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# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

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 that is 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 that was carried out in 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. 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. The research is based on a standardised questionnaire that was developed by the CMPF.*

*In France the CMPF partnered with Dr. Alan Ouakrat (Irméccen — Sorbonne Nouvelle University), Dr. Jedediah Sklower (Irméccen — Sorbonne Nouvelle University / LabEx ICCA), 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).*

### • 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 digitally specific risk scores, and the report contains a specific analysis of the risks that 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 the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

### • Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

**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 who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2024 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 MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

## 2. Introduction

- **Population:**

According to the latest data from the National Institute of Statistics and Economic Studies (INSEE), as of January 2024, there are 68.4 million inhabitants in France (+0.3%), with 2.2 million living in overseas territories. There was a significant decrease in the number of newborns (678,000, - 6.6%) and a record low in the total fertility rate (1.68 children per woman, - 0.11) since World War II (with the exception of 1993 and 1994). The number of people deceased also fell in 2023 (661,000, -6.5%), yet it remained higher than pre-pandemic figures (INSEE, 2024c).

- **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. According to the latest INSEE data, in 2022, there were 7 million immigrants living in France (10.3% of the total population), among which 2.5 million (35%) acquired French citizenship, and 0.8 million foreigners born in France. 48.2% of immigrants living in France were born in Africa, 32.3% in Europe (INSEE, 2023).

- **Economic situation:**

France is the second-largest economy in the European Union behind Germany, the seventh in the world. Its GDP increased by 0.9% in 2023, after the post-COVID 19 recovery in 2021 (-8.3% in 2020, +6.4% in 2021, +2.5% in 2022 – INSEE, 2024b), in a context marked by a strong 4.9% average inflation rate (INSEE, 2024a).

- **Political situation:**

Since the 2022 presidential and legislative elections, France's executive branch has been governed by President Emmanuel Macron and his party, the centrist and pro-free market Renaissance (ex La République en Marche, LaREM). By contrast with the previous five-year term, the latter no longer controls the National Assembly on its own, making the government dependent on compromises with the declining centrist (MoDem), right-wing (Les Républicains), and in some cases far-right parties – the Rassemblement National (RN, ex Front National). The first months of 2023 were marked by a very strong opposition to the pension reform which, given the lack of a majority supporting the text in Parliament, was imposed by resorting to article 49.3 of the Constitution (the article enables to force passage of laws without a vote from the National Assembly). This outcome nurtured further public resentment against the government. Overall,

the far-right party Rassemblement National (RN, ex Front National) kept on gathering momentum with an eye towards the 2024 European elections. The political, socio-economic and cultural conjuncture was also strongly affected by global, geopolitical tensions – namely the war in Ukraine and the October 7 terrorist attacks followed by the war in Gaza.

- **Media market:**

In the public media sector, the project to create a new single public entity, which was first postponed by the pandemic, resumed in 2023 with the PSM's new mode of financing, by a fraction of the VAT following the abolition of the license fee, the growing integration of local public television and radio media, and plans to further their unification/rationalization in 2024. In the private sector, 2023 confirmed ongoing trends towards further concentration of all media sectors (whatever the medium or the scale) and the major difficulties faced by all types of media outlets: inflation, precariousness, competition in a globalized online market, “drastic drop” in public interest (Reuters, 2023)... In response to these evolutions and their effects on media independence and pluralism, there have been a variety of initiatives over the last couple of years to assess the situation and propose possible reforms or amendments of existing regulations: a Senatorial commission on media concentration in 2022 and, in 2023, the “General Estates of information” initiated by President Macron, as well as a counter-initiative launched by independent media.

