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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 2021

Country report: France

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**Research Project Report**

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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 2021. 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 notes

### Authorship and review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to 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 that was developed by the CMPF.

In France the CMPF partnered with Franck Rebillard (IRMÉCCEN - Université Sorbonne Nouvelle), Jedediah Sklower (IRMÉCCEN - Sorbonne Nouvelle University), 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).

<b>Fundamental Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
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 being intertwined with the traditional media and the 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 and 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, in order 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, MPM2022 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2022, available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

## 2. Introduction

- **Population.** As of January 2022, there are 67.8 million inhabitants in France (+0,3%), with 2.2 million living 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 2021, there were 7 million immigrants living in France (among which 2.5 million acquired French citizenship), and 0.8 million foreigners born in France. 47.5% of immigrants living in France were born in Africa, 32.2% in Europe (INSEE, 2022b).
- **Economic situation.** France's GDP increased by 7% in 2021 after having fallen by 8.3% in 2020; it recovered pre-COVID levels of growth during the third trimester, but remains lower than in 2019 by 1.6% (INSEE, 2021c). France is the third-largest economy in Europe, behind Germany and Great Britain.
- **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. The year 2021 was especially marked by the ongoing contestation of COVID-related restrictions (especially the sanitary pass), as well as by the 2022 presidential election "pre-campaign", and the growing tensions between Russia and Ukraine from October on.
- **Media market.** France's mediascape hosts both a public and a private audio-visual 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 was postponed, due to the COVID-19 crisis. With the further concentration of audio-visual media (the expansion of the Bolloré empire to new outlets, the anticipated TF1-M6 merger), the range and influence of opinion shows in audio-visual media grew as the 2022 presidential election got closer. The print press is divided between national, more politicized outlets aimed at urban, upper-middle-class readers, and regional outlets whose readership is older and less well off, while younger audiences tend to shun print news in favor of their online counterparts, which are often accessed via third-party platforms. 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, their readership and their advertising revenues both decreasing at a fast pace for several years now.
- **Regulatory environment.** In 2021, the TV and radio sectors were still regulated by the Conseil Supérieur de l'Audiovisuel (CSA). It merged in January 2022 with the authority in charge of author rights online (HADOPI) into a new entity, the ARCOM, which will extend its functions to take on the supervision of online content, while telecommunication networks and services remain the prerogative of their existing regulator (ARCEP). The 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), and has adopted an offensive stance on issues of related rights in its relations to the GAFAM, with huge fines imposed upon Google for its non-willingness to respect previous rulings. At the European level, France has been, to a certain extent, a leader in the regulation

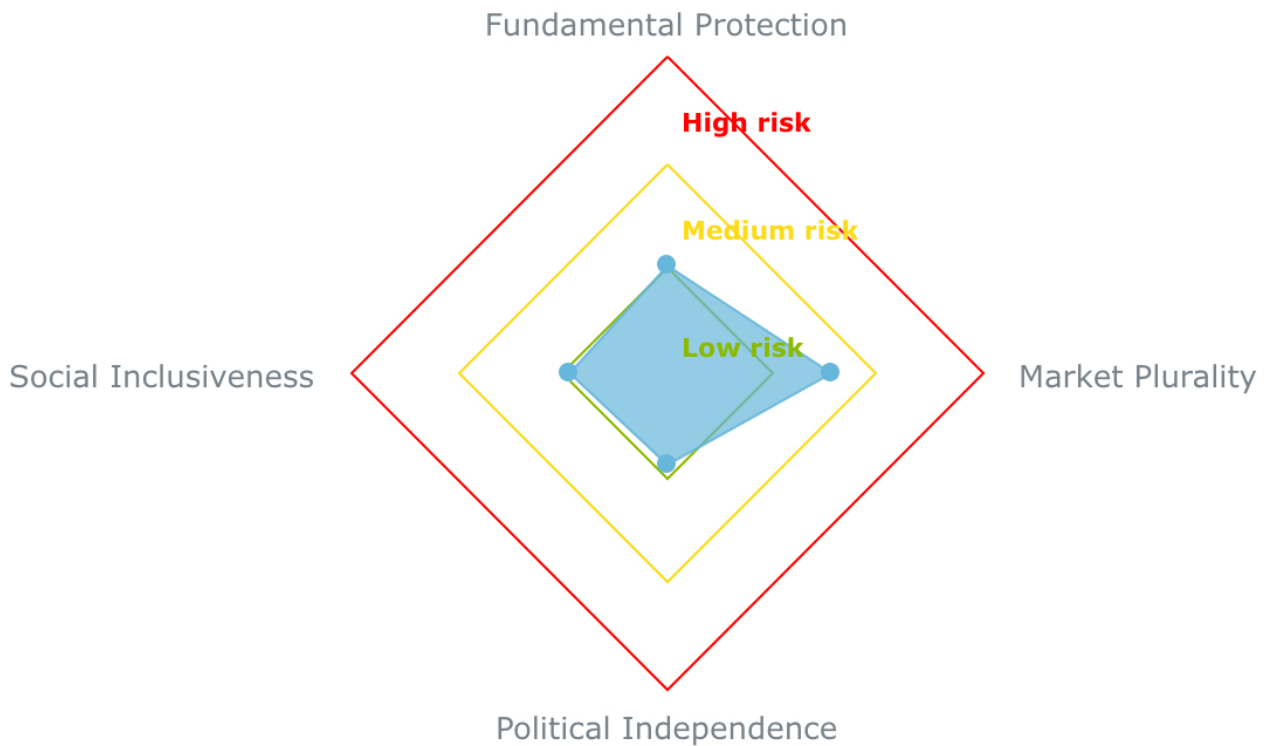
of online issues: it was the first, within months (07/24/2019 law no 2019-775), to apply the April 2019 EU Copyright Directive (no 2019-790). Yet, there isn't a consensus within the sector on how to deal with the GAFAM's intrusion into the sector. An important number of outlets associated within the APIG have established deals with them, while other associations (SEPM, FNPS, SPIIL) united to create the Société des Droits Voisins de la Presse (DVP) in order to negotiate, collect and distribute the funds stemming from related rights, as they were either ignored by Google and Facebook, or refused the terms they proposed, extending the struggle into 2022.

- **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. Since 2019, the conjuncture has also been affected by distrust in mainstream information sources, a variety of attacks on journalists (physical violence, harassment, SLAPPs), and controversial legislative measures which have added to existing concerns.



### 3. Results of the data collection: Assessment of the risks to media pluralism

#### France: Media Pluralism Risk Areas



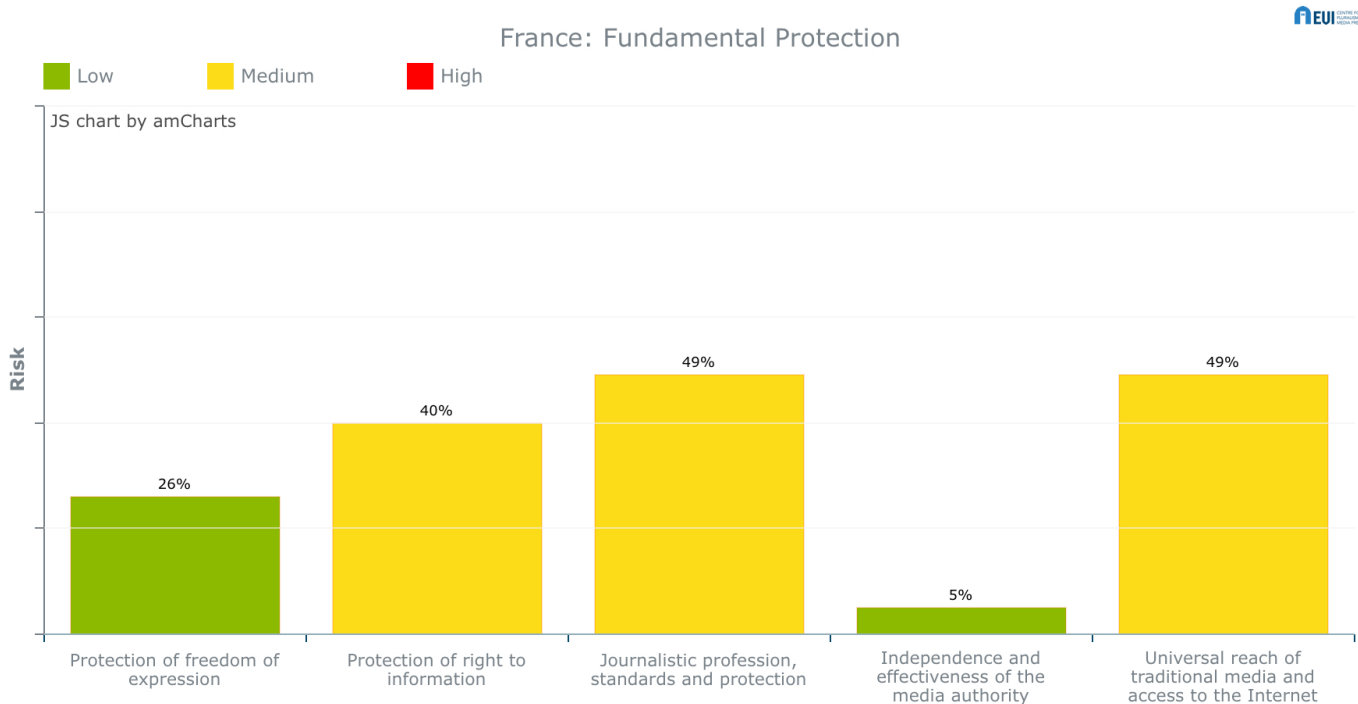
If we start with “pure” figures, and compare the 2020 and 2021 MPM scores for each one of the four areas, the general tendency is that of a lowering of risk assessments by 4 to 6 percentage points: indeed, three areas reduce their score (Fundamental Protection: 34%, down 4 points; Market Plurality: 52%, down 6 points; Social Inclusiveness: 31%, down 6 points), while one, Political Independence, has seen its score slightly increase (28%, up 1 point). However, situations are very contrasted at the level of all 200 variables: there have been improvements, with a greater number of “low” risk assessments (81, +6) and a lower number of “high” risk ones (19, -10), yet there still is a majority of variables showing “medium” (91, +4) or “high” (19) risk assessments (total: 55%), with 32 variables whose risk has increased.

At the level of indicators, the assessments for France reveal the existence of a majority of situations in which the risk for media pluralism is “medium”: 12 indicators, *i.e.* one more than in last year’s report, a slight deterioration at the global level, which is counterbalanced by the fact that, now, only one indicator presents a “high risk” (one less than in 2020), while the number of “low risk” ones remains stable (7 indicators).

Overall, the improvement of the economy in 2021 has obviously had positive effects on various aspects of the media sector, when compared to last year’s catastrophes. But structurally, a great number of fundamental threats underlined in last year’s report persist, and do not follow the trend announced at the macroeconomic level – hence the majority of medium risk assessments.

### 3.1. Fundamental Protection (34% - 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 the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



#### I.1. RESPECT OF FREEDOM OF EXPRESSION

##### Introductory overview

- Risk assessment: “low” (26% – down 15 points from “medium”).

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). The lower score here is essentially due to the clarification of the ambiguous situation originally created by the “global security” law.

## Issues requiring specific scrutiny

- **Global security law**

One of the main concerns in 2020 and 2021 was an article (no 24) of the law “on global security” (no 2021-646, voted on 05/25/2021) which had a provision that enabled the prosecution of people publicly disseminating the image of police forces with a “will to harm”. Following the polemic and the mobilization led by media outlets and unions in late November 2020 (see last year’s report), this segment was suspended, and eventually censored by the Constitutional Council on 20 May 2021 (decision no 2021-817 DC).

- **Separatism law**

The article reappeared in a new form in art. 36 of the 24 August 2021 “separatism” law “guaranteeing the principles of the Republic” (no 2021-1109), which amended the 21 June 2004 law on “trust in the digital economy” (no 2004-575). The wording was changed: it is more general, as the article now applies to all citizens, explicitly considers the safety of journalists – an important correction of previous problems (Poupard, 2021) –, and does not specifically mention the dissemination of images. The law thus now condemns the malicious dissemination of information enabling the “identification” or “localization” of individuals, whether the information concerns their private, professional or family life. The offense is punishable by a 3-year imprisonment term and a €45,000 fine. When the offense is committed against public officials, politicians, or journalists, the prison sentence can amount to 5 years, and the fine, to €75,000. The law also has provisions concerning “mirror sites” that disseminate illicit content previously blocked or dereferenced by judges.

In the name of fighting against the “separatist drift” and the “discourses that encourage it” within the context of the presidential election pre-campaign (the government wants to show it is tough on radical Islam), this new law has been used to target several Muslim associations and mosques – an attitude denounced as an assault on freedom of religion (Article19, 2021).

## **1.2. PROTECTION OF RIGHT TO INFORMATION**

### **Introductory overview**

- Risk assessment: “medium” (40%, down 10 points).

Right to information 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). Originally, there were positive signs concerning the status of whistle-blowers; however, much of the progress made by the new law was reversed during its examination by the Senate.

## Issues requiring specific scrutiny

- **Trade secrets**

One of the most obvious problems pertaining to freedom of information relates to the 30 July 2018 law on the “protection of trade secrets” (no 2018-670), which is in line with the 8 June 2016 EU directive (no 2016-943). An amendment to the law (“ASAP law” no 2020-1525) extended its perimeter in September 2020. The “package” was criticized by journalists and civil society associations alike, obviously, for the limitations it imposes to media freedom (Mallet-Poujol, 2020) and its criminalization of whistle-blowers (see last year’s report on this issue).

There have been several recent cases in which this apparatus was used to restrict access to information deemed of public interest. For instance, NGO Sherpa demanded that the ministry of Ecological transition release the list of companies that fell under the January 2021 EU Conflict Minerals Regulation – the administration refused to release the list in October 2020. A similar battle was launched by *Le Monde*, the ICIJ and 43 unions, newsrooms and NGOs in the “Implant Files” case. The Commission in charge of authorizing access to administrative documents (CADA) opposed the release of the information. In both cases, the Paris Administrative Court was called upon to rule on the release of the information. During the ongoing cycle of negotiations dealing with related rights, the principle was also invoked by online platforms to refuse the release of information on their media revenues, or on the amounts paid to the media outlets they signed agreements with (see later discussion on this issue).

