiques* (2020a, 2020b; see also CSA, 2020a) – the Ministry of Culture’s research department,

- television broadcasting was expected to lose €1,354 million in 2020, down from €10,062 million in 2019 (-13%),
- radio broadcasting: €170 million (-13%),
- newspaper publishing: €559 million (-15%),
- magazines and periodicals: €728 million (-16%),
- press agencies: €64 million (-11%),
- printing: €109 million (-16%),
- retail: €448 million (-19%).

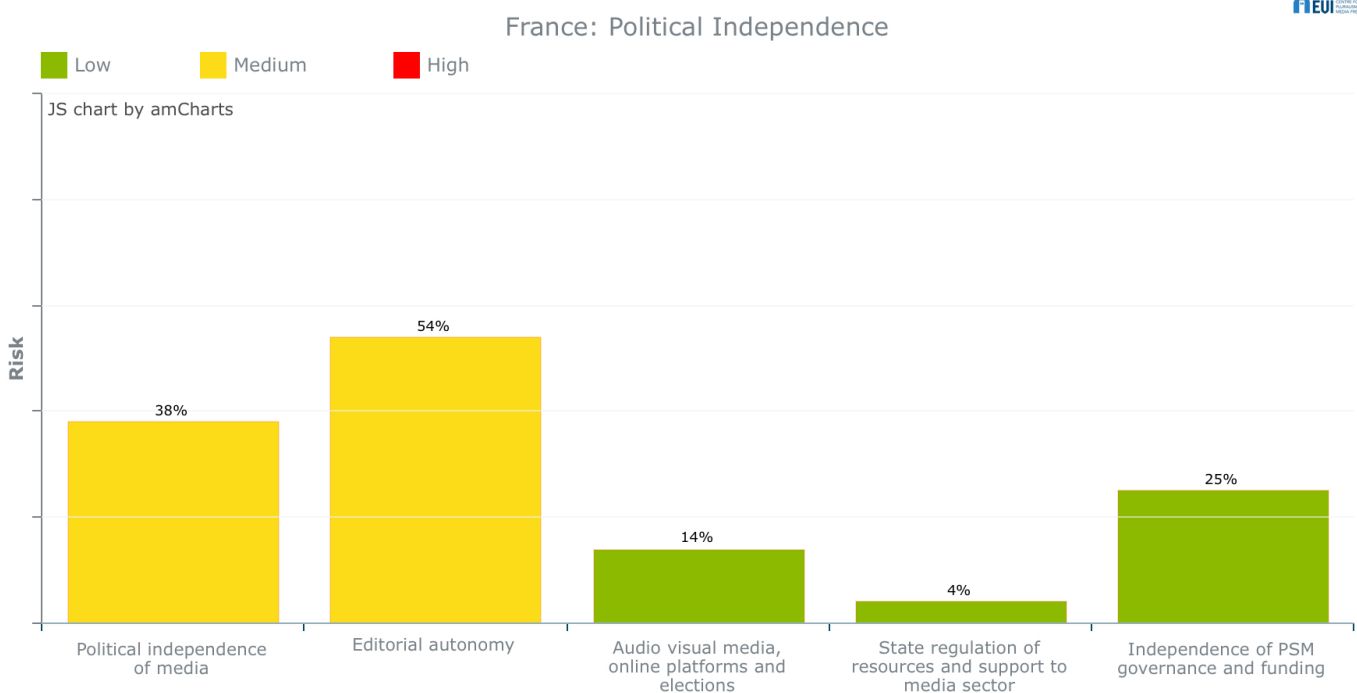
In the last two years, several newspapers and magazines have faced liquidation (*La Marseillaise, Paris-Normandie, Paris Turf, Bilty, Tiercé Magazine...*). Numerous local newspapers have reduced their activity, and have resorted to partial unemployment. Circulation has also become problematic, for both national and local newspapers. Presstalis, the main paper press delivery service (it distributed 75% of all newspapers in 2012), which has been confronting a structural crisis for years, filed for bankruptcy in May 2020, and its regional antennas were liquidated. In July, a recovery plan was accepted by the Paris Trade Tribunal, leading to the creation of France Messagerie, a new, reduced, entity. This factor, articulated to COVID-19,