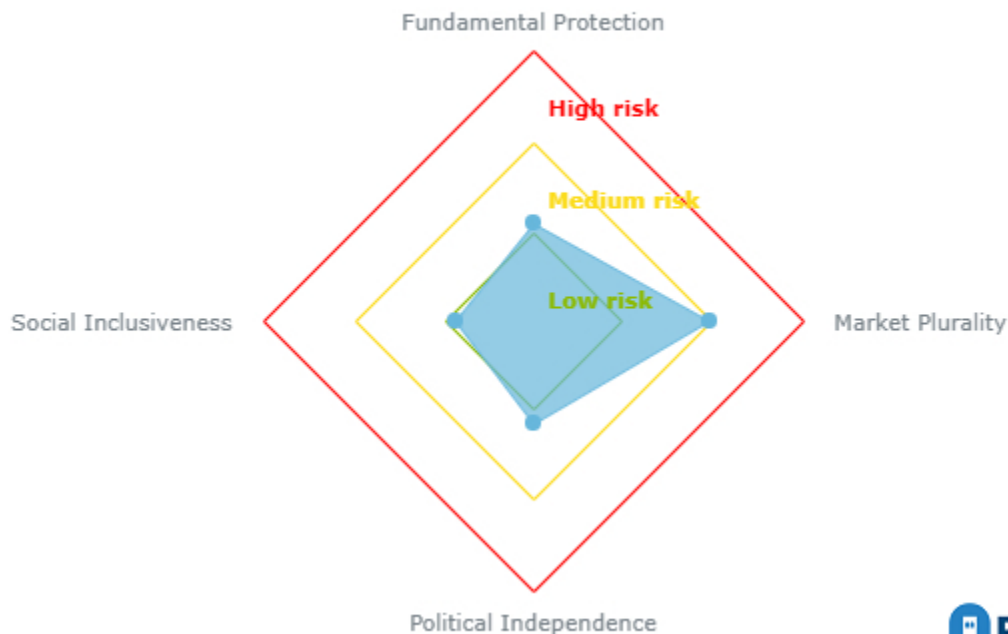
- **Regulatory environment:**

While telecommunication networks and services remain the prerogative of their existing regulator (ARCEP), the television and radio sectors are regulated by the ARCOM, the product of the merger in 2022 of the Conseil Supérieur de l'Audiovisuel (CSA) with the authority in charge of author rights online (HADOPI). It is responsible for spectrum allocation – a role that might be weakened by online alternatives to terrestrial channels – guaranteeing free competition of service providers, as well as the quality and diversity of programs, the independence and nonpartisanship of audiovisual media. Its functions in the digital realm were extended to cyberbullying and online pornography, following the 10/17/2023 law (n° 2023-1059) which was based on the Digital Markets (DMA) and Digital Services Acts (DSA). The competition authority [*Autorité de la Concurrence*] can be called upon for issues pertaining to economic concentration (08/01/1986 law n° 86–897; Code of Commerce, art. L-233, L-420, L-430, L-464), and has these last few years adopted a rather offensive stance against the GAFAM, and especially their treatment of related rights, with the help of recent regulations (07/24/2019 law n° 2019-775). However, the French media field is still divided in how it negotiates with the latter. Contradictions also appeared in the process leading to the European Media Freedom Act (EMFA): after the Constitutional Council blocked an article (6 § 46–47) introduced in the 01/24/2023 “Orientation and Programming Law” for the Ministry of Justice (n° 2023-1059) that would have enabled the police to spy, remotely access and activate connected devices, the government brought the fight at the European level, lobbying to counter an EMFA disposition also banning such practices.



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

#### France: Media Pluralism Risk Areas



JS chart by amCharts



If we start with raw figures, and compare the scores for each one of the four areas to last year's results, it can be noted that risk levels have increased for three of them:

- **“Fundamental Protections”** is up 5 points to 36% (thus entering the “medium risk” zone),
- **“Market Plurality”** is up 11 points to 65% (thus verging on “high risk”),
- **“Political Independence”** is up 2 points to 38% (still “medium”),