- **Protection of whistle-blowers**

The 23 October 2019 EU directive (no 2019-1937) improves the rights of whistle-blowers in Europe. The law transposing it into France was examined and approved by the Parliament in 2021: it originally offered better protection for whistle-blowers and “facilitators” (legal persons – associations, trade unions – who support them), improved assistance by the Defender of Rights, enabled whistle-blowers to bypass the step-by-step channels imposed by the 9 December 2016 Sapin 2 law (no 2016-1691) and directly seized judicial authorities, assured them with financial support in case of a judicial procedure, and provided for sanctions against those who “dox” them or try to hush them up with SLAPP procedures. This represented a significant improvement on the 2016 law, saluted by many NGOs and media, though some, such as the Maison des Lanceurs d’Alerte, considered it could have gone even further.

However, the Senate’s Law Commission trimmed it down in December 2021 and amended it in a way that contradicted not only to the EU directive, but also the Sapin 2 law. It complicated the definition of whistle-blowers, struck out the recognition of “facilitators”, suppressed the notion of a “prejudice to the general interest”, excluded whistle-blowing possibilities in a variety of fields (users, patients, clients or simple citizens no longer are protected), got rid of the clause offering penal irresponsibility to people who record private conversations as elements of proof, and jeopardized public financial support. Transparency International France asserted that these setbacks illustrate “the executive’s lack of will to efficiently fight against corruption” (2021). The Defender of Rights has called upon the Senate to maintain the original improvements.

- **Surveillance of journalists by Bernard Arnault’s LVMH empire**

In 2019-20, Mediapart had revealed that the staff of the journal *Fakir* (created by François Ruffin, a journalist and documentary film-maker, and now an elected far-left representative) was surveilled in 2015-16 by Bernard Arnault’s empire, with the help of Bernard Squarcini, a former head of the Central Direction of Internal Surveillance (the DCRI). Ruffin was at that time producing the documentary feature film “*Merci Patron !*”, a satirical criticism of the labor practices of Arnault’s LVMH luxury empire, which also has a strong presence in the media sector. Laurent Marcadier, while he was still a magistrate, and right before actually joining LVMH, tried to obtain information on a criminal inquiry that was targeting the group, and participated in the spying of *Fakir*.

In December 2021, LVMH silently admitted various elements of guilt in this sprawling affair – mainly the fact that it had conspired to obtain confidential information on a judicial inquiry that was targeting the group in a conflict with luxury brand Hermès; and spying, via Bernard Squarcini, on François Ruffin, while he was shooting his documentary. It signed a convention with the public prosecutor’s office in Paris, and paid a €10M fine. This plea deal means there won’t be a public trial.

Back in the mid-2010s, LVMH had put pressure on the newsrooms of the various media the group possesses so that they would not mention the film, which also led to self-censorship. One can imagine the situation will be similar when it comes to this latest episode, despite the recognition of guilt.

- **“Pegasus gate”**

1,000 French citizens were victims of online surveillance via the infamous Pegasus spyware, among which several journalists and media outlets: Bruno Delpont (*TSF Jazz*), Rosa Moussaoui (*L’Humanité*, formerly AFP), Edwy Plenel (*Mediapart*), Dominique Simonnot (*Le Canard Enchaîné*), Éric Zemmour (*Le Figaro*, *CNews...*), France 2, France 24, *Le Monde*. The Moroccan State targeted journalists and then launched SLAPP procedures to silence their investigations. Franco-Palestinian activist Salah Hamouri was also surveilled by the Israeli authorities thanks to Pegasus.

### **I.3. JOURNALISTIC PROFESSION, STANDARDS AND PROTECTION**

#### **Introductory overview**

- Risk assessment: “medium” (49%, up 1 point).

This indicator is one of the most worrying of all in this report. There is of course a strong legal apparatus meant to defend the profession (03/29/1936 “Brachard law”; 07/04/1974 “Cressard law” no 74-630, Labor Code, collective agreements). The rhythm of the degradation of the profession remained relatively stable thanks to extraordinary COVID-relief measures. But all signs point to both a structurally and a conjuncturally alarming situation.

## Issues requiring specific scrutiny

- **Economic conditions**

The profession has undergone an “extreme deterioration” of its economic condition in 2020 and again in 2021. Structural trends have accelerated with the COVID. The latest edition of the “social barometer” of journalism, established by Jean-Marie Charon for the year 2020, stresses that there are fewer journalists (34,132 who have the press card, down 389) and an increasing precariousness (27.6% of journalists), which primarily affects women, who are also less represented in senior management positions. In 2021, there were numerous redundancy plans and liquidations throughout the media sector, which marked an “acceleration of the transformation of newsrooms” towards digital and transmedia environments (Charon, 2021).

- **Growing economic instability & the flight of journalists**

According to Jean-Marie Charon’s and Adénora Pigeolat’s latest book (2021) on the phenomenon of journalists abandoning the profession, there has been a fall in *pigiste interns* “employed” by media outlets during the COVID. Fewer journalists enter the profession, and many leave, often at a young age, only a few years later, to pursue careers in communication, media education, digital, marketing, teaching or artistic professions. A growing number of journalists accumulate short-term contracts with a high degree of uncertainty and low possibilities for actual self-investment. They have greater financial difficulties: the level of wages for many pigistes is remarkably low (and they are paid late), as they multiply short-term contracts: self-employment, intermittent contracts, a practice that which is contrary to the law (29 March 1936 “Brachard” law; 4 July 1974 “Cressard” law no 74-630), the Labor Code and collective agreements (Chupin, 2014; Dupuy, 2016; Frisque, 2013; Profession : Pigiste, 2016; Société Civile des Auteurs Multimedia, 2019). Values of social utility or expressiveness have been lost: there is a phenomenon of “disenchantment”, work is perceived as meaningless.

Charon and Pigeolat underline a double paradox: young journalists abandon earlier and earlier the profession, while there are more and more candidates for jobs. Those who have accessed the most prestigious journalism schools, with an early calling, can make it. Within the regional press, for instance at Ouest-France, there aren’t lay-offs, but owners wait for the older generation to retire, and then either do not replace the jobs, or do so with precarious contracts.

Women journalists in their forties complain from excessive work, devalued activities, burnout, and discrimination (lower wages, glass ceiling). Once they hit their fifties, they have a harder time adapting to the reorganization of newsrooms with their digital transition, new technologies, new formats.

Newsrooms in television stations are more and more fragmented. There is less circulation between the various actors engaged in news production: reporters, photographers, cameramen don’t regularly interact with editors, the newsroom, the anchormen.

Among the many factors explaining this situation, there is, of course, the collapse of revenues in the print press, greater competition for a small audience in the audio-visual sector, the crumbling of advertising revenues (as they are captured by Google and Facebook), the rationalization of the production of redundant, low-cost news, the lack of respect for noble journalism (cf. Reworld Media’s attitude – Guy, 2018).

- **The coexistence of charity and austerity**

The COVID accentuated the crisis, leading to a fall in commissioned papers and reporting, and massive lay-offs throughout the mediascape. It also increased the time journalists spent in front of their screens, rather than investigating in the field.

By decree (no 2021-1175, 10 September 2021), the government established an emergency fund for *pigistes* who had lost revenues during the pandemic (€29.5 million during the 2020-21 two-year period). The SCAM also extended the time frame for self-employed journalists and multimedia authors to apply for its various emergency funds (which are financed by the Ministry of Culture and the CNC). 1,107 *pigistes* applied for this support fund, but only 594 will receive it. The government thus decided by decree (23 December 2021, amending the September one) to make grants more flexible. Another online campaign (on the website of the Ministry of Culture) was set to be launched in February 2022 for *pigistes* considered ineligible during the previous round, followed by another campaign in May 2022.

At the same time the government measured and acted on the economic impact of COVID, it toughened access to unemployment compensation for all types of employees, increased control over the unemployed, and reduced unemployment compensation – this also affected journalists and *pigistes*. The new rules came into effect in December 2021, after being postponed due to the crisis. This is a more and more common answer to such problems: charity when the situation is particularly difficult, but growing structural austerity.

- **Physical safety**

No journalists were killed in France in 2021. However, one French journalist, Olivier Dubois (*Libération*, *Le Point*, *Jeune Afrique*), was kidnapped by jihadists in Mali in early April 2021. There hasn't been any news since a short 20-second video of him at that time.

On social networks, the dissemination of disinformation and criticism of the official response to the pandemic (vaccine obligations for children, confinement measures, mandatory health pass to go to work and access public facilities, curfews...) has often nurtured extreme defiance towards the authorities. In the French West Indies, there were violent protests against vaccine mandates, which resulted in some cases in great violence against journalists – there was a case of a BFM TV crew, an AFP photographer and a photojournalist working for the photo news agency Abaca Press being shot in November 2021 in Fort-de-France (Martinique). The context is that of recent revelations on a long-lasting public health scandal (the continued use of Chlordecone, a dangerous insecticide used in banana plantations) involving the State (which banned the substance much too late, despite damning reports), which created a fruitful ground for such forms of resistance. Once again, the spread and the “efficiency” of disinformation is not a spontaneous phenomenon – an aspect that must be considered in laws and apparatuses tackling the issue (Badouard, 2017, 2020).

Here, we should also mention the case of local journalist Morgan Large, who investigates on the effects of intensive agriculture in her region (Brittany), and has been the victim of various forms of intimidation (nocturnal phone calls, sabotage of her car, intoxication of her dog, online harassment), with the more or less tacit approval of a regional union of farmers. The local radio she works for (Radio Keiz Breizh) was also attacked (Reporters Without Borders, 2021a).

- **Police violence**

The May 2021 “global security” law and the National law enforcement plan [Schéma national du maintien de l’ordre] presented by the Minister of the Interior were both meant to address, among other questions, the issue of journalists’ security during demonstrations – an important one considering anti-media sentiment and violence during various demonstrations, for instance recently during protests against COVID measures whose participants often blamed the media for contributing to the “official lies”, or during recent political meetings. Too often, according to Emmanuel Poupard (2021), police forces express hostility or even disdain for journalists and do not allow them to freely do their job, whether they have their press card or not. This is a serious threat on the right to inform.

- **Female harassment within audio-visual media**

In 2021, several scandals revealed the extent of female harassment in newsrooms. Following the broadcasting of a documentary on the issue at Canal Plus, an investigation by jurist Sophie Latraverse in Radio France collected 80 testimonies, which exposed the climate of stress, violence, discrimination and sexism in the public radio, leading it to deploy an extensive plan to end such practices, which lead to 11 disciplinary procedures. A similar investigation was initiated at RMC Sports, while accusations were also made against other star anchormen and pundits.

- **SLAPPs: The Bolloré empire and its attack on freedom of expression**

France is not exempt from SLAPP cases – quite the contrary (Fontaine & al., 2017; Voisard, 2016). The best example of such abuses is the Bolloré empire, which regularly resorts to “procès-bâillons” [gag lawsuits] as a means to silence investigations into its affairs. It keeps on doing so despite being condemned for abusive practice. Since 2009, it has indeed launched at least 20 defamation lawsuits in France and abroad (especially in Africa, via its Luxembourgish Socfin branch) against newspapers, media outlets, NGOs, and even a book and academics. More than 40 journalists, lawyers, photographers, NGO representatives have been sued by the Bolloré conglomerate. It has used many other tools to pressure media, such as cutting advertising (via Havas, its ad agency) for *Le Monde* following a paper on its activities in the Republic of Ivory Coast, censoring of a documentary on Canal Plus. Latest case to date (2021): the Versailles Court of Appeals overturned a previous ruling that had condemned *Mediapart* for a “defamatory” 2016 article on Bolloré’s affairs in Cameroun.

Other companies (Apple, Areva, Véolia, Vinci, etc.) have also recently launched such procedures against whistle-blowers, NGOs, or academics. The issue having been taken up at the European level, with a directive planned for mid-2022, one can expect interesting evolutions within the near future – unless things evolve as they have for whistle-blowers.



- **State of emergency, restrictions of basic freedoms – a new norm?**

Over the past few years, the repeated use by the French government of the state of emergency has also raised concern about the respect of basic freedoms (Council of Europe Center for Human Rights, 2019; Houry, 2018; Office of the United Nations High Commissioner for Human Rights, 2019). In 2015-17, under the guise of the fight against terrorism, freedom of expression, as well as freedom of movement, of assembly (derogatory measures such as “preventive arrests”), have often been flouted (Amnesty International, 2021; Défenseur des droits, 2021).

From this perspective, the imposition of vaccination passes, however necessary to stifle the spread of the virus, can be considered as an additional step in an ongoing sequence of increasing surveillance and restrictions on essential freedoms (see for example: Roman, 2021; Schlegel, 2021). A case can be made that what is supposed to remain exceptional is becoming a “normal” state of affairs, accepted by the majority of the population, whatever the motivation (terrorism, social movements, public health crises, and, eventually in a near future, military, migratory, ecological crises). When considered within a longer political conjuncture, and associated with the development of centralized data systems, surveillance devices and algorithmic governmentality, there might be reasons to worry.

#### **I.4. INDEPENDENCE AND EFFECTIVENESS OF THE MEDIA AUTHORITY**

##### **Introductory overview**

- Risk assessment: very “low” (5%, down 3 points).

There haven’t been any manifest recent cases of political pressure on the CSA, which is an independent public authority, with a budget of its own, transparent decisions and appointment procedures (07/26/1983 no 83-675; 09/20/1986 no 86-1067; 11/15/2013 no 2013-1028). Yet there are reasons to fear possible intrusions, considering the new authority’s (ARCOM) future agenda – the TF1-M6 merger in 2022 and the replacement of the Competition Authority’s director. The question of the ARCOM’s future independence should also be scrutinized next year, given it will have stable means to accomplish extended missions.