has only added to the difficulties of the regional print press. Precarious journalists, and, first of all, *pigistes* and those who are obliged to accept illegal self-employment gigs, suffer greatly from this reconfiguration. Many other outlets have had to resort to drastic lay-offs, severance and redundancy plans in order to survive – or have exploited the COVID-19 crisis to advance or accelerate previous plans. The AFP negotiated a voluntary redundancy plan with 125 employees (48 journalists) and laid off 95 people. Reuters laid off 25 people in France (30% of its headcount). *Le Figaro* plans to cut 60 members of its staff. L'Humanité had to depart from 35 of its 137 staff members (among which 28 journalists). There are also ongoing redundancy plans within the public sector; by 2022, there will be 340 jobs cut (157 lay-offs) at Radio France after a mutually agreed collective severance plan. The same trend can be seen in other media: within the audiovisual sector, for example, the Altice Group (BFM, RMC...), 245 permanent contracts, and 40% of all “piges” have been suppressed, and half of the occasional workforce will be laid off. For lack of any fundamental change in its conception of the role and infrastructure of the media and journalism, France is condemned to an unprecedented exhaustion of its mediascape. Concerning online media outlets (Smyrniotis, 2013), some digital versions of newspapers and a few online journals have managed to consolidate their position. Mediapart, for instance, is benefitting from a growing audience, with a sound “hard paywall” model, and it further ensured its independence, by putting its capital in a “Fund for a free press”, akin to *The Guardian's* “Scott Trust”.

The **Commercial and owner influence over editorial content** indicator has a medium risk assessment (50%). As we have seen, French journalists are guaranteed a large number of rights, whether by law (03/29/1935 “Brachard” law), the Labor Code (art. L-7112-2 to 5), status or particular agreements/ethical charters signed between the newsrooms via their “sociétés de journalistes” (SDJ) and owners – especially the fundamental “assignment” and “conscience” clauses. The increasing dependency upon private investors has transformed the balance of power within media outlets (Comby & Ferron, 2018): in the face of unemployment, journalists often have no other choice but to accept the conditions imposed by their new employers – the safeguards then no longer have any weight. There are indeed more and more cases of new owners who imposed radical changes upon the journalistic and deontological identity of the outlets they took control of, and did so to get rid of permanently employed, professional journalists (unless they accept the new conditions and resign themselves to self-censorship), replacing them with a much more malleable and inexperienced workforce, whatever the material or symbolic cost. For instance, Reworld Media saw all “conscious” journalists resign from the magazines (most of all) it took over when it acquired Mondadori; it then could freely outsource as many functions as possible, streamline costs by resorting to a low-wage company in Madagascar, rationalizing and disciplining the production of commercial content thanks to self-employed “brand managers” and interns. The logic here is to use strong media brands and recycle them in other markets (events, e-commerce, convergence strategies), at the expense of the production of news by journalists.

3.3. Political Independence (27% - low risk)

The *Political Independence* indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.



The **Political independence of media** indicator shows a medium risk assessment (38%). Within the audiovisual sector, media independence is monitored by the CSA (09/30/1986 law no 86-1067). Most ethical charters in press outlets emphasize honesty, impartiality, freedom of thought and of its expression, denounce censorship, and defend independence from political parties. However, nowadays, the problem in France is not that of direct political control, but of the close ties that exist between the owners of media conglomerates and political figures, the former often having their say in the appointment of editors-in-chief. For instance, President Emmanuel Macron has tight links to media empire owners, and especially Bernard Arnault and Xavier Niel (Cassini & Faye, 2021); before being elected, he intervened in important transactions (for instance when the Niel-Pigasse-Bergé trio took over *Le Monde*). At the regional level, where concentration is very high (the Crédit mutuel in Eastern France, the Rossel group in the North, Xavier Niel in the South...), ties between the daily regional press, local media, which most often benefit from a monopoly on local news, and local political elites are very tight, which represents yet another important risk.

The **Editorial autonomy** indicator also shows a medium risk assessment (54%). This is due to the fact that there is no common regulation specific to the appointment of editors-in-chief, and there aren't any legal safeguards concerning private media. Sociétés de journalistes (SDJ) have progressively claimed a role in these procedures, over the past decades (Laugée, 2010). For instance, *Le Monde's* SDJ managed to impose a right to veto the nomination of a new editor-in-chief, after investor Daniel Křetínský entered its capital. The growing oligopolistic concentration represents a serious threat to editorial autonomy. A paradigmatic case here is that of the radical editorial and ideological changes Vincent Bolloré has imposed

on the newsrooms of many of the media outlets he possesses (Canal+, CNews).