while the

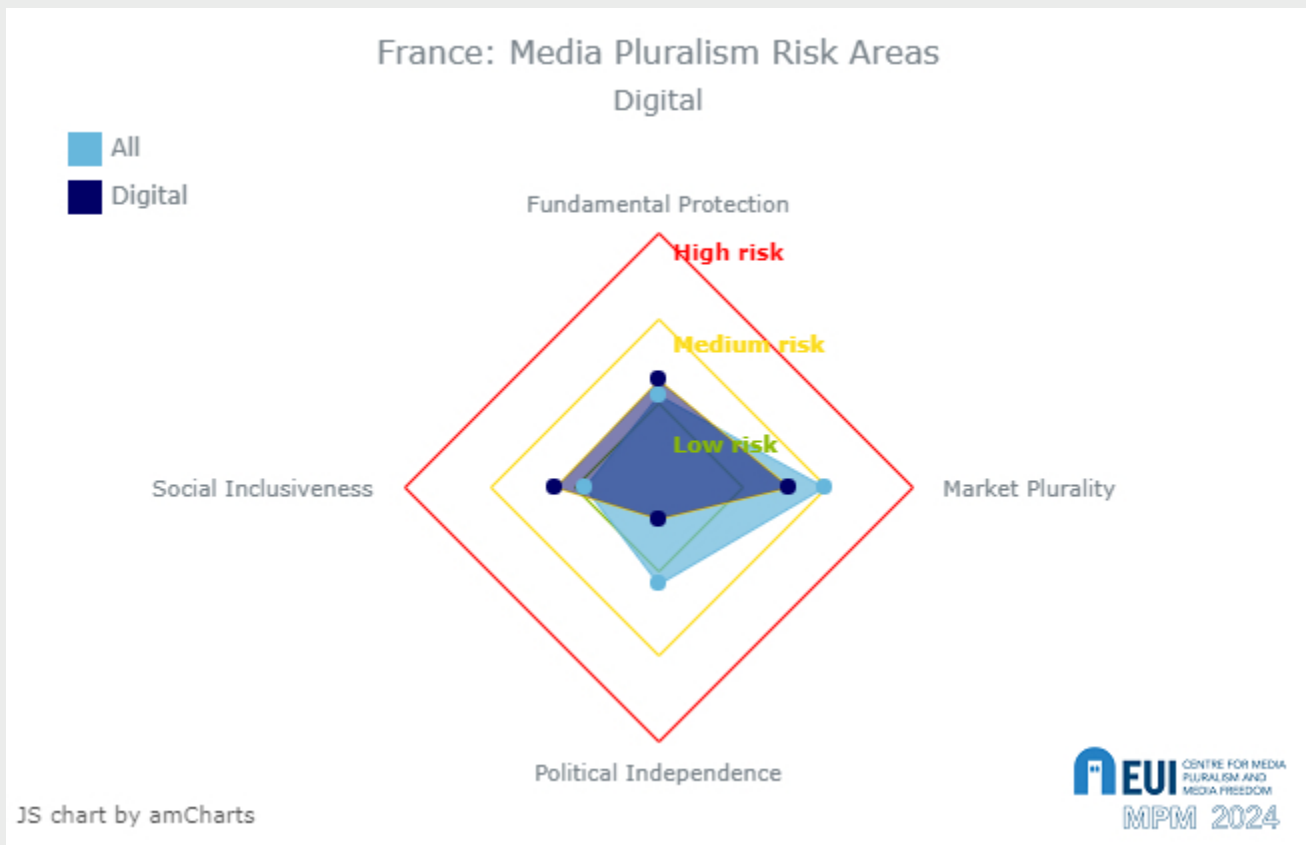
- **“Social Inclusiveness”** is down 2 points, to 29% (“low risk”).

On average, the risk level is “medium”, with a 42% score. At the intermediate level, 8 indicators are assessed as representing a “low risk”, 9 a “medium risk”, and 3 a “high risk”. Most notably, 12 out of the 20 indicators have gone up by 1 to 23 points, bringing 2 of them into the “high risk” zone, while 4 have gone down by 4 to 7 points (all in the “Social Inclusiveness” area, with one exiting the “medium risk” zone), and 4 have remained stable (among which 3 in the “Political Independence” area, which can be partially explained by the lack of elections in 2023, and thus the redundancy with last year's assessment).

Overall, the structural tensions that keep on affecting the media sector were in many spheres intensified by the persistent vitality of a large number of negative trends, which concern, among others, the consolidated private media sector as well as relations between public authorities and both private and public service

media. With regard to the former, we can mention the rarely limited expansion of conglomerate control and subsequent ideological polarization (as illustrated by evolutions within the Bolloré and Saadé conglomerates), and SLAPPs against journalists (Coalition against SLAPPs in Europe, 2023). Serious problems arise from the government’s paradoxical blend of pro-free market, neoliberal (rationalization of PSM, scarce resistance to private media concentration), and authoritarian policies (censorship of investigative journalists, police violence, expanding State surveillance apparatus and proliferating counter-terrorist legislation). Other, more conjunctural factors come into play: reactions to social movements (opposition to the pension reform, criminalization of civil disobedience), to suburban riots and immigration (stigmatization of ethnic minorities), to the wars in Ukraine (inflation, the illegal censorship of Russian media without approval from the national regulator – Derieux, 2022) and in Gaza (rise of antisemitism and xenophobia in France, endangered local correspondents and photographers).