##### **Issues requiring specific scrutiny**

- **CSA-HADOPI fusion: creation of the ARCOM**

Following the 25 October 2021 law (no 2021-1382) on the “regulation and the protection of access to cultural works” (chap. 1 & 2), the CSA merged in January 2022 with the HADOPI (the authority in charge of protecting author rights on the Internet) to constitute a new entity, the ARCOM (Audio-visual and Digital Communication Regulation Authority). Appointment procedures were not fundamentally changed, though there is a modification: among the 9 members, one is appointed by the State Council, and another by the Highest Court of Appel. The competences of the merged institutions will extend to include issues relating to disinformation, the defense of cultural creation (encouraging legal online offers for cultural goods, fighting against illegal streaming or downloading, online forgery, mirror websites, and further provisions to defend French audio-visual works). The new entity will be able to exchange information with the Competition

Authority in cases dealing with media concentration.

The CSA's activity has been growing at a fast pace (number of referrals x2.6 between 2016 and 2019), but its budget has remained relatively stable over the recent years (more or less €37.5 million between 2016 and 2020). The ARCOM will have a budget of €46,6 million in 2022, including the 8.3 million from the HADOPI. But the question of a proportionate extension of the human and financial means necessary to tackle new issues and assume new competences has not been perfectly settled yet, for obvious reasons. The budget of the new entity will be raised by €0.9 million, the ARCOM will integrate the 50 HADOPI former employees, and have an extra 6 employees. If this does not suffice, it could be more vulnerable to budgetary pressures from its supervisory ministry (of Culture), if its budget is not raised accordingly. It is too early to assess if this will indeed be a problem (Wekstein-Steg & Gouazé, 2021).

- **Independence: conflict of interest at the Competition Authority**

There hadn't been any notable cases of political pressure on these institutions, until October 2021, when the first five-year term of the President of the Competition Authority, Isabelle da Silva, ended. She had expressed the desire to go on with her functions for another full term, but it seems President Macron wanted her out because of her probable opposition to the TF1-M6 merger. Indeed, the executive branch favors the creation of a French audio-visual media giant. It is supported by the CSA's Director, who considers the merger "natural" and "understandable", while da Silva had announced that her institution would rigorously analyze its effects on audio-visual advertising together, TF1 and M6 would concentrate three quarters of that market.

Less than two weeks before the end of her term, the Presidency of the Republic abruptly announced would not renew it (this appointment is the President's prerogative, following recommendations from competent commissions within the National Assembly and the Senate). The actual interim President is its former Vice-President since 2012, Emmanuel Combe, a pro-free-market economist specialized in competition issues. He had previously worked with Nicolas Sarkozy, before joining Macron's political movement in 2016. He received the insignia of the National Order of Merit from Macron himself on 13 October 2021 – one day before assuming his new functions. There is reason to suspect political orientation and influence on what is supposed to be an independent institution, at least during this interim period.

Among the people rumored to replace Mrs. da Silva, Anne Perrot's name started circulating. A respected professor of economy, she was the Vice-President of the Competition Council (the former Competition Authority) from 2004 to 2012, has been a member of the Economic Analysis Council (a pluralist council, attached to the Prime Minister's cabinet) since 2015, and a General inspector of finances since 2018. She was also among those who backed Emmanuel Macron in 2017. There is in this case too a possible tension between independent economic expertise and plausible political dependencies.

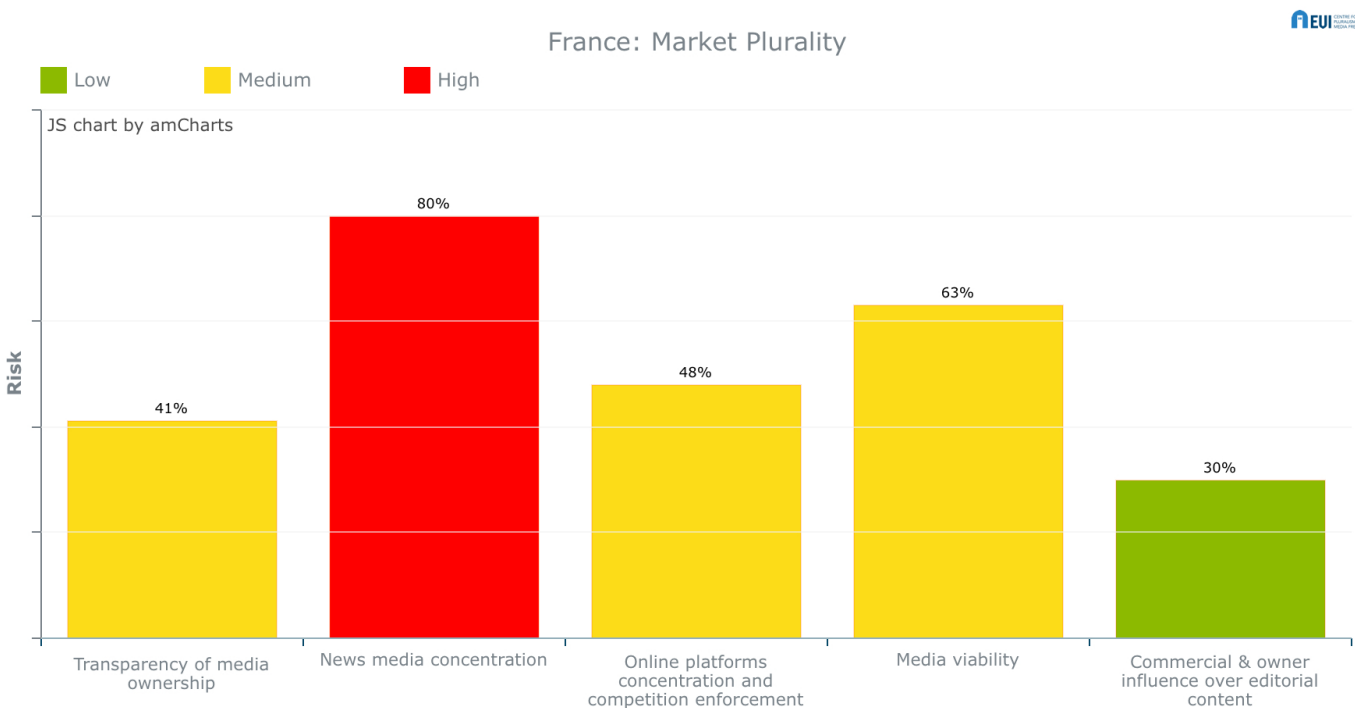
## **1.5. UNIVERSAL REACH OF TRADITIONAL MEDIA AND ACCESS TO THE INTERNET**

- Risk assessment: "medium" (49%, down 7 points).

Universal coverage is guaranteed by law (30 September 1986 law; for digital terrestrial television [TNT]: 5 March 2007 law no 2007-309; 14 October 2015 law no 2015-1267), reaffirmed in PSM bills of specifications, and monitored by the CSA. 2021 TNT coverage amounts to 97%. There is no recent data for radio broadcasting.

### 3.2. Market Plurality (52% - medium risk)

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



## II.6. TRANSPARENCY OF MEDIA OWNERSHIP

### Introductory overview

- Risk assessment: “medium risk” (41%, up 10 points).

The French legal apparatus ensures a certain degree of transparency: ownership of companies is semi-public (pay for access at the trade register). Various national laws (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) impose the publication of all direct and indirect/final owners of media outlets, ensuring an important degree of transparency, especially since the implementation in France of the 2015 and 2018 EU directives that aimed at fighting against the financing global terrorism (no 2015-849; no 2018-843).

## **Issue requiring specific scrutiny**

- **Lack of transparency**

In their report on “Who owns the Media?”, economist Julia Cagé, sociologist Olivier Godechot and their colleagues (2017) had stressed the great lack of transparency and complexity of shareholding structures in the media sector. As of July 2021, France is not in the Open Ownership register, has not signed its engagement, but is complying with EU regulations and committed to an “Open Government”.

## **II.7. NEWS MEDIA CONCENTRATION**

### **Introductory overview**

- Risk assessment: single one with the highest risk (80%, up 5 points).

This year, there are signs of greater oligopolistic control of news media. The complex set of laws imposing various thresholds (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...) aren't effective at stopping further concentration (Carasco, 2018; Kamina, 2016).

### **Issues requiring specific scrutiny**

- **Concentration**

Cagé and Godechot's work – as well as others (Monde diplomatique & Acrimed, 2021) – stress the high degree of concentration of the French mediascape. This is a real threat to media pluralism. As mentioned in last year's report, the types of conglomerates that have invested in the media since the 1980s operate in economic fields that are highly dependent on public procurement (arms), that are highly regulated by the State (telecommunications, transportation), or in which the State has important stakes (all of the above). Besides lobbying, media control, in this context, is an obvious means of influence, and the ties media moguls have with leading political figures are well known and documented.

In fact, though the 30 September 1986 law (no 86-1067) was amended dozens of times since its inception, its anti-concentration clauses (art. 38 to 41) were barely amended in over a third of a century (except for digital terrestrial television), and anti-concentration regulations concerning the print press have proven unable to stop the trend towards further oligopolistic concentration.

- **TF1-M6/RTL merger**

One of the crucial issues that appeared in 2021 on this topic was that of the planned TF1-M6 merger (Sonnac & Eutrope, 2021; Cagé in Sénat, 2022b). If the merger is confirmed, the group will control 10 digital terrestrial channels, when the limit is 7 free national channels. Bouygues would also be acquiring its first radio station: RTL. The Competition Authority will thus most probably demand that, provided both itself and the ARCOM accept the operation, the Bouygues-controlled media group sell certain of its outlets. It will then

probably let go of its smallest channels, which represent 5-6% of the global audience out of 40%. Independent audio-visual producers are very worried by the new entity's prospective market power.

One of the major questions in this case, rather than audience shares, is that of the advertising market the new entity will control, and thus the threat it would represent to the financing of competing, smaller outlets. Indeed, together, the channels represent 70% of this advertising market. Bouygues has made the case that the online advertising market should be included within the calculations, to underline the weight of Google-Facebook duopoly (Perrot & al., 2020) at a more global level (especially considering the increase of online viewing practices).

With the new winner-takes-all law of the digital economy (technical and economic convergence, extended network effects, economies of scope, etc.), some consider that the evolution towards more concentration is unavoidable, if French media are to remain sovereign and resist the global domination of the GAFAM – an argument, of course, commonly defended by the agents of such processes, but also by several media scholars (Sonnac, Éveno, in Sénat, 2022b).

- **Other recent significant cases of concentration**

The cutting up of the Lagardère empire between Bernard Arnault (LVMH) and Vincent Bolloré (Vivendi) continued in 2021 and will extend to 2022, leading to a dominant control by the latter of both media magnates. In February 2021, the Competition Authority accepted the buying of the Paris-Turf group by Xavier Niel's NJJ Holding. In April, it accepted the buying of Prisma Media by Vivendi / Bolloré, from Gruner + Jahr (Bertelsmann). In October, Reworld Media acquired Meltygroup. We should also mention that in the local television sector, the BFM network has greatly increased its position.

## **II.8. ONLINE PLATFORMS AND COMPETITION ENFORCEMENT**

- See chapter 5 – Internet section.

## **II.9. MEDIA VIABILITY**

### **Introductory overview**

- Risk assessment: “medium” (63%, down 7 points – near “high”).

The situation is obviously much less difficult than during the peak of the COVID crisis. There are significant differences (audio-visual / print press, public / private), mainly concerning advertising revenues. New models and the development of new forms of financing, especially for online media, point to solutions that can go either towards more independence, or to a growing rationalization of the sector.

## Issues requiring specific scrutiny

- **Advertising revenues**

The radio's ad revenues have slightly decreased, while print press ad revenues have plummeted and digital media's have strongly increased. There is a fast migration of advertising towards online forms which, of course, does not profit all media outlets. Online media have captured revenues that previously went to print media. If we compare the first trimester figures of the years 2021 and 2020, it appears that advertising revenues and gross investments in private television channels have strongly increased, but private channels have seen their figures skyrocket (TF1: +131%; M6: +137%, C8, CStar, Canal Plus: +166%...), while the figures for PSM channels are much lower (France 2: +37%, France 3: +35%, France 5: +18%) (Kantar & al., 2021; CNC, 2021).

- **Revenue models**

As their advertising and sales revenues have constantly decreased since 2007, traditional print media increasingly depend on online integration (Lyubareva & Rochelandet, 2017), valorization (thus the importance of the issue of neighboring/related rights – Joux, 2020a, 2020b; Ouakrat, 2020; SPIIL, 2019) and diversification (Guignard, 2019), subsidies or private funds, and some on prior subscription models which can benefit from recent tax-rebate schemes. Crowdfunding is not a major source of financing for print and online media, which represent less income than traditional subscription models (Rebillard, 2020).

Considering economic models, there is a growing trend towards paywall systems – online subscriptions for full content access, which bet on readers' desire for editorial independence and ad-free reading experiences. Such solutions, among others, tend to attract people with relatively solid cultural and economic capital, and can accentuate the “social duality” of media practices (Charon, 2015) – serious, print content for graduates, and commercial, audio-visual for the less educated.

New types of online distribution have appeared, for example with online “stands” [*kiosques*], with Facebook News, (Google) News Showcase or Apple News Plus, the problem here being that the GAFAM imposed these models in deals on related rights. French actors have also launched new infomediaion platforms: for instance, Phone company SFR created “SFR Presse” in 2016, Bouygues created “LeKiosk” in 2017 – both were replaced by Cafeyn in 2020, a platform for three phone operators (Free joined in). Publishers and journalists aren't necessarily well remunerated by such offers (Rebillard & Smyrnaiois, 2019, 2021; Rebillard, 2020; Mattelart, 2020).