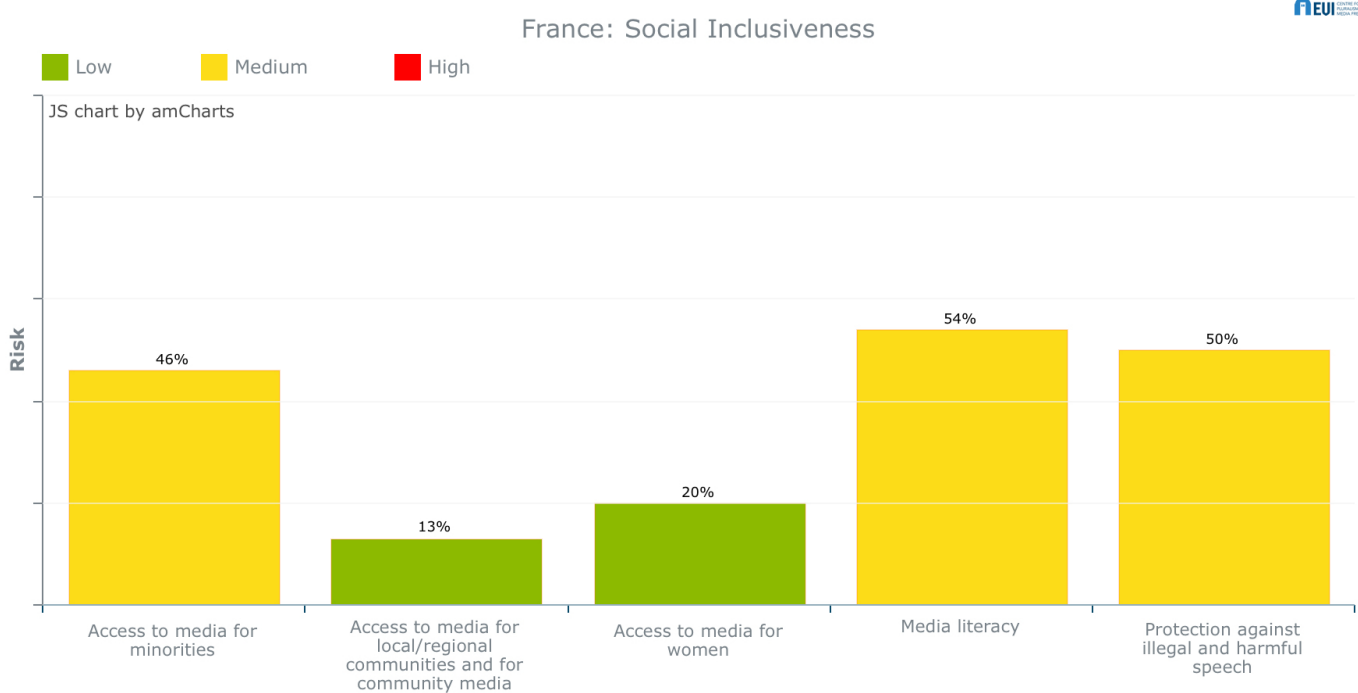
The **audiovisual media, online platforms and elections** indicator shows a low risk assessment (14%). France's regulatory apparatus (Electoral Code, laws: 09/30/1986 no 86-1067; 04/14/2011 no 2011-412; 04/25/2016 no 2016-506) guarantees equal treatment of all political forces during electoral campaigns on all audiovisual media (public or private): the CSA monitors and documents these questions. Nonetheless, regulation cannot keep private channels from developing ideologized talk shows (a growing norm, in recent years), whose participants' voice will not be counted as part of one party's speaking time during a campaign – within a situation of decreasing pluralism, this is a worrying trend. Lastly, these rules do not apply to non-terrestrial media or online outlets, a fact that stresses the system's obsolescence, especially considering that younger citizens resort less and less to legacy media.

The **State regulation of resources and support to media sector** indicator shows a very low risk assessment (4%). Indeed, the law (09/30/1986 law no 86-1067) provides for fair and transparent rules on spectrum allocation, monitored by the CSA and the ARCEP. Rules concerning the distribution of direct subsidies (04/13/2012 decree no 2012-484) are also transparent and monitored by a public committee (the CPPAP), though there is criticism of their unequal distribution in favor of the print press and of certain outlets that do not abide by common journalistic standards – following a recent scandal involving the online version of the magazine *Sciences & Vie*, a commission of inquiry was created by the Minister of Culture to explore this issue. Indirect subsidies are regulated by the General Tax Code and amended every year by public finance laws. During the COVID-19 crisis, the government allocated over €100 million to ensure the continuity of the distribution of the print press, created a tax credit for subscribers and strengthened the “Strategic fund for the development of the press”, which meant to support the digital and ecological transition of newspapers. Independent outlets criticized these measures, underlining the fact that the funds would end up being appropriated by major ones. More generally, the dependency of smaller outlets, especially at the local level (Kaciak, 2018), upon public subsidies can be another means of political pressure, retribution and revenge, leading to additional self-censorship.