### Focus on the digital environment



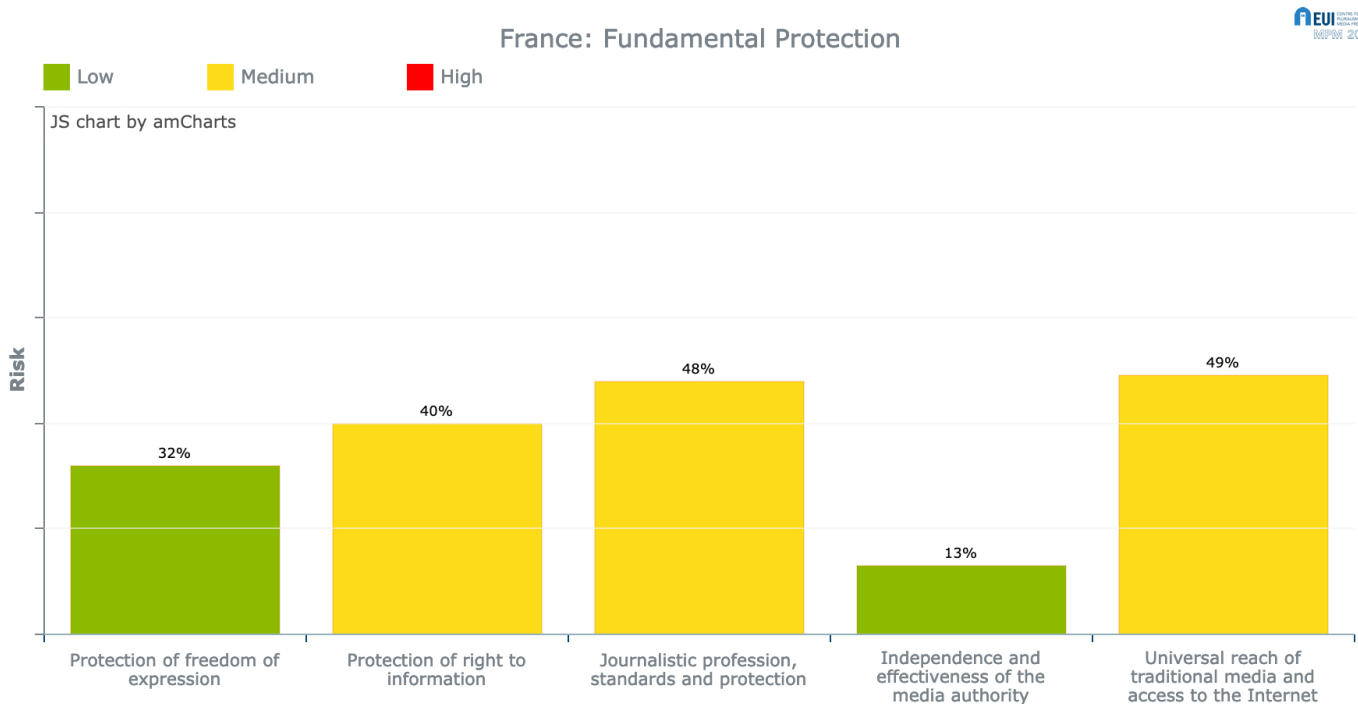
The situation of online media also explains some of these evolutions, with, firstly, general, well-known threats posed by digital convergence to national media ecosystems. One of the most recent echoes of this sprawling issue is the obsolescence of traditional, public mechanisms of spectrum allocation for television channels, as viewers access the latter more and more via non-terrestrial, online means, a trend that will surely weaken the media regulator’s authority and capacity to impose specifications to networks that will no longer necessarily crave for “TNT” (digital terrestrial) channels (Casas, 2023; Sonnac, 2023).

There are once again strong concerns about online counter-terrorist legislation and associated spying devices, which are defended by France at the European level, despite its official commitment to limit their proliferation. All the more scandalous is France's complicity in the spying and arresting of dissident voices in several dictatorships (Egypt, Saudi Arabia, Vietnam, Madagascar...), as revealed by the "Predator files". On the issue of digital safety, a new law to "secure the digital space", which transposes the DSA and DMA into French law, was examined by the Parliament in October 2023. Adding to recent laws and rulings dealing with disinformation and hateful content, it has provisions to ban cyber-bullies from social networks, fight against "deepfakes", which could obviously apply to cases involving news services, and especially (female) journalists (Posetti et al., 2023). Such procedures are, however, useless in cases of foreign assaults against online media and their servers (for instance, *Charlie Hebdo* was once again attacked by a group presumably tied to Iran, and another one to Turkish Islamists).