- **Forms of concentration and synergies**

New forms of synergies, horizontal concentration and partnerships have developed in these years, for example with chains of advertising, which make individual outlets less vulnerable to major advertising agencies, and common content disseminated through joint regional newspapers, as is the case with the EBRA regional press group (Bousquet & Amiel, 2021). Some have found ways to diversify their online offer so as to profit from network effects and lock-in strategies, for example by concentric concentration around a strong “brand” and its main portal/hub – this is the case of *Le Figaro* (Joux, 2017; Rouquette, 2017), *Le Monde*, of many regional press titles, as well as of audio-visual groups (Lafon, 2021), as the consumption of

television news programs becomes more hybrid, with many contents being watched online (Guibert & al., 2016; Le Diberder, 2019; Dejean & al., 2021, 2022).

- **Data: new forms of investigation and of standardization**

New types of journalism have flourished, such as “solutions” or “constructive journalism”. On the other, more investigative side of the spectrum, there are new independent media (Disclose, Forbidden Stories) and forms of analysis, such as data journalism. In recent years, data journalism has led to original journalistic projects focusing on violence against women, police violence during the Yellow Vest movement.

There is a counterpart to datafication of our media environments. Beyond the problems of “digital governmentality” in online consumer practices in media outlets (Sebbah & al., 2020) and social networks (Badouard, 2021a), one should underline the growing influence of such processes in the production of news (Joux & Bassoni, 2018): for instance, the replacement of journalists by algorithms / “robot journalists” to treat data and formalize it into news snippets (Raynaud & Didier, 2018), as was the case with *Le Monde* during the last municipal elections. Many digital native media (Melly, Konbini) systematically resort to algorithms.

## **II. 10. COMMERCIAL AND OWNER INFLUENCE OVER EDITORIAL CONTENT**

### **Introductory overview**

- Risk assessment: “low” (30%, down 20 points – close to medium).

French regulations clearly distinguish journalism from advertising and communication (art. L7111-4 of the Labor Code). Art. 1 of the August 1986 law distinguishes “press publications” from promotional tools, while art. 10 (and art. L121-15-1 & 2 of the Consumer Code) imposes that the commercial nature of advertising content be clearly indicated as such. It also forbids any editing company from receiving (or being promised) money or any other advantage in exchange for misrepresenting financial advertising as information. Though there are multiple examples of owner and commercial influence over newsrooms and media content, there have been many original initiatives promoting independence (thus the improvement of the score) – they are more examined in the Internet section.

### **Issues requiring specific scrutiny**

- **Outsourcing & rationalization of content production**

There are more and more cases of newspapers (paper and online) that have radically transformed their journalistic and ethical identity upon a change of ownership, and done so to get rid of permanently employed, professional journalists, and replace them with a much more malleable workforce. New media conglomerates are happy to see former journalists resort to the “conscience clause” (Labor Code, art. L7112-5) and are eventually willing to pay compensation fees, in order to radically transform the media outlets they acquire and streamline costs. For instance, Reworld Media outsources many functions (the phenomenon is on the rise in the whole sector – Berthaut, 2021), using a company in Madagascar, which

pays its employees €11 to €15 a day, rationalizes and disciplines the production of content thanks to self-employed journalists or interns. The company actually does not work with editors in chief, but with what it calls “brand managers”. A huge number of journalists had resorted to the conscience clause when Reworld Media acquired Mondadori France in 2020. The same sequence took place in 2021 with *Rustica* and *Système D*.

- **The contamination of journalism with advertising**

Some segments of the media field (or of media outlets) have significantly blurred the lines between journalism and commercial communication (“communication journalism”). This phenomenon is illustrated by formulas such as sponsored contents, “brand content”, “content commerce”. Several major media groups are investing massively in these marketing solutions. This type of content has followed the trends of online commerce, and many outlets have developed further “content-to-commerce” formats. Many develop vertical concentration and invest in the production of new formats, including advertisements, videos, podcasts, documentary series (Condé Nast’s “Creative Studio”, Media.Figaro’s “14Hausmann”, Next Media Solutions’ [Altice] “Studio Next”).

- **Common goods and ownership pluralism**

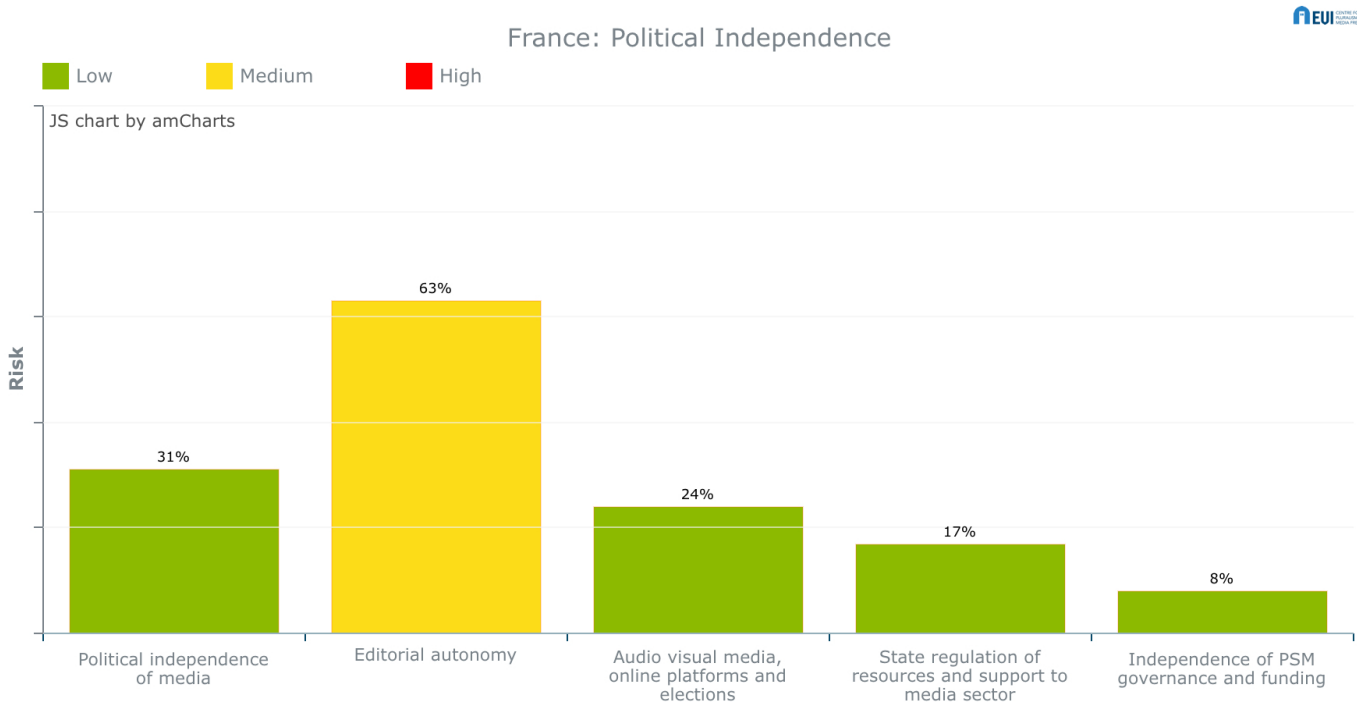
As mentioned in last year’s report, to thwart political and economic pressures on the news that stem from the dependency upon public financing or private capital, authors like Pierre Rimbert (*Le Monde diplomatique*) and Patrick Champagne (2016) champion the model of a mutualized service of information production and dissemination infrastructures, that would supply for all newspapers (print and online) working for the general interest the means necessary for the printing, circulation, distribution, storage, online dissemination, etc., as well as administrative, accounting, legal, and commercial services, financed by member subscriptions, and organized by members, on the model of the French social security or retirement funds.

With similar goals, but with a very different approach, Julia Cagé and Benoît Huet (2021) consider that we must enact not only media pluralism, but “ownership pluralism”. With this in mind, they proposed the status of a “non-profit media organization” that would enable media outlets to collect enough funds to be financially viable (via reader involvement, crowdfunding, small share-owning, tax incentives), while granting journalists and readers a role in the internal decision-making process.



### 3.3. Political Independence (29% - 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 the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



## III.11. POLITICAL INDEPENDENCE OF MEDIA

### Introductory overview

- Risk assessment: “low” (31% – close to “medium” –, up 2 points).

Within the audio-visual 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, in France political influence is more indirect than direct. It is the ties between political parties, figures, ideologies and media magnates that account for cases of political leverage (Comby & Ferron, 2018; Lévrier, 2019), much more than direct political control, which is less and less frequent.

## Issues requiring specific scrutiny

- **The expansion of the Bolloré empire: a French Fox News**

The control Bolloré has acquired over an important segment of the mediascape, which kept on growing in 2021, and the orientation he has given to the media he owns by redefining newsrooms and content, is an example of such indirect political control. His audio-visual outlets clearly routed for the far right in the months building-up to the presidential election. Censorship and intimidation have continued to reign at Canal Plus: for instance, in late 2020, Sébastien Thoen was fired for a satirical sketch on CNews; he was followed by Stéphane Guy, fired for supporting him.

Within Europe 1, during the Summer, an important number of journalists and employees decided to resign, referring to the conscience clause, which they obtained after a five-day strike (the station has the status of a press agency, where journalists do not benefit from the clause). There were many cases of clear “repression” of dissent: impersonator Nicolas Canteloup, who had been working for 16 years at Europe 1, and who had been critical of Bolloré, was fired before the end of his contract in 2022, following the path set at Canal Plus. A joke about Éric Zemmour by comedian Christine Berrou was censored – she decided to resign. Many journalists publicly attacked Bolloré and his management techniques (Reporters Without Borders, 2021b; Cagé, 2022).

Many were replaced by right-leaning new figures or opinion journalists from CNews, one of Bolloré’s flagship television stations. Some of their original programs were adapted to be aired simultaneously on the newly acquired Europe 1 radio station, thus producing a threefold reduction of pluralism: in programs, journalists, and in content (opinion journalism vs expertise and investigation). When taking control of the newspaper branch of the Lagardère media empire, Bolloré fired Hervé Gattegno, the director of the *JDD* and *Paris-Match* (and a critic of Zemmour), and replaced him with two of his henchmen, Patrick Mahé and Jérôme Bellay. Gattegno, who is a critic of the far-right, was involved in the latest episode of the Libyan-Takieddine-Sarkozy scandal, which had further weakened his position.

- **Bernard Arnault**

Bernard Arnault is another important actor of recent concentration trends within the print press. LVMH has a very strong presence in the media sector, via its group Les Échos-Le Parisien. An ally of Macron’s (who wants to limit Bolloré’s expansion, for ideological reasons), he unsuccessfully tried to oppose Bolloré’s takeover of the Lagardère media empire.

- **Recent developments in the Sarkozy-Kadhafi scandal**

Another ongoing scandal has ramifications in France, Lebanon and Libya. Ziad Takieddine, the Lebanese intermediary who was condemned in 2020 in the Karachi affair, is also involved in the scandal of the possible Libyan financing of Sarkozy’s 2007 presidential campaign. In 2016, he had confirmed to the press and to the judges that he had brought millions of Kadhafi euros to the Sarkozy clan. In November 2020, Michèle “Mimi” Marchand, the head of the Bestimage celebrity agency, a friend of the Sarkozy-Bruni couple and of the Macrons (she was in charge of the latter’s public image during the 2016-17 presidential campaign) and of members of the Sarkozy clan, organized an interview with Takieddine, to be conducted by

journalists, in the presence of a Bestimage photographer (Sébastien Valiela). In the interview, Takieddine denied what he had told the press and the judges, claiming he had never given any Libyan money to Sarkozy, and that the judges had put false words in his mouth. The organizers also pushed Takieddine to write down a confession in front of Lebanese attorneys, so as to influence the judicial procedure. This “retraction” was showcased in *Paris-Match* and in a 32-second interview on BFM TV, in November 2020. Marchand, among others, is now accused of criminal conspiracy and witness tampering. Ties to Sarkozy henchmen have been exposed in various investigations.

### **III.12. EDITORIAL AUTONOMY**

#### **Introductory overview**

- Risk assessment: “medium” (63% score – near high –, up 9 points).

There is no common regulation specific to the appointment of editors-in-chief, and there aren’t any legal safeguards concerning private media, despite the importance of “sociétés de journalistes”, the existence of ethical clauses, and constant public scrutiny over the procedures. The aforementioned brutality with which the media acquired in 2021 by Vincent Bolloré were brought to heel accounts for the higher score.

#### **Issues requiring specific scrutiny**

- **State pressure**

There are also various forms of pressure on journalists exerted by the State, when the former dig too deep into certain affairs, as mentioned in last year’s report (Benalla affair, arms sales to Saudi Arabia). There have been recent cases of police pressure on journalists: for instance, *Reporterre* journalist Alexandre Reza Kokabi was condemned on questionable charges after covering a demonstration. At the local level, it can be very difficult for small news outlets (print or online) to confront political pressures, given the lesser “segmentation of roles between readers, sources, news protagonists, advertisers and/or investors”, which “blurs the separation” between domestic and public issues, thus limiting the possibility for such media to produce “uneasiness” among local political elites (Kaciaf, 2020).

### **III.13. AUDIO-VISUAL MEDIA, ONLINE PLATFORMS AND ELECTIONS**

#### **Introductory overview**

- Risk assessment: “low” (24%, up 10 points).

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 audio-visual media (public or private). The growth of the Bolloré empire, its support in 2021 of the then not-yet-declared far-right candidate Éric Zemmour, the development of opinion journalism constitute new threats in this field.

## Issues requiring specific scrutiny

- **Elections**

The first phase of the official media campaign for the 2022 presidential elections only started on 1 January 2022. Reports on the June 2021 local elections haven't been released yet; however, LCI and CNews were called to order by the CSA for artificially balancing the speaking time of the various political forces by broadcasting speeches by several underrepresented parties (LREM, EELV, LFI) during the night. These practices have been prevented for future elections by a 6 October 2021 CSA recommendation (no 2021-03).