The **Independence of PSM (public service media) governance and funding** indicator shows a low risk assessment (25%). Appointment procedures for management and board functions in the PSM are transparent and balanced between various actors. There have been cases of occasional political influence and interference in the processes, but not in the last two years. PSM funding is transparent and public; the PSM and the State sign “performance agreements” which link public financing to commitments in terms of content and strategic development (09/30/1986 law no 86-1067; 11/15/2013 no 2013-1028). As they appear in the performance agreements that engage the PSM, the current principles tend to favor cuts that are supposed to be compensated by productivity gains, cutbacks in personnel, and new sources of financing. During the first wave of the pandemic (Spring of 2020), a €70 million financial envelope was allocated to the PSM to deal with the financial effects of COVID-19, which was not considered sufficient to compensate for losses. Several PSM outlets – among which France Ô – have been recently shut down, as a result of public disinvestment, prompting criticism.

3.4. Social Inclusiveness (37% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. In addition, for the 2021 edition of the MPM, a new indicator has been added to the Social Inclusiveness area in order to assess new challenges raising from the uses of digital technologies: Protection against illegal and harmful speech. Due to this modification of the indicators, comparison with previous editions of the MPM should be handled with extreme care.



The **Access to media for minorities** indicator shows a medium risk assessment (46%). The question of the presence and visibility of minorities in news media, of their stereotyping and discrimination is a thorny one in France. Within a cultural context marked by a strong attachment to color-blind republicanism, universalism and secularism, France's uneasy relationship to its postcolonial immigration, and the climate created by terrorist attacks have tended to intensify polemics on "race" and Islam. In laws (09/30/1986 law no 86-1067; 01/27/2017 no 2017-86), as well as in the PSM's bills of specifications and charters, there is an insistence on the necessity to represent and promote the "diversity of French society", an effort monitored by the CSA (Rebillard & Loicq, 2013). Regional languages (both metropolitan and overseas) are well represented on PSM since the 1980s. However, the representation of minorities in French media is still low – a phenomenon that amplified during the lockdown, leading to a significant deterioration of diversity on French television. The recent closing of the France Ô channel, dedicated to overseas territories, the budget and personnel cuts imposed upon the France Bleu and France 3 regional radio and TV networks have made the situation worse, while also prompting a major strike. Finally, the policy on access to media content by and employment of people with disabilities in the media remains underdeveloped, though there has been progress (CSA, 2019b).

The **Access to media for local/regional communities and for community media** indicator presents a low risk assessment (13%), as the situation improved recently. Local television outlets are recognized by the French legal apparatus (12/13/1985 law no 85-1317; 09/30/1986 no 86-1067; 08/01/2000 no 2000-719; 07/09/2004 no 2004-669; 11/15/2013 no 2013-1028) and regulations. A specific public fund, the Fonds de

Soutien à l'Expression Radiophonique Locale (FSER), supports local and community radios. They are considered as "citizen media", as they cover local news that remain most often ignored by national outlets. The CSA must account for the development of financing means for local television outlets; in its 2019 report on this issue (CSA, 2019a), it underlined that, over the years, advertising revenues and subsidies have shrunk. The development of terrestrial digital radio could favor pluralism; however, for the moment, the existing oligopoly is the main beneficiary of its deployment.