There are also ongoing issues with the requirement for platforms to block contentious content and, conversely, the lack of proportionate means implemented by some of the to fight against hateful content and disinformation (Badouard, 2017; 2021a; ARCOM, 2023a; Colon, 2023; Sauvé & Coutant, 2023), the lack of transparency of their algorithms (and of their uses of artificial intelligence), more and more access restrictions to APIs (ARCOM, 2023l) leading to the suspension of entire research programs (something art. 40 of the DSA is supposed to prevent, under certain conditions). On the economic side, research and public data are still scarce and relatively vague on the revenues and financial structure of online media or the morphology of the entire sector (Assouline, 2022; Requin et al., 2022; Lefebvre & Bouquillion, 2023), a burden on MPM assessments these last years. The greater consolidation of the sector (especially with the Alphabet-Meta-Amazon oligopolistic grip on advertising revenues), the development of specific financial models and regulations will surely pave the way for new micro and macro analyses in the near future. It is clear that the negative effects of this situation extend to content, with many ways in which the boundaries between news and advertising are blurred.

### 3.1. Fundamental Protection (36% - 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.



- Overall risk assessment

The situation of **Fundamental protections** has deteriorated, re-entering the “medium risk” zone at 36%. All but one indicator (“**Universal reach of traditional media and access to the Internet**”, stable at 49%) have gone up by 2 to 8 points (average increase of 5 points). The “**Protection of freedom of expression**” (32%), of “**Right to information**” (40%) and “**Independence and effectiveness of the media authority**” (13%) indicators have gone up 7 or 8 points, while the “**Journalistic profession, standards and protection**” only increased by 2 points, to 48%. This situation can be accounted for by various phenomena, among which, especially, numerous cases of State censorship, violence, spying and arbitrary arrests of journalists and activists, as well as new pressures on journalists within *and* from media conglomerates (total overhauls of newsrooms, SLAPPs in the name of trade secrets...).

## I.1. PROTECTION OF FREEDOM OF EXPRESSION

### Introductory overview

- Risk assessment: “low” (36%, up 5 points, moving to medium risk)

*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, 2023; Derieux, 2023). 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 n° 55–385; 11/14/2014 n° 2014-1353), information manipulation (12/22/2018 n° 2018-1202) and hate speech (07/14/1990 “Gayssot” law n° 90–615; 01/27/2017 n° 2017-86; 04/10/2019 ruling n° 2019-297; 06/25/2020 n° 2020-766), as well as confidentiality safeguards (professional discretion, civil servant discretion, doctor-patient confidentiality, secret defense, etc.), especially for whistleblowers (11/12/2007 law n° 2007-1598; 01/03/2012 decree n° 2012-484; 12/09/2016 “Sapin” law n° 2016-1691; 03/21/2022 law n° 2021-438).*

### Issues requiring particular scrutiny

- **Criminalization of civil disobedience, illegal surveillance of activists**

A record number of dissolutions of political movements (33) since the 01/10/1936 law “on combat groups and private militias” (voted in response to anti-republican agitation by far-right leagues, which had climaxed with the infamous 6 February 1934 riot) was reached under President Macron. The legal apparatus enabling such procedures has regularly been extended over the last few years. The most recent amendment followed the 08/24/2021 “separatism” law n° 2021-1109, which extended the procedure to groups that “provoke violent acts against people and goods” (art. 16).

Another provision of the law imposes a “contract of Republican commitment” to associations: in order to receive subsidies, they have to, among others, “respect the symbols of the Republic” as well as secularism, and not threaten public order. These elements add to the growing repressive nature of the State, police and surveillance apparatuses, and the criminalization of civil disobedience, especially of the ecological movement Les Soulèvements de la Terre (Observatoire des libertés associatives, 2022; Delfini, 2023; European Center for Press and Media Freedom, 2023; Quadrature du net, 2023b; 2023d). The situation has had consequences within the media field, with the cutting of subsidies to local associative media in the Plateau de Millevaches (Creuse, Corrèze, Haute-Vienne departments) which are tied to the latter’s network. The laws come with a greater, eclectic apparatus, which includes a variety of spying devices. The national police resorted to an illegal Israeli surveillance program (Briefcam) to keep an eye on activists via video cameras and facial recognition. Such uses were increased following the 05/19/2023 law n° 2023-380 “relative to the Olympic Games”, and meant, among other things, to prevent terrorism during the upcoming events in the Parisian region.