- **The growth of opinion journalism**

The 2022 presidential election campaign is underway. The CSA, while defending the freedom of expression of all media outlets, has considered recent trends in French private audio-visual media, and underlined the strong development of opinion journalism. The constitutional principle of pluralism must be respected, and thus serves as a frame for opinion media. This explains the authority's late 2021 decision to consider that the speaking time of those who, in the media, explicitly support a candidate, had to be added to that candidate's airtime. The same rule applied for content dedicated to one single candidate and not deemed "unfavorable" to him/her. This means opinion channels cannot merely focus on their favorites without there being any consequences for the calculation of the said candidate's airtime.

- **The case of Éric Zemmour**

Before announcing his candidacy on 30 November 2021, media pundit Éric Zemmour benefitted from huge media coverage, as a pundit in *Le Figaro*, on CNews. His Fall 2021 book tour, within the media and all over France, already had all the features of a presidential campaign. The ambiguity of this situation led the CSA to impose, from 9 September 2021 on, that every one of his appearances in audio-visual media be considered as if he were indeed officially engaged in the race. This pushed Zemmour to put his media engagements on pause, and dedicate himself to the promotion of his book – another form of pre-campaign. The journalist seemed to actually benefit from the decision, as he was all the more the talk of the town in the following weeks, and as he easily spun it as political censorship.

The entire Bolloré media machine has been rooting for the themes developed by Zemmour (Sécail, 2022) – mainly the question of immigration. Ludicrous slogans such as "the great replacement" or revisionist conceptions of the Dreyfus affair or of the role played by Marshall Pétain in the deportation of Jews during World War II (Noiriel, 2019; Joly, 2022) are now rooted in the political field. The model here is clearly that of Donald Trump – Zemmour has claimed the inspiration – and the role Fox News played in his ascension. Conversely, the PSM are being more frequently and violently attacked by several private media journalists and shows as a leftist/"woke" den, for not following the far-right-leaning mainstream agenda.

### **III.14. STATE REGULATION OF RESOURCES AND SUPPORT TO MEDIA SECTOR**

#### **Introductory overview**

- Risk assessment: “low” (17%, up 13 points).

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). There was criticism in 2021 concerning the fairness of the distribution of subsidies, as well as cases of abuses, which led to a tentative new regulation.

#### **Issues requiring specific scrutiny**

- **Distribution of subsidies**

In recent years, the distribution of State subsidies, whether direct or indirect, has become more transparent and fairer, under the pressure of new actors, such as the Union of independent online press outlets (SPIIL), which demands that these aids be more equally distributed across the media field, so that all press families (and especially the online press) be better taken into consideration. A 15 December 2021 (no 2021-1666) decree enacted the creation of a fund to support online media pluralism, aimed at exclusively online general political news outlets.

- **Abuses & revision of rules**

The support scheme can be abused by certain media groups. Following the scandal involving Reworld Media’s practices (see last year’s report), the Minister of Culture Roselyne Bachelot decided in December 2020 to create a commission to establish stricter rules for outlets to have a claim to direct and indirect aids. The report insisted on the necessity that news outlets, in order to apply for various support funds and mechanisms (reduced VAT rate, reduced postal fees), employ a minimal number of professional journalists (pursuant to the definition of the Labor Code, art. L-7111-3), produce original and trustworthy journalistic content by recognized professionals. A 21 December 2021 decree (no 2021-1746) enacted the changes (reduced VAT, postal exoneration). However, this did not solve the problem: *FranceSoir*, which was one of the main targets of the whole procedure, eventually managed, thanks to cosmetic changes to its workforce, to remain eligible for public support. Other problems subsist: the concentration of subsidies in the hands of conglomerates, and of the payment of subsidies to outlets that outsource their production.

### **III.15. INDEPENDENCE OF PSM GOVERNANCE AND FUNDING**

#### **Introductory overview**

- Risk assessment: 8% (down 17 points).

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 (20 September 1986 law; 15 November 2013 law no 2013-1028).

#### **Issues requiring specific scrutiny**

- **Appointments**

There haven't been many cases justifying suspicion of politically motivated appointments in PSM governing bodies. There was one specific polemic in March 2021, when Cyril Graziani, who is close to Macron, was appointed as head of France Télévisions's political desk.

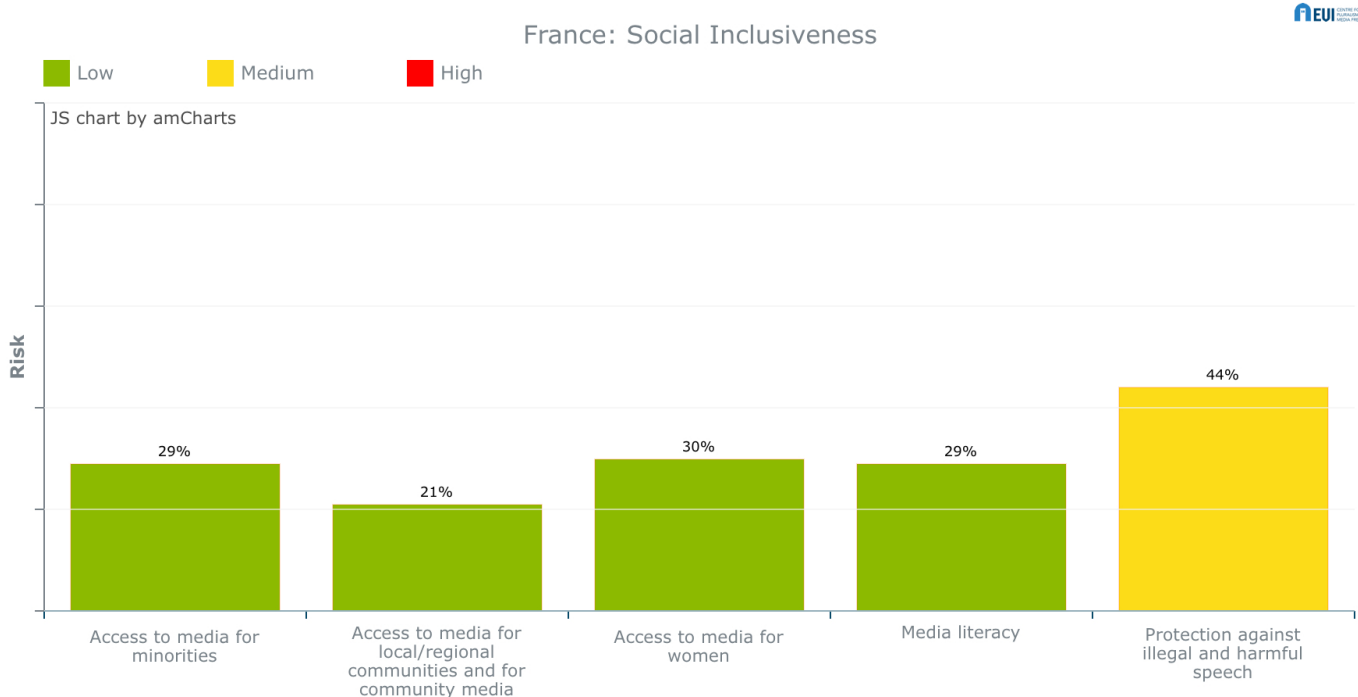
- **Funding of PSM: criticism & future changes**

A new law on “audio-visual communication and cultural sovereignty in the digital age” is underway, which will address the obsolete funding of the PSM (flat tax paid with a residence tax bound to disappear, migration of viewers to online devices), and adapt the French law to the 2018/1808 EU “ASMD” ruling, deeply changing the September 1986 law. It has not yet been discussed in Parliament.

These issues are unfolding within a context of relentless austerity measures. As they appear in the performance agreements that engage the PSM, the current principles, in terms of financing and expenses, tend to favor cuts (190M€ economy for all PSM over the 2018–2022 period, partially masked by the COVID emergency funds), that are supposed to be compensated by the closing of France Ô, new sources of financing (sponsorships, advertising, etc.), productivity gains, and most of all “structural efforts”, i.e. lay-offs (-937 FTEs since 2015 at France Télévision, -911 at Radio France). France Télévisions' budget was balanced in 2021 and should also be in 2022, thanks to these drastic measures. Several strikes were organized to protest against this situation. The development of new formats, especially on the radio (podcasts, videos) to attract online advertising is not matched by the creation of specific technician jobs to oversee this strategy, only adding to the workload.

### 3.4. Social Inclusiveness (31% - low 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. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech.



## IV.16. ACCESS TO MEDIA FOR MINORITIES

### Introductory overview

- Risk assessment: “low” (29% – close to “medium” –, down 17 points).

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). Yet, within a cultural context marked by a strong attachment to color-blind republicanism, universalism and secularism, France's often uneasy relationship to its postcolonial immigration, the climate created by terrorist attacks, and the ground gained by far-right discourses as the presidential election approached, have intensified polemics on Islam, “race”, and so-called “woke” anti-racism. Still, according to several reports and experts, progress has been made, especially concerning access to media for disabled people

## Issues requiring specific scrutiny

- **Efforts in the PSM**

In January 2021, Radio France launched its “360° Equality Program”, a series of commitments to encourage all forms of diversity (social, gender, ethnic, geographic, etc.) on its channels as well as within its staff and regular activities. It was elaborated by the former “Diversity and Equality Committee” (now coined “Comité Égalité 360°”), Radio France’s Delegation for equal opportunity and the fight against discrimination, unions and a network of over 100 employees. The program proposes 60 measures for more diversity within both its staff and its content, and has increased the number of programs dedicated to fighting against prejudices. Radio France measures the progression of diversity and its public perception since 2015.

France Télévisions also has a charter for the promotion of diversity, in its staff (via partnerships with journalism schools, for instance) as well as in its content (it signed a “Pact for the visibility of the Overseas”, inserted a diversity clause in its contracts with external producers, created a casting book to promote actors and anchormen and women from non-white backgrounds).

- **The representation of diversity in the media**

The CSA’s 2020 assessment on these issues was integrated into the European Broadcasting Union’s (EBU) report on “Diversity and Public Service Media”. It used 7 criteria to determine diversity in audio-visual media (perceived origin, sex, socio-professional category, disability, age group, job insecurity, place of residence). The report was published in June 2021. On the one hand, it asserts that there has been an “improvement in the representation of people perceived as ‘non-white’ on television in 2020, especially in French programs”. On the other, it reveals that, while in 2019, there had been “substantial fall” of the representation of people perceived as “non-white” in marginal or illegal activities (36%), the weight of this stereotype went back up by 7 points in 2020, meaning that, despite progress, there still is an important share of negative representations.

- **The representation of disability**

A 21 December 2020 ruling, transposing the latest version (2018) of the Audio-visual Media Services EU Directive (AVMSD), imposes significant goals for the accessibility of video on demand programs, while reinforcing the CSA’s authority and imposing obligations to service providers. In October 2021, the National advisory council for disabled people (CNCPE) launched a national campaign entitled “Voyons les personnes avant le handicap” to promote positive representations of disabled people in the public sphere, including online media.

There has been progress in 2021: despite low levels of representation, there is a willingness by the authorities to really tackle these issues, and a true improvement within audio-visual content, with more shows dealing with disability, in a variety of perspectives. Disability is no longer exclusively presented according to the miserabilist (“Téléthon”) / heroisation (Paralympics) dichotomy.

According to the CSA’s 2020 “barometer” on the representation of French society within audio-visual media (CSA, 2021), the “representation of disability still remains very marginal”: only 0.6% of people represented on screens were identifiable as disabled – when 12 million people suffer from a type of disability –, with



strong contrasts from one type of disability to another, and in function of the types of content broadcast. Disability is essentially visible in fictions (69% of people perceived as disabled appear as such in fictions; 44% as the main characters or “heroes”). In other programs, disabled people are perceived in 12% of magazines and documentary films, 10% in the news, 7% in entertainment shows, but only 1% in sports (CSA, 2021).

- **Staff diversity**

Some private media organizations have put some effort in – at least – advertising their actions in favor of staff diversity. For instance, The Fondation TF1 has established mechanisms to promote young workers from a variety of backgrounds. It publishes an annual report on the different “promotions” it integrated in its staff. Such initiatives can have positive effects, the paradox being that the print press is both the sub-sector in which the persistence of segregation is most mentioned and where staff diversity is the lowest. There have also been recent incentives promoting the integration of disabled people in media staff (19 November “Duo day”). The media are tightly associated to the initiative, which seems to have had positive effects (10% of participants got a job).

- **Subtitling and audio-description**

A poll published by the Fondation Jaurès and NGO Média’Pi ! (2021) underlines that 22% have experienced discrimination in access to media. 58% consider that the media have consented efforts to make their content more accessible. Concerning subtitling, quality is deemed sufficient to watch movies (86% agree), but much less to follow the news (53%), and even less to follow political debates (31%), a problem obviously all the more important during election cycles. According to the CSA’s 2020 barometer, 6 channels have increased their offer of subtitled programs – among which three PSM (France 2, 3, 4). Sign language has increased on all 24h-news channels. 5 new channels declared they had broadcast audio described programs; 7 private channels have reinforced their offer of audio described programs in 2020.

## **IV.17. ACCESS TO MEDIA FOR LOCAL/REGIONAL COMMUNITIES AND FOR COMMUNITY MEDIA**

### **Introductory overview**

- Risk assessment: “low” (21%, up 8 points).

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 meant to guarantee pluralism, the Fonds de Soutien à l’Expression Radiophonique Locale (FSER), supports local and community radios, but there still is no equivalent for local televisions, which would require much higher funds, as trends towards concentration are also accelerating at that level.

## Issues requiring specific scrutiny

- **Financing of local television stations**

In its 2020 report, the CSA stressed the fact that 22 out of 36 stations declare a majority of public support (from local governments) in their financing. In mainland France, the proportion of private resources amounts to 57%. The alternative for local televisions is the increase in advertising revenues. A 5 August 2020 decree (no 2020-983) enabled local televisions to propose local, targeted advertising, forbidden under the 30 September 1986 law.

- **The recent failure of local television networks and new forms of concentric concentration**

Local television stations were severely impacted by the COVID crisis. An exceptional fund was created in April 2021 to help both them and local radios cope with the situation (30M€).