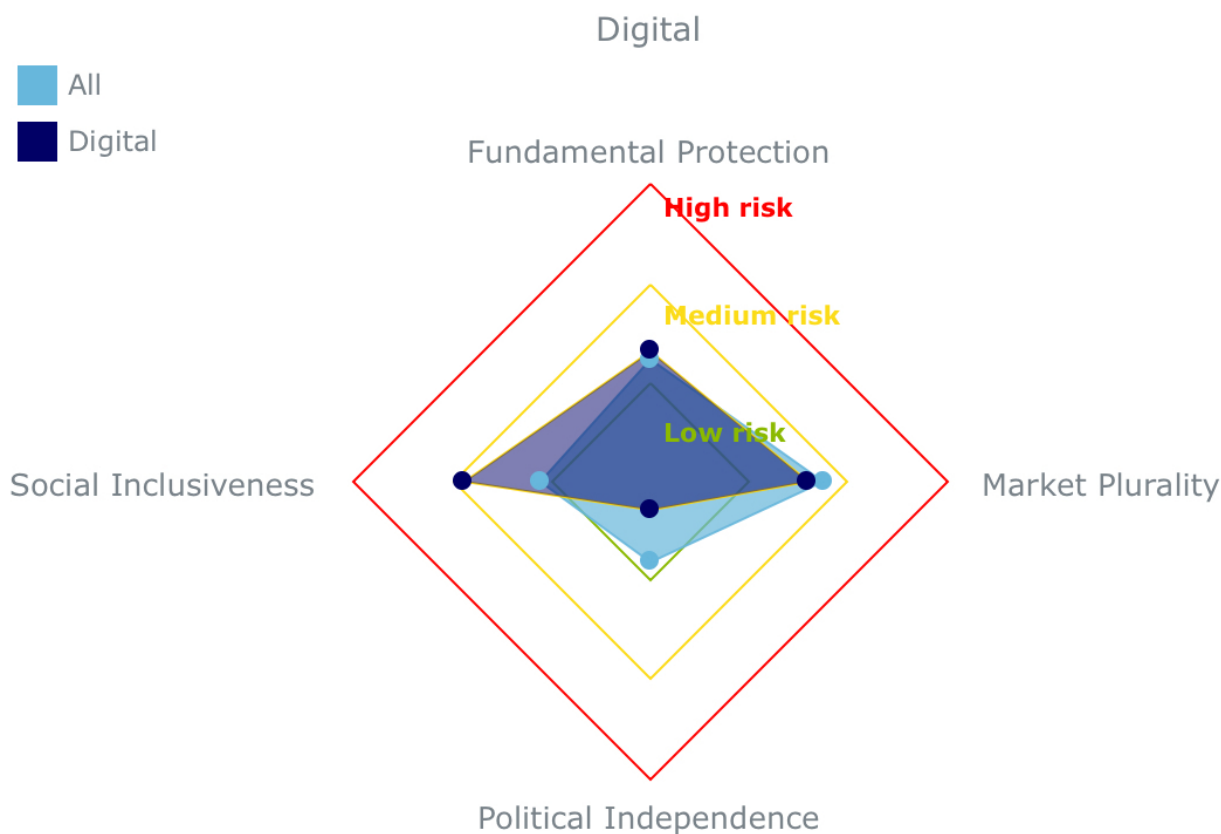
The **Access to media for women** indicator shows a low risk assessment (18%). Gender equality is part of the PSMs' performance contracts and supported by the September 1986 law and its amendments in the 2010s. They all have aimed at favoring equality and the representation of "diversity" in various fields. While women are well represented in PSM boards and leading print media, their presence among the executive boards of private TV channels is scarce (Méadel, 2019). Research on the morphology of the group of media executives reveals the existence, beyond the gender gap, of great socioeconomic, cultural and statutory homogeneity, and that parity policies have led to other forms of segregation in the sector (Sedel, 2019). Despite progress in recent years, following legal incitements and new forms of feminist mobilization in the wake of the #MeToo movement and harassment scandals (International Federation of Journalists, 2018), the representation of women in news remains relatively low, and often stereotyped (Biscarrat & al., 2017; Coulomb-Gully, 2019); a CSA report underlined progress (2020b), while an academic study on the representation of women during the first lockdown stressed the decrease of female presence on television and radio, especially on private networks (Doukhan & Uro, 2020; see also Calvez, 2020; Coulomb-Gully, 2020). Another report (Prenons la Une & al., 2019; see also Posetti & al., 2021) revealed that there were cases of harassment or violence in more than 200 newsrooms and 21 journalism schools. Finally, structurally, female journalists are in a more precarious situation than their male colleagues, and would thus be the first to benefit from reforms, or, for that matter, the strict application of the law.

The **Media literacy** indicator shows a medium risk assessment (54%). Media and information literacy *per se* is part of the common core of French education, since the mid-2000s; recent laws (07/08/2013 law no 2013-595; 12/22/2018 no 2018-1202) have reinforced this apparatus. The Ministry of Education offers online resources for teachers via various platforms (Eduscol, Clémi...). The 2015 terrorist attacks, as well as the growing uses of online media, have created a new situation and increased awareness of media literacy problems in the education of children. While there is a well-developed media literacy policy in France, there are strong disparities between the existing measures, and the realities of their implementation, depending on the scale (regions/cities/neighborhoods/families), the actors engaged in media literacy programs (State/NGOs/families), and the actual targets of such measures (European Audiovisual Observatory, 2016; Féroc & al., 2019).