Since 2017, there have been initiatives to create new local television networks such as the Vià network (created by Bruno Ledoux, a financier and shareholder of many print press media), meant to compete with France 3 Régions (Joux, 2021). However, plummeting advertising revenues compromised the project. Altice abandoned its planned partnership via BFM in December 2020, after two years in the making, and Vià was liquidated in February 2021. This created an opportunity for other audio-visual groups as well as print press groups to develop synergies and invest in local television. In March 2021, ViàGrandParis was bought by Secom and the Groupe Figaro, which could use its recent studios to profit from economies of scale and synergies with its platform. ViàOccitanie and ViàATV channels were bought by regional print press group La Dépêche du Midi in April 2021 (journalists opted for that solution, rather than the Altice-BFM offer). These developments may be a prelude to a further reorganization of the local mediascape, to the detriment of PSM, considering aforementioned evolutions in organization and funding.

- **Representation and new demands for public support**

In 2019, the two main associations representing local television outlets (TLSP and TLF) regrouped in the association Locales.tv, which lobbies, negotiates with the CSA, proposes changes to the law and regulations. Another association, the SIRTI, represents 170 independent local radios. The SIRTI and Locales.tv held a first joint conference on local audio-visual media. Basing their demands on the trust French citizens have in their local media, they asked for the creation of a new status, and a new “label” enabling new forms of protection and support, similar to those that exist for the press or the radio: funds for terrestrial broadcasting, for innovation, to ensure independence from intermediaries, a tax credit on advertising investments, and a reduced VAT rate on subsidies.

## **IV.18. ACCESS TO MEDIA FOR WOMEN**

### **Introductory overview**

- Risk assessment: “low” (30% – near “medium” – up 12 points).

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. However, the COVID crisis underlined the persistence of a massive under-representation of women. The 2 August 2021 law (no 2021-1018) harmonized the definition of sexual harassment in the Labor (art. L1153-1 through L1153-6) and Penal (art. 222-33) Codes, following a first effort in that direction in 2018 (3 August law no 2018-703). Additional efforts were made in March 2019, with the Ministry of Culture rounding up 80 cultural and media companies to sign charters on gender equity.

### **Issues requiring specific scrutiny**

- **Female representation in the media**

The 2020 report by scholars Marlène Coulomb-Gully and Cécile Méadel stressed the fact that female experts are still a minority in French media. Their expertise is rarely recognized; experts or spokespersons are women in 1 out of 4 cases at the maximum. Representation of women is very unequal for the following professions: politicians (17%), athletes (18%), company directors (19%), media professionals (22%, stable), academic lecturers and teachers (24%, progressing), etc. These conclusions are also supported by the latest report by the High Council for the Equality of Men and Women (2021), according to which women are underrepresented in the media, with a gendered distribution of various topics, women still being “marginalized” in “regalian topics”.

In its 2020 annual report (published in May 2021), the CSA revealed that there still is an important under-representation of women in French audio-visual media (41%, stable). Their presence on television has risen (40%, up 7 points), but not their speaking time (36%, down 1 point). The share of female experts continues to progress (41%, up 11 points since 2016), “good results” according to the report, that have to be put to the credit of the public service television and private radio stations.

During the COVID crisis, medical personnel (doctors, pharmacists, etc.) were often invited to comment on governmental measures, the vaccines, the tests and so forth. The fact of the matter is that such professions are predominantly male: the experts invited by the media then tended to reflect the existing social morphology of medical professions (Doukhan & Rémi, 2020; Coulomb-Gully, 2019). Several experts also insist on the fact that, while the situation of women experts in the media remains problematic, we must assess long-term evolutions, and consider the effects of initiatives such as [Expertes.fr](https://www.expertes.fr) (an online directory of women experts in more than 300 fields) and if they eventually contribute to improving the situation.

- **Economic insecurity & sexual harassment**

Structurally, female journalists are in a more precarious situation than their male colleagues, they more often have temporary contracts or a freelance status. Lack of job security makes women more vulnerable, and thus more exposed to everyday sexism, “old school” machismo and, in some cases, sexual pressures

and aggressions. Indeed, in addition to ongoing issues of harassment in newsrooms and journalism schools (Posetti & al., 2021; Reporters Without Borders, 2021c), there were in 2021 several public accusations of sexual harassment against leading media figures, revealing that there still is a lot of progress to be made in the workplace.

## **IV.19. MEDIA LITERACY**

### **Introductory overview**

- Risk assessment: “low” (29%, down 25 points).

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. The December 2018 law (no 2018-1202) added various elements pertaining to media and news education to the Code of education. Indeed, both experts consulted for this report consider a lot has been done to improve and diversify media literacy tools.

### **Issue requiring specific scrutiny**

- **The heterogeneity of the media literacy apparatus**

The shock provoked by the assassination in October 2020 of a teacher, Samuel Paty, by a young Islamist increased official mobilization for media literacy among students, as did the rise of disinformation. The Minister of Education asked that a 12-member working group be created to consider new directions for media literacy, especially online.

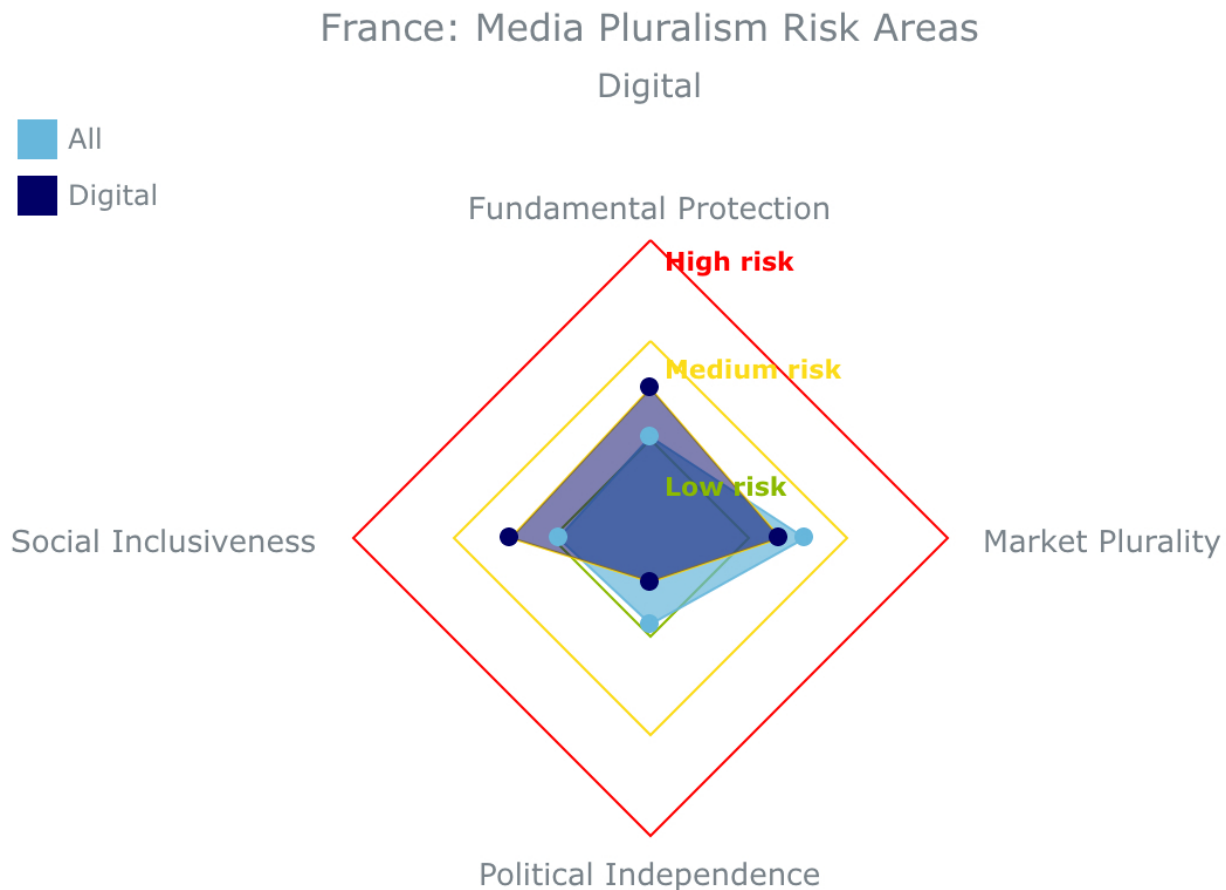
Yet, strong disparities exist between the existing tools, and the reality of their implementation. At the national level, the apparatus is too heterogenous, and isn't sufficiently appropriated by all actors of the educational and associative fields. History-geography teachers usually take care of it, as well as librarians in secondary schools and high schools. The former can oppose resistance to the official, top-down ideology professed by a specific Minister of Education.

## **IV.20. PROTECTION AGAINST ILLEGAL AND HARMFUL SPEECH**

- Risk assessment: “medium” (44% up 12 points).

See chapter 5 – Internet section.

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



JS chart by amCharts



### I. FUNDAMENTAL PROTECTION

- Risk assessment: “medium” (50%, up 6 points).

Concerning fundamental protections, many of the problems outlined in last year’s report have remained in 2021, as the recent legal apparatus did not dissipate a certain number of ambiguities and shortcomings, such as the delegation of content removal to tech giants. Some risks are greater within the online media ecosystem (job insecurity, threats).

#### I.1. RESPECT OF FREEDOM OF EXPRESSION

##### Issues specifically pertaining to online media

- **The new legal apparatus**

In 2021, there have been important additions to the existing legal apparatus regulating online media (12/20/2018 law no 1202; 06/24/2020 “Avia” law no 2020-766), and new controversies. The devices created by the aforementioned August 2021 “separatism” law have raised serious concerns, especially the fact that website blocks and content removal are not submitted to sufficient judicial and administrative oversight –

something which had already been considered contentious in the “Avia” law. There are, of course, appeal mechanisms, but they aren’t deemed sufficient to fully preserve freedom of expression. Other forms of less visible censorship also exist, such as “shadow bans” (Badouard, 2021b).

French legislation will also be significantly changed by the implementation in mid-2022 of the 29 April 2021 EU ruling (no 2021-784, adopted in June) relative to fighting against online terrorism. These new rules impose upon platforms such as Facebook or Twitter that they use their algorithms to filter and intercept terrorist propaganda, and block such content within an hour. The EU ruling insists upon the necessity to preserve freedom of expression (§ 10), especially the dissemination of, for instance, educational, journalistic, artistic or scientific content dealing with terrorism (§ 12, see also art. 1). It thus obviously knows the risks of automated and algorithmic responses to such threats, as these tools do not systematically distinguish, for example, propaganda from mere commentary, quotations or irony, and as platforms that risk high fines could opt for overtly zealous filtering methods. These issues – and others (safeguards, remedies, complaint mechanisms...) – are mentioned in the ruling (§ 23, 27, 32, art. 9, 10).

Yet, pragmatically, such principles are hard to implement without the provision of adequate software, material and human resources. More fundamentally, the delegation of important public interest missions to private platforms means the State relies on their good faith to provide transparency on how they do so. But these major companies defend the lack of transparency on their algorithms in the name of trade secrecy laws (La Quadrature du Net, 2021). As the National Commission on Informatics and Liberty report asserts (CNIL, 2021), the actual apparatus and the future one on disinformation may have to be revised once again, less it be once again “censored” by the Constitutional Council.

### **I.3. JOURNALISTIC PROFESSION, STANDARDS AND PROTECTION**

#### **Issues specifically pertaining to online media**

- **Socio-economic insecurity**

The migration of news outlets to the digital and online realm has increased the economic insecurity of the profession, especially of young professionals. Indeed, they suffer from spending more and more time at their desk in front of their computer (“desk web”, “web content producer” jobs – Neihouser, 2018; SCAM, 2019), reorganizing and grinding information for online development, doing repetitive and superficial work (in flux, short-term news on fast-journalism websites) with less contact with people, rather than actually accomplishing journalistic work (Charon & Pigeolat, 2021).

- **Online safety: far-right threats**

The issue of online safety is equally important. There have been several cases of online calls for violence against journalists, especially stemming from the far right. In November 2021, 39 newsrooms published a tribune to call for an end to far-right violence (death and rape threats, insults, online harassment, intimidations during public events, demonstrations...) against journalists – especially women, and those identified with the left. Nazi groups, far-right “influencers” have also spread explicit or semi-ironic calls for violence against journalists from *Street Press*, *Mediapart*, *Le Média*. Violence also took place at Éric Zemmour’s inaugural presidential rally against members of various media outlets; some had been forbidden from assisting, a practice the Rassemblement National also resorts to.

## **I.5 UNIVERSAL REACH OF TRADITIONAL MEDIA AND ACCESS TO THE INTERNET**

### **Issue specifically pertaining to online media**

- **Net neutrality and the role of the DMA and DSA**

Neutrality is well protected in France. However, private ISPs and platforms can represent a certain threat to the principle, if they restrain access to content, services or applications, or discriminate access and bandwidth. With the development of 5G networks, the ARCEP will have to diligently monitor such practices. The major infrastructures the GAFAM are developing is another cause for concern, as the control over networks could eventually enable them to free themselves from constraints such as local legislations (Boullier, 2021).

Also, if the European Open Internet Regulation enshrines users' right to access and distribute information and content online, the regulation applies solely to ISPs. Located at the end of the Internet access chain, devices (smartphones, voice assistants, connected cars...) and the platforms' closed ecosystems (aka gatekeepers) have proven to be the weak links in achieving an open Internet. These concerns are being seriously assessed by the BEREC at the supranational level and by the ARCEP at the national one, and were integrated into the Digital Services and Digital Market Acts. The ARCEP (2021) saluted these two acts as a "major step forward", especially against threats to net neutrality, while underlining many problems mentioned elsewhere in this report (conditions of competition, poor monitoring of "gatekeepers", informational asymmetry...).

## **II. MARKET PLURALISM**

- Risk assessment: "medium" (44%, down 9 points).

There is great concern about the Google-Facebook duopoly in the online advertising market or related privacy issues, for example. Considerable tensions exist between a large segment of the media and online platforms, the latter tending to abuse their dominant position in negotiations on related rights. Still, a process has been set in motion, with regulation authorities often adopting a firm stance on the vital issue of the redistribution of online revenues.

## **II.6. TRANSPARENCY OF MEDIA OWNERSHIP AND CONCENTRATION**

### **Issue specifically pertaining to online media**

- **Evolutions of the sub-sector's morphology**

Many digital native media outlets have been created in France over the years. As of December 2021, the CPPAP has recognized 1,275 online press services (a minority of which are pure players, though). Several have been incorporated to preexisting media structures, others have seen major financiers invest in them,

or have established a solid economic model guaranteeing their independence.

Opacity is an important problem in a quickly evolving media ecosystem. While academic work and independent journalistic investigation ensure solid knowledge on these issues for the print press, there still lack thorough, synthetic investigations on online outlets. 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. It is however obvious that the thresholds defined for a completely different mediasphere (except for digital terrestrial television) and financial infrastructure are not adapted to online media.

## **II.8. ONLINE PLATFORMS AND COMPETITION ENFORCEMENT**

### **Issues specifically pertaining to online media**

- **Access to news**

Online, 28% of French news readers access free news directly via the media outlet's website, 20% via an online service or an application (i.e. side-door access), 46% via both for free articles (ARCEP & al., 2021). Considering devices used to access the news, statistics show that television is the first source of information (68%, up 4 points) just before online media (67+, up 1 point, including social media: 38%) and the print press (14%, down 1 point) (Reuters Institute, 2021). 76% of the entire French population reads at least one news title. There are important generational gaps (58% of the 12-17 year-olds consult the news, whatever the medium; 77% of all 18-24 year-olds; 81% of all 60-69 year-olds). Those with no diplomas and with less financial resources are less prone to reading the press (85% among university graduates, 66 without any diploma). Socio-economic contrasts are just as important (84% among executives, 85% among people with high revenues, 67 among industrial workers) as are geographical ones (83% among those living within the urban area of Paris, 72 among those living in the country).

- **Dominant positions, targeted advertising & privacy issues**

According to the latest, 2021 edition of the Observatoire de l'e-pub, "digital advertising revenues are up strongly": +42% in H12021 (+25-30% forecasted for the whole year), +37% compared to 2019. Social (+77%), search (+29%) and display (+21%) forms of online advertising show the strongest growth (affiliation, emailing, comparators +12%).

The GAFAM's dominant position has led French regulation authorities to toughen their stance and start imposing massive fines upon them. In December 2020, Google was sanctioned by the CNIL for implementing cookies on the computers of users without notification nor prior consent (100M€ fine). Amazon is also being monitored by the European authorities concerning privacy issues and its use of advertising targeting in violation of the GDPR. According to NGO La Quadrature du Net (2021) the CNIL is "shielding" Google, Apple, Facebook, Amazon, and Microsoft against the GDPR, as the complaints it filed against all five GAFAM in 2018 never resulted in any convictions.

Following a complaint by 3 press publishers (News Corp Inc., Groupe Figaro, Groupe Rossel La Voix), the Competition Authority also sanctioned Google in June 2021 "for having abused its dominant position in the market for ad servers for publishers of websites and mobile apps", in violation of the French Commercial Code of the Treaty on the Functioning of the European Union, with a €220 million fine.



The Competition Authority has not sanctioned Apple, but is investigating its implementation of the App Tracking Transparency (ATT) framework for applications on iOS that aim at monitoring user activity on third-party websites. Plaintiffs seized the Authority to denounce Apple's abuse of a dominant position, as the company required that they (media outlets, advertising agencies, intermediaries, publishers, etc.) use the ATT framework in order to access the Identifier For Advertisers (IDFA).

- **The remuneration of related rights**

This issue has been at the heart of a battle and negotiations between French media, Google and French authorities since mid-2019. The 24 July 2019 law (no 2019-759) transposed the 17 April 2019 EU directive (no 2019-790) and amended the Code of Intellectual Property to include press publications and provide for the remuneration of related rights for journalists and publishers. In November 2019, the Syndicat des éditeurs de la presse magazine (SEPM), the Alliance de la presse d'information générale (APIG) and the AFP seized the Competition Authority about Google's appropriation of their work. The Authority accused Google of imposing inequitable conditions to press publishers and agencies, of circumventing the law and of discriminatory practices, and condemned the company to a 150M€ fine in December, once again for abuse of a dominant position. It ordered that Google negotiate with media groups within three months to determine amounts it should pay them for related rights, and applied conservatory measures during the negotiations which will remain until it has definitely stated on the case. Google entered agreements with individual parties, thus curtailing collective negotiations, and limiting the impact of the Authority's intervention.

In an October 2020 ruling, the Paris Court of Appeals confirmed the Competition Authority's 9 April 2020 decision, regarding requests by the APIG, the SEPM, and the AFP, which Google had disregarded. The ruling considered Google had not conducted negotiations with these associations in good faith, had tried to impose its own terms, had "brutally" and "unilaterally" changed its policy regarding the dissemination of these media's content. It also "unjustifiably restricted the scope of the negotiation, by refusing to include content from press agencies included in publications" and by "excluding all non 'general political news' ('IPG') outlets from the discussion". These breaches were "aggravated by the non-transmission of information that would have allowed fair negotiation". Thus, in July 2021, an additional €500 million fine was pronounced by the Competition Authority, for not respecting the April 2020 decision.

Google eventually signed deals with the APIG, then suspended them, signed a five-year deal with the AFP in November 2021, but not with other associations – the magazine press union (SEPM), the specialized publications federation (FNPS) and the independent online media union (SPIIL). In response to criticisms by the authorities, it proposed solutions in late 2021, which will be assessed by the concerned parties, who have been encouraged by the Authority to comment on them by 31 January 2022, prior to its assessment.

Following criticisms from the Competition Authority, an *ad hoc* Parliamentary mission (Mission d'information sur l'application du droit voisin, 2022) has stressed the numerous problems raised by the entire sequence of negotiations: bilateral, individualized agreements, the exclusion of whole categories of media outlets (magazines, local press, digital native independent outlets...), the twofold economic and informational asymmetry, the latter stemming from the lack of transparency on the amounts negotiated (trade secrecy was opposed to the disclosure of the agreement with the APIG and others), meaning there is no guarantee of fair and equal treatment in the following deals.

Similar problems exist with other online and digital giants: in late 2021, Facebook also committed to remunerating various press outlets and agencies (the APIG, *Le Monde*, *Le Figaro*...) and started signing individualized confidential agreements with them.

- **The Société des droits voisins de la presse**

In this deadlock situation, a new professional association was created on 26 October 2021, to negotiate, collect and distribute new funds stemming from online uses of journalistic content, the Société des Droits Voisins de la Presse (DVP). It is attached to the Society for Music Songwriters, Composers and Publishers (SACEM). The DVP regroups a great number of media, both public and private, in the audio-visual (France Télévisions, M6) and print sectors (L'Équipe, Le Canard enchaîné, Le Point), as well as groups (Prisma Media, CMI, Altice Media...) and press agencies (AFP, MaxPPP...), from various organizations (SPM, SPIIL, FNPS). Negotiations are ongoing.

- **Tax on digital services**

Following the EU Commission's project to impose a 3% "tax on digital services", the French Parliament voted a "GAFA tax" 11 July 2019. Yet, under pressure from the United States, France put the mechanism on hold until the end of 2020. An agreement was found with the new American administration during the October 2021 OECD reunion on a 15% minimal tax on multinationals; the European countries (5) that had created this tax accepted a compromise with the USA: they can keep on perceiving the tax (France got 375M€ from it in 2020, 518M€ expected in 2022), but a number of American groups could benefit from a tax credit if they overpay or pay twice. The issue is now discussed at the European level, where France has not been granted much support. The French Presidency which started in January 2022 may be an opportunity to put the question back on the table.

### **III. POLITICAL INDEPENDENCE**

- Risk assessment: "low" (15%, up 5 points).

Political independence online is not yet a serious threat. The higher score this year can be explained by the insufficient transparency and legal framework governing online political propaganda during elections as well as by the inefficiency of recent attempts to reform public support systems to better target funding to authentic journalistic outlets.

#### **III.12. EDITORIAL AUTONOMY**

##### **Issues specifically pertaining to online media**

- **Independent digital native media and the "solidarity press companies" status**

In recent years, there has been an important development of digital native regional media (European Federation of Journalists, 2021), with titles such as Mediacités (a network of 4 local websites – Lille, Lyon, Nantes and Toulouse – animated by a Parisian newsroom), *Le D'Oc*, *Le Poulpe*, *MarsActu*. The latter managed to achieve financial balance in 2020, with 5,000 subscribers, five years after being bought by its

journalists and having adopted a specific status as an “entreprise solidaire de presse d’information” (solidarity press company), which was created thanks to the 17 April 2015 law (no 2015-433). It offers tax deductions for donors, and imposes that 70% of profits be reinvested in the enterprise. *Charlie Hebdo* was the first to adopt the status in 2015, followed by *Les Jours* in 2016 (which achieved financial balance in 2020), *L’Humanité* in 2017, or *Blast*, more recently – among others. This new status could prove beneficial for small, local, independent media, especially in maintaining their editorial independence, though other cooperative statuses exist which could be just as useful (SCOP, as adopted by Alternatives Économiques, SCIC adopted by Nice Matin). The SPIIL has proposed ways to improve the apparatus and extend its scope, considering it has not attracted many outlets.

Some of these journals adopt *Mediapart*’s economic model – exclusively online, with a hard paywall, no advertising, subscriptions, and calls for crowdfunding; others, such as *Disclose*, resort only to donations, and exclude stock owners. Several of them have actually developed partnerships with *Mediapart*, for example, *MarsActu*, since 2011.

### **III.13. AUDIO-VISUAL MEDIA, ONLINE PLATFORMS AND ELECTIONS**

#### **Issue specifically pertaining to online media**

- **Manipulations on social media**

In its 2020 activity report, the CNIL (2021) did not mention problems concerning political advertising in social media campaigns, and does not mention this issue. Yet, it did receive more complaints relating to data protection issues (13,585, +63% since the implementation of the GDPR), and its report stresses the increasing use by political forces of political prospecting or electoral strategy software, used to identify sociodemographic data of previous elections. It noted a “lack of transparency of certain candidates and parties concerning voter canvassing” and thus reminded them of their obligations. Complaints were mostly aimed at SMS (45%), phone calls (36%), and emails (12%).

Advertising of a social, electoral or political nature run on Facebook is a real issue in France (CSA, 2020). Despite limited spending on this type of advertising, these ads have in fact led to more than a billion impressions for the 39 million users of the platform in France. Several observers have already noted that the data made available by Facebook did not allow for an assessment of the exhaustiveness of the ad library devoted to social, electoral and political content. The work carried out by various stakeholders (the ERGA and the Digital Ambassador in particular) on the issue of exhaustiveness is therefore essential and must continue.

There have also been several instances, in late 2021, of coordinated efforts led by the Zemmour staff to manipulate both the candidate’s Wikipedia page (the most consulted in France) and Twitter’s “trending topics”, so as to favor his presidential campaign. This is a clear case of non-transparency, for one of the front-runners of this election.

### **III.14. STATE REGULATION OF RESOURCES AND SUPPORT TO MEDIA SECTOR**

#### **Issue specifically pertaining to online media**

- **The case of FranceSoir**

*FranceSoir*, formerly a respectable journal which abandoned its journalistic function in 2019, has become one of the main online crowdsourced blog platforms for the dissemination of conspiracy theories, especially with regard to COVID-19. In early 2021, professional journalists (many of whom had worked for the newspaper before it was acquired by its new proprietor) called for retrieval of public support for this outlet, which led, with the uproar against Reworld Media, to the creation of the Franceschini commission and the revision of the rules (via the aforementioned December 2021 decree). However, the CPPAP eventually considered that the outlet was indeed an online news service, as it had since the accusations decided to employ a couple of journalists (plus interns) – one would have sufficed for it to be officially recognized, according to the latest, post-Franceschini mission report criteria – , enabling it to maintain access to subsidies. Google then cut it off from its AdSense program.

### **IV. SOCIAL INCLUSIVENESS**

- Risk assessment: “medium” (47%, down 16 points).

There now exists an official framework for platforms to fight against online hate, a fact that accounts for the progress in this area. There have been some changes since the 2020 “Avia law” polemics, but the problematic fundamental mechanisms remain in place (algorithmic treatment of information, lack of judicial oversight, risks of *de facto* censorship...). Indeed, all other variables remain at a “medium” risk level, indicating that there still is a lot of room for improvement, which requires that States be less dependent upon major platforms, and that the latter dispel reluctance to collaborate with European and national authorities.

### **IV. 20. PROTECTION AGAINST ILLEGAL AND HARMFUL SPEECH**

#### **Issues specifically pertaining to online media**

- **Distrust in mainstream media**

Distrust towards public officials is on the rise, fueling records in abstention and far-right protest votes (La Croix & Kantar, 2022). The pandemic and reluctance to confinement measures (Smyrniaios, 2020), of course, the contradictory official reactions (which add to years, now, of emergency state laws), the spread of disinformation about vaccines and hydroxychloroquine, stigmatization of protest movements in 2019, corruption among the elite (a former president condemned twice in 2021, with other major cases pending) and, conversely, elite disdain for popular will, lack of representation of the working class among the political, intellectual, economic and media elites, the fall of press readership, the rise of social networks... The factors that account for the spread of such diffidence are numerous, while nothing is really done to fight against structural causes, except for “fact-checking” columns in media outlets that are read by those who do not

need to be convinced, except maybe for other's gullibility.

Disinformation has mainly spread online. The sprawling of so-called news websites, the flowing of information (and disinformation) from websites and social media accounts located beyond France that do not officially pretend to be "journalistic" news outlets (but present themselves as such) creates additional opacity. Consider for instance the case of *FranceSoir* in France or, on a global scale, the Falun Gong "Epoch Times" media machine, a great purveyor of anti-Chinese, far right-wing, conspiracy theories. In a globalized online mediascape, such problems transcend national borders.