For the assessment on the **Protection against illegal and harmful speech**, which deals with online media, see section 4.

4. Pluralism in the online environment: assessment of the risks

France: Media Pluralism Risk Areas



JS chart by amCharts



Fundamental Protection

The French legal apparatus defines **freedom of expression online** (06/21/2004 law no 2004-575; 10/07/2016 no 2016-1321) and its limits, as well as data privacy (01/06/1978 no 78-17; 06/20/2018 no 2018-493) in terms similar to those used for previous media. One of the major problems here is that the medium encourages the dissemination of previously marginalized fringe attitudes, opinions, and illegal content, which necessarily transform debates on freedom of expression (Beauvais, 2018). Most cases of hateful speech could be sanctioned under existing laws, yet the forms they take online have set off new legislative agendas and monitoring practices that, in turn, can threaten core values (when, for instance, digital platforms automatically delete content wrongly considered as harmful). Under pressure from public authorities, the media and users, and following new regulations (and a record-breaking fine against Google), as well as accusations of *de facto* censorship, ISPs (Internet service providers) announced new measures to filter hate speech and “fake news” from their platforms and promote fact-checked news (Bigot & Nicey, 2020). Several of them have been transparent on how they filter and remove content, but still conceal their algorithms.

Concerning **digital safety**, the French data retention scheme requires ISPs to keep a certain number of data for a whole year prior to deletion, the authorities having a right to access them in certain cases. In June 2018, a coalition of 62 NGOs from 19 European countries filed complaints in 17 States, among which France, for not respecting EU data retention policies. In its annual report, Freedom House (2019) underlined the increase in electronic surveillance by the State, and the threat on freedom of expression in the name of the fight against terrorism.

Though France has for years lagged behind international averages (ARCEP, 2019, 2020), **Internet access**

has been recently driven by record investments in optical fiber by private operators (ARCEP, 2021) and is thus rapidly progressing. The country is expected to be one of the best in the world by 2026 (Idate, 2021). A risk here stems from the fact that the top-4 Internet access providers (IAPs) control nearly the entire market (99%). However, France benefits from strong regulatory safeguards for **net neutrality**, under the aegis of the ARCEP (Freedom House, 2019).

Market Plurality

Since the 2000s, online press services are included in the definition of press companies, meaning they have to conform to all regulations applicable to the sector, among which **disclosure of media ownership**. However, as is the case with the print press, there is quite often a certain degree of opacity, considering the complexity of media conglomerate ownership structures. There is, of course, also the problem of the definition of online media outlets, with the development of websites that present themselves as news outlets, but that aren't recognized as such by the CPPAP, and thus do not have to abide by these regulations.

The laws do not clearly define obligations for online media outlets in terms of **media concentration**: for the moment, the online market seems to be rather free to evolve without constraints. Many digital native outlets have been created in France over the years; some have been incorporated to preexisting structures (Rue89 bought by the Le Monde group), several have seen major financiers invest in them (Slate: the Rothschild family), and others have established a solid economic model to guarantee their independence (Mediapart). The lack of thorough, standardized data prevents the establishment of any concentration rate; the sector's morphology not being stabilized yet (Lyubareva & Rochelandet, 2017), the phenomenon is too early to assess in detail. The case of **online advertising** is telling, from this perspective: the competition authorities haven't tried to prevent the consolidation of the Google and Facebook duopoly (Benzoni & Clignet, 2017; Guignard, 2019; Mattelart, 2020; Smyrnaio, 2017). In addition, rather than considering structural changes, major taxation measures or a universal framework, authorities have let Google negotiate "related rights" compensation with the APIG (an association that represents major "general information" news outlets, thus excluding many others, such as magazines and independent outlets) and sign individualized deals (Joux, 2020a, 2020b; Ouakrat, 2020; Syndicat de la Presse Indépendante d'Information en Ligne, 2019).

The **Gateway to news** variable shows a high-risk assessment: indeed, recent academic work has stressed the growing importance of online digital infomediaries in the global mediascape (Guibert & al., 2016; Smyrnaio & Rebillard, 2019), and surveys have shown that social networks have become the main gateway for the youth, more or less tied with television – and far beyond the print press (Dejean & al., 2019; Reuters Institute, 2020), a deeply rooted trend (Lombardo & Wolff, 2020) accelerated by lockdowns (Smyrnaio, 2020). This could be worrying, considering a significant percentage of the French population (33%) have "low overall digital skills", according to Eurostat.

Concerning **Commercial and owner influence over editorial content**, online outlets offer pioneering experimentations in the blurring of information and communication. Although French regulations clearly distinguish journalism from advertising and communication, "brand content", "content commerce" and "native advertising" have been expanding, first to support new online business models (Benghozi & Lyubareva, 2013). The constant search for marketing revenues at the expense of serious journalism puts pressure on newsrooms, as epitomized by the Reworld Media group (Francis, 2018). When it acquired several online magazines, its management let its staff resort to the conscience clause and quit: such new actors no longer want to deal with professional journalists, their standards, statuses and rights. The online branding strategies developed by the Groupe Figaro since its acquisition by Dassault, which are aimed at attracting specific audiences and creating a variety of new revenues, is another example of the threat new commercial imperatives and models represent to media pluralism (Joux, 2017).

Political Independence

The **Political independence of online media** outlets shows a low risk assessment. As explained earlier in the report, political influence over the media is generally indirect, and stems from shared interests between the owners of media outlets (and empires) and political agendas. Since online newspapers have not yet achieved the degree of concentration that is visible in the print press, there are fewer reasons for concern here. Data and academic research is still scarce on this issue. One can even salute the development of independent online journals, such as Mediapart (and its “Fund for a free press”) and many local online outlets, though their economic model based solely on subscriptions can lead to other forms of heteronomic ideological pressure (from their readership, for instance – Darras, 2017).

Concerning **Journalistic self-regulation** in social media use, several ethical charters present specific recommendations concerning the online conduct of their staff, considering that the latter’s presence on social media can impact the image of the outlets they work for. The question of journalists’ safety and reactions to online harassment also have to be mentioned here: feminist journalist NGO Prenons la Une (2019) proposed that newsrooms have colleagues or specialists temporarily that take over individual journalists’ social network accounts when the latter are targeted and overwhelmed by harassment campaigns.

On the topic of **Elections and online platforms**, there are strict rules that cap campaign expenses, including those made online, though they are difficult to monitor. Following the implementation of the GDPR and the Cambridge Analytica scandal, the CNIL imposed stricter rules concerning the political use of private data, mined through social media.

Social Inclusiveness

The variables dealing with **Protection against illegal and harmful speech** generally show a medium risk assessment. In late 2018, the National Assembly passed a law (12/22/2018 law no 2018-1202) to rein in misinformation during election campaigns. It invites online platforms and other media to develop measures aimed at fighting against “the dissemination of fake news likely to disturb the peace or to alter the sincerity of elections” (art. 11). The initial version of the aforementioned Avia law (final version: 06/24/2020 n° 2020-766) which tackles the online propagation of “hateful content” prompted serious criticism (La Quadrature du Net, 2020), as its mechanisms relied on ISPs to retrieve contentious content, within a very short timespan (24h), and without offering any judicial supervision of the process. These provisions were censored by the Council of State (the highest administrative court) by a 18 June decision (no 2020-801).

5. Conclusions

Media pluralism has been a core value of the French media field for centuries, now. French society is strongly attached to its defense, and yet, it is jeopardized both by a constant distrust in official and mainstream media (La Croix & Kantar, 2021), and increasing threats to journalists.

A majority of indicators in the French MPM report reveal a medium risk assessment. These threats stem from a multiplicity of factors, among which many have to do with structural trends which call for systemic or supranational solutions, others, to the hardships of the COVID-19 crisis. A significant number of them could be efficiently confronted by a more vigorous legislative action at the national level. Also, as we were told by many people we interviewed for this report (journalists, members of NGOs, academics – see our thanks), many difficulties simply arise from the fact that the French legislation – for instance, the 1881 law on freedom of the press – is not well implemented enough, especially concerning the socioeconomic and statutory situation of journalists.

Several risks pertain to **Fundamental Protections**, and could be addressed thanks to the following measures:

- The existing **legal apparatus and collective labor agreements** should be systematically applied, and non-compliance and abuses sanctioned (fines, withdrawal of subsidies, etc.).
- The **right to information** needs better protection. The trade secrets legal framework should be amended at the European level to better protect investigative journalists, their sources and whistle-blowers from lawsuits.

Market Plurality is the area with the highest risks in our assessment.