The phenomenon has affected other media, as well as political movements, with moral panics about "islamo-leftism" fed mainly by the government and the right, "wokism" by right-wing media and elements of the left, and "great (migratory) replacement" in far-right media, even making its way to primary debates among the right-wing party Les Républicains.

- **CSA 2020 report on how platforms fight against disinformation**

In anticipation of the implementation of the Digital Services Act in France, the government has entrusted the CSA (and after that, the ARCOM) with supervisory powers over online operators. Those with more than 5 million monthly individual users must cooperate with the authorities and develop instruments to fight against disinformation (reporting tools, instruments to fight against accounts that propagate disinformation, etc.), and implement various complementary measures (transparency of their algorithms, of communication campaigns by private companies, press agencies, audio-visual communication services, sponsored content). They must send an annual report to the CSA on the application and effectiveness of the measures they have adopted (art. 11).

In 2020, the CSA published a report based on the answers to questionnaires it had sent to 11 operators representing 16 services. In its summary, it considers that the platforms have been very cooperative. However, the degree of detail of the answers was heterogeneous. It underlined the following conclusions:

- Several platforms have added a specific category enabling the signaling of false information, but not all have. Scarce information was given on the human and financial means engaged to fight against information manipulation.
- There are also problems with the comprehensibility of their algorithms. Several mentioned the protection of trade secrets to shirk this obligation, despite the fact that the CSA guaranteed confidentiality would be respected whenever asked. This lack of information means the CSA cannot fully appreciate the instruments put in place.
- Several operators, via algorithms, enhance the visibility of content stemming from trustworthy sources and/or lower the visibility of untrustworthy sources.
- They have either human or automated means to detect accounts that massively propagate false information, and take various measures against them (deletion, blocking, etc.).
- Most operators offer mechanisms to identify sponsored content. They have specific policies, such as the validation or the banning of certain types of advertisements.
- Some operators promote media education, for instance via partnerships with public institutions and NGOs, or finance such initiatives and research, as well as fact-checking mechanisms – the GAFAM

have indeed set up such mechanisms with various media outlets (Bigot, 2019; Bigot & Nicey, 2020).

- Several have also taken complementary measures to fight against “deepfakes”, to protect elections, to restrain “live” streaming functions.

- **The case of Facebook**

Recently, platforms such as Facebook have been severely criticized for, *de facto*, promoting conspiracy theories, disinformation, “fake news”, so-called clashes and content that incites violent reactions, stigmatizes and harms minorities, despite commitments to reduce the visibility of such content.

Whistle-blower Frances Haugen presented her criticisms at the French National Assembly in early November 2021, to raise awareness about the insufficient efforts by platforms such as Facebook to moderate contentious content, putting profit before the safety of their users and basic democratic principles. She also stressed the great opacity of Facebook’s algorithms – the company opposes trade secrecy to demands for transparency. This is a very serious problem, because deciphering and auditing such complex algorithms will require incredible cognitive resources and access to “insider” knowledge.

On the other hand, as always in such issues, greater intervention by platforms such as Facebook to limit harmful contents will also have negative effects on freedom of expression, especially when adequate criteria are defined by private entities without public debate and citizen representation, when thresholds of tolerance are lowered by more and more individualized sensitivities and angst, or when there are growing tensions within the public sphere, with radicalized discourses.

- **Online hate speech**

The latest report by the National Commission on Human Rights “on the fight against racism, antisemitism and xenophobia” (2021) stressed that French society seemed “more tolerant” towards minorities than in 2019, despite the context (pandemic, terrorism). Yet, there still is a “strong presence” of racial prejudices, especially towards Rom people, but also towards other minorities (Muslim, North African, Jewish, Black), as well as growing anti-elite hate speech (see also Mercier & Amigo, 2021).

- **Cyber-sexism**

The fight against cyber-sexism rests upon the same laws and mechanisms as the one against homophobia or racism. Fighting against sexist and sexual violence was supposedly one of the “great causes” of the Macron presidency – this, however, mostly concerns the “real” world (domestic, at work, etc.) –, with a dedicated platform, measures to better help victims, form police forces, magistrates and so forth. A special phone number was instated for young victims of cyberbullying. Many media have also committed to preventing sexism and sexual violence within newsrooms (“gender editors”), as have journalism schools.

- **Bronner Commission Report**

The government also set up a Commission on disinformation led by sociologist Gérald Bronner, “Enlightenment in the digital era”. The report (Bronner, 2022) focused, among other topics, on individual cognitive biases towards information and how the Internet and social networks reinforce them (“congeniality bias”, “echo chambers”, “cognitive miser”...), on the role algorithms play in disinformation (“algorithmic editorialization”, “social gauging”, “asymmetrical influence”), on the “economy of fake news” (programmatic advertising, clickbait), etc. Bronner and the Commission attracted criticisms, for instance for its defense of the objectivity of neuroscience against politicized critical sociology – elements which had already been voiced against Bronner, specifically (Foucart & al., 2020).

## 5. Conclusions

Threats to media pluralism in France stem from a wide range of intertwined factors. Many have to do with structural forces. Many simply arise from the fact that the French legislation – for instance, the 1881 law on freedom of the press – is not respected, especially concerning the status of journalists. Other problems can seem more conjunctural, such as the economic toll the COVID-19 crisis had on the sector, or the political goals of the present political majority (for instance, the defunding of the PSM). However, as constantly emphasized in this report, these effects are worrisome only insofar as they exacerbate previously existing tendencies – for example the growing socio-economic instability of media professionals, or the ever-expanding power of the GAFAM.

Many of these threats could be efficiently defused by courageous reforms to the French media's legal and regulatory apparatus, some call for supranational initiatives, especially those concerning the online mediasphere. Many might require fundamentally different perspectives on the nature and structure of news media.

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

- Socially, the media sector is going through a structural crisis that has weakened professionals and the outlets they work for. The existing **legal apparatus and collective labor agreements** should be systematically applied, non-compliance and abuses should be sanctioned (fines, withdrawal of subsidies, etc.). Too many media outlets illegally pressure young journalists to accept self-employment contracts, one of the greatest factors of insecurity and instability in the sector. Outlets resorting to outsourcing of positions should no longer be eligible to fiscal advantages and subsidies.
- More fundamentally, there is something troubling in how the government was able to find relief funds to support the sector (among others) during the COVID crisis, while keeping on dismantling of the PSM (and of other public services) and imposing new austerity measures for the unemployed – **charity during exceptional circumstances, austerity as the norm**, with dire long-term consequences on the journalistic profession and media pluralism.
- The **right to information needs better protection**. The trade secrets legal framework should be amended at the European level to keep public or private entities from restricting access to information of public interest, and to better protect investigative journalists, their sources and whistle-blowers from lawsuits, as this principle is frequently called upon to justify opacity.
- Despite safeguards preventing **political pressure on media authorities**, the way the last head of the Competition Authority was ousted at the end of her term against her will is a cause for concern, with suspicions that the Presidency intervened in an independent authority's orientations (TF1-M6 merger). The question of the budget of the ARCOM is another issue here: its funding will not be increased proportionally to the extension of its responsibilities, possibly making it more vulnerable to pressure from political forces. The independence of such authorities must be secured, through appropriate appointment procedures and funding.



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

- **Anti-concentration laws have to be completely redefined.** Exceptions have to be abolished and simpler criteria imposed to avoid conflicts of interest and the expansion of multimedia conglomerates, a clear threat to the independence of media outlets and media pluralism, as can be seen with the evolution of television and radio stations absorbed by the Bolloré/Vivendi empire. A law could for example forbid companies engaged in public procurement or markets that are highly regulated by the State from investing in media outlets (Cagé in Sénat, 2022b). Existing rules enable *de facto* majority shareholders to control the fate of media outlets or groups: voting rules should thus be rethought in order to give more power to editorial staffs. Sacrificing pluralism by creating quasi-monopolies is not a sound solution to the threats posed by the GAFAM. The question of the transparency of the financial structures of media outlets is less threatening, considering positive legal evolutions, and especially EU regulations.
- The **financial independence of media outlets from market forces** has to be secured. A variety of solutions have been proposed over the years by different actors – for instance the development of “solidary news companies”, media outlets as “common goods”, 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, 2021; Rimbart, 2014).
- An **ambitious supranational antitrust apparatus** should break up the Google and Facebook online advertising duopoly, which gives way too much leverage in deals with media outlets on related rights. More vigorous action should be taken to support all media outlets against the power of major online platforms (Smyrnaio & Rebillard, 2019). This is all the more necessary since competition authorities in the USA and Europe have suspicions of a possible agreement between both companies to limit competition in the online advertising market. Recent reforms at the European level, and especially the Digital Markets Act (no 2020-0374), have started addressing such issues.
- The rules by which **public support** is attributed to media outlets have to be clearly targetted and more drastic, to prevent abuses and misdirection of funds (and other elements of the tax apparatus) to pseudo-journalistic outlets.
- The Parliamentary report on related rights presented an interesting list of 10 measures to solve the question of the **fair distribution of related rights** to media outlets and journalists. A **universal model of distribution of related rights** should be negotiated by the media sector as a whole – united within the Société des Droits Voisins de la Presse – and online platforms, under the supervision of an independent administrative authority, and with the help of an expert body, ensuring full transparency, publicity and equity (Mission d’information sur l’application du droit voisin, 2022).

In the area of **Political Independence**, threats lay in the indirect influence political figures or forces can have thanks to the numerous ties between the political and the media field. Private media newsrooms have been subjected to indirect forms of political pressure, via the intervention of media owners, 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:

- The initial version of the 1 January 2022 (no 2021-4358) law on **whistle-blowers**, which transposed the 23 October 2019 EU directive (no 2019-1937), was stripped by the Senate of all the improvements on the previous apparatus defined by the Sapin 2 law. Among the elements that were taken out, there is the inclusion in the definition of whistle-blowers of legal persons such as NGOs, the recognition of “facilitators” and of the penal irresponsibility of source providers, financial support in case of a trial, improved assistance by the Defender of Rights, simplified judicial processes and appeal mechanisms for targets of SLAPP procedures and “doxing” (Commission Nationale Consultative des Droits de l’Homme, 2020; Maison des Lanceurs d’Alerte, 2020; Wasserman, 2019).

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

- A **status for local and community television stations**, similar to the one granted for local radio stations, could be put in place.
- There seems to have been progress in the **representation of women, minorities and people with disabilities** in the media, yet there remain various forms of stereotyping, which could be reduced by greater diversity within production staff. Progress has also been made in terms of access to media for disabled people.
- 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.

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NB: we have only included academic scholarship as well as full reports from NGO, trade unions and public authorities, but not news articles, decrees, codes, and regulations, policy documents, communiqués, etc., which were used during the collection of data, and added to the online CMPF platform. Laws are referenced within the text.

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## Interviews conducted in 2021-2022

- **Jean-Marie Charon** (4 January 2022)

A CNRS sociologist associated to the EHESS's Centre d'étude des mouvements sociaux, and a former professor of sociology at the Centre de formation des journalistes, he worked as a media specialist for Ministry of Culture in the late 1990s. For several years now, he has been monitoring the profession's evolution (sociology, types of contract, working conditions, produced content).

- **Emmanuelle Dal'Secco** (10 December 2021)

Chief editor of online magazine *Handicap.fr*, member of the ARCOM's editorial board on disability.

- **Jean-Philippe Foegle** (2 February 2021)

A legal expert who works for the Maison des Lanceurs d'Alerte, a French NGO defending whistle-blowers – the topic of his PhD in public law.

- **Marlène Loicq** (20 January 2021)

A Senior Lecturer at the Université Paris-Est Créteil, within the École supérieure du professorat et de l'éducation. She is a specialist of media literacy in France, having dedicated her PhD to this topic, and having worked on several academic projects dealing with it.

- **Arnaud Mercier** (11 January 2021)

A Professor in information and communication sciences at the Institut français de presse (Université Panthéon-Assas), and a specialist in political communication and media.

- **Emmanuel Poupard** (6 January 2022)

First Secretary of the Syndicat national de la presse, since 2019, he is a journalist at the *Courrier de l'Ouest* (SIPA / Ouest-France group), where he worked in 1999, and again since 2002. He also worked for *Ouest-France* (1998-99) and *La Dépêche du Midi* (2000-2002).

- **Pierre Rimbart** (19 January 2021)

Associate Editor of *Le Monde diplomatique* since 2010, member of Acrimed.

- **Virginie Sasson** (10 October 2021)

Actually the Assistant Director of the CLEMI, she was a member of the "Media and Education" observatory

of the CSA from 2017 to 2020. She holds a PhD in information and communication sciences – her dissertation focused on the black female press. She teaches at the Institut français de Presse (Université Panthéon Assas-Paris II) and at the CELSA.

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## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2022 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 - Sorbonne Nouvelle University</i>	
<i>Lucien</i>	<i>Castex</i>	<i>Part-time Researcher</i>	<i>IRMÉCCEN - Sorbonne Nouvelle University</i>	
<i>Inna</i>	<i>Lyubareva</i>	<i>Assistant Professor</i>	<i>LEGO - IMT Atlantique</i>	
<i>Alan</i>	<i>Ouakrat</i>	<i>Assistant Professor</i>	<i>IRMÉCCEN - Sorbonne Nouvelle University</i>	
<i>Fabrice</i>	<i>Rochelandet</i>	<i>Professor</i>	<i>IRCAV - Sorbonne Nouvelle University</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 that make up the MPM2022. Consulting the point of view of recognized experts was aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as being 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>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>
<i>Virginie</i>	<i>Sassoon</i>	<i>Deputy director</i>	<i>Centre pour l'Éducation aux médias et à l'information (CLÉMI)</i>
<i>Anne</i>	<i>Grand d'Esnon</i>	<i>Council member</i>	<i>ARCOM (ex-CSA)</i>

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