- **Anti-concentration laws** have to be completely redefined and simplified. Exceptions have to be abolished and simpler criteria imposed to avoid conflicts of interest. The general rules set in 1944, which prohibited control over more than one “general political” media outlet, whatever the medium, ensured pluralism for decades.
- The **independence of media outlets from market forces** has to be secured. Solutions exist, and have been proposed for years by many actors – for instance the development of “solidary news companies”, media outlets as “common goods”, and non-profit media organizations with new sources of financing (universal contributions, ownership pluralism, tax incentives), the sanctuarization of their capital, and the mutualization of production, administration, commercial and distribution infrastructures and services (Cagé, 2015; Rimbart, 2014; Syndicat National des Journalistes, 2017).
- An **ambitious supranational antitrust apparatus** should break up the Google and Facebook online advertising duopoly. More vigorous action should be taken to support all media outlets against the power of major online platforms (Smyrnaiois & Rebillard, 2019).

Risks concerning the **Political Independence** of media area are less worrisome. Still, there are numerous ties between the political and the media field, and private media newsrooms have been subjected to indirect forms of political pressure, via the intervention of media owners, which represent major problems for freedom of expression, and often result in journalists resorting to self-censorship (Mallet-Poujol, 2020). Such problems could be solved by implementing the measures mentioned previously, as well as the following ones:

- The State should simply **abide by the law** and refrain from putting any pressure on investigative journalists to reveal their sources, as it has done in recent cases (Benalla scandal, arms sales to Saudi

Arabia, etc.).

- The French definition of **whistle-blowers** should be extended to include legal persons such as NGOs. They should be granted better protection, for instance by implementing measures similar to those in place in Canada, which offers a swift judicial appeal mechanism for targets of SLAPP procedures (Commission Nationale Consultative des Droits de l'Homme, 2020; Défenseur des Droits, 2018; Maison des Lanceurs d'Alerte, 2020; Transparency International, 2018; Wasserman, 2019).

Finally, the area of **Social Inclusiveness** shows a certain number of risks, especially concerning the access to media for minorities, media literacy and harmful speech, especially online.

- Budgets for **local PSM** media should be secured.
- There should be efforts to increase awareness of the **under-representation and stigmatization of women, minorities** and people with disabilities, as well as of structural socioeconomic discrimination.
- Police forces and magistrates should be better trained to **address online and workplace harassment of female journalists**; for that matter, harassment should be considered an accident at work. Newsrooms and journalism schools should equally deal with this question.

6. References

- NB: we have only included references to NGO, trade unions and public reports, as well as academic scholarship. Laws were referenced within the text. All of our other sources used to answer the MPM questionnaire (additional laws, decrees, codes, regulations, policy documents, news articles, communiqués, etc.) were added to the online CMPF platform.

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As they were completing their report, the authors learned of the death of Mrs. Michèle Léridon. A council member of the public media authority (the CSA) and a former head of information at the AFP, Mrs. Léridon was a member of our group of experts for the Media Pluralism Monitor, sharing her expertise throughout the data collection and writing processes. The authors are saddened by her disappearance, and send their condolences to her friends and relatives.

Annexe I. Country Team

First name	Last name	Position	Institution	MPM2021 CT Leader
<i>Franck</i>	<i>Rebillard</i>	<i>Professor</i>	<i>IRMÉCCEN - Université Sorbonne Nouvelle</i>	X
<i>Jedediah</i>	<i>Sklower</i>	<i>Research Assistant</i>	<i>IRMÉCCEN - Université Sorbonne Nouvelle</i>	
<i>Lucien</i>	<i>Castex</i>	<i>Part-time Researcher</i>	<i>IRMÉCCEN - Sorbonne Nouvelle</i>	
<i>Inna</i>	<i>Lyubareva</i>	<i>Lecturer</i>	<i>LEGO - IMT Atlantique</i>	
<i>Alan</i>	<i>Ouakrat</i>	<i>Lecturer</i>	<i>IRMÉCCEN - Sorbonne Nouvelle</i>	
<i>Fabrice</i>	<i>Rochelandet</i>	<i>Professor</i>	<i>IRCAV - Sorbonne Nouvelle</i>	

Annexe II. Group of Experts

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 composing the MPM2021. Consulting the point of view of recognized experts aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as subjective, and therefore to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Michèle</i>	<i>Léridon</i>	<i>Member of the CSA board</i>	<i>Conseil supérieur de l'audiovisuel (CSA)</i>
<i>Jean-Christophe</i>	<i>Boulangier</i>	<i>President of the SPIIL</i>	<i>Syndicat de la Presse Indépendante d'Information en Ligne (SPIIL)</i>
<i>Romain</i>	<i>Badouard</i>	<i>Associate Professor</i>	<i>Institut français de presse / Université Panthéon-Assas</i>
<i>Emmanuel</i>	<i>Poupard</i>	<i>General Secretary of the SNJ</i>	<i>Syndicat national des journalistes (SNJ)</i>

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