- **Spying on journalists**

In November 2023, the Constitutional Council blocked art. 6 § 46–47 of the 01/24/2023 “Justice Orientation and Programming law” law n° 2023-1059, which would have enabled the police to spy and remotely access and activate connected devices (phones, computers, tablets, cars, etc.) owned by suspected terrorists, organized criminals, and specific types of delinquents. The government subsequently decided to bring this

fight at the European level. Since late 2022, it has been lobbying with 6 other countries (Greece, Cyprus, Malta, Sweden, Italy, Finland) to counter a disposition of the EMFA that goes against its will to use spyware against journalists, once again in the name of “national security”.

- **Cases of State censorship**

There were several cases of State pressure or censorship against media outlets in 2023. For instance, against *Mediapart* investigating in the Gaël Perdriau affair (the mayor of St Étienne implied in a sex tape affair to discredit an opponent), a decision that was eventually reversed by tribunals, or against *L’Envolée*, which publishes letters written by inmates, and was censored for its account of the trial of 7 warders.

There are also cases of censorship against French media abroad, for instance France 24 and *Jeune Afrique* in Burkina Faso, as well as SLAPPs by foreign State and military officials (from Rwanda, but also former French diplomat Hubert Védrine, who was accused of playing a role in arming the génocidaires) against journalists (Maria Malagardis of *Libération*, Benoît Collombat of Radio France, Laurent Larcher of *La Croix*, Patrick de Saint-Exupéry of *Le Figaro*...) and others (Annie Faure of NGO *Médecins du monde*) working on Rwanda. Conversely, on this issue, Natacha Polony of *Marianne* was accused of denial of crime against humanity, and discharged.

## I.2. PROTECTION OF RIGHT TO INFORMATION

### Introductory overview

- Risk assessment: “medium” (40%, up 7 points – last year scored “low risk”)

*This fundamental right is guaranteed by France’s legal apparatus (07/17/1978 law n° 78–753; 07/11/1979 n° 79–587; 04/12/2000 n° 2000-321). There have been many worrying events relating to this multifaceted right: the abuse of the trade secrecy excuse to limit access to documents of public interest, especially concerning the McKinsey scandal, the monitoring of investigative journalists by the State, and SLAPPs against whistleblowers.*

### Issues requiring particular scrutiny

- **Trade secrets: towards an improvement with the EMFA?**

We have regularly documented the problem of trade secrecy in France in the past MPM reports (Rebillard & Sklower, 2021; 2022; Ouakrat & Larochelle, 2023). The risks associated with existing regulations (07/30/2018 law n° 2018-670, transposing the 06/08/2016 EU directive n° 2016-943; 12/07/2020 law n° 2020-1525) are now clear, as companies resort more and more often to this principle to attack journalistic investigations into their affairs (Leroux et al., 2019; Mallet-Poujol, 2020; Anticor, 2020; Ballot-Léna, 2022), despite recent important improvements of the whistleblowing legislation (03/21/2022 law n° 2022-401).

Yet, with the EMFA, things might improve, as the regulation will require Member States to respect the effective editorial freedom of media service providers and strengthen the protection of journalistic sources, creating a possible shield against SLAPPs in the name of trade secrets. In addition, media service providers will have to ensure transparency of ownership by disclosing relevant information and take measures to guarantee the independence of individual editorial decisions.

- **Access restrictions to public documents**

Recent decisions at the European level have reinforced opacity: in November 2022, the EU Court of Justice declared public access to trade registers contrary to the right to privacy, and in January 2023, France suspended the register it had opened in April 2021, though the Minister of the Economy quickly reversed the decision. France is now threatened with legal action by Brussels.

The president of the independent administrative authority responsible for ensuring “access to administrative documents” (the CADA) recently publicly regretted the lack of an open data culture in France and of transparency in the French administration. He underlined the fact that this CADA is overwhelmed with requests that could have been treated earlier with reference to case law. And there have indeed been important cases of resistance by the administration to demands formulated by the press, the most controversial being that of the influence of consulting firms on public policies, especially under Macron’s presidency (the McKinsey scandal – Bazin & Assassi, 2022). As of July 2023, *Le Monde* had been asking for 18 months to access public documents on these firms’ missions – and their cost – under Macron’s first term (to “restructure the State” according to “benchmarks” and so forth), with documents only slowly trickling out. Another example is that of *Le Point*’s access to the medical database (which has for 20 years enabled it to publish a yearly barometer of the state of French public hospitals), blocked by a series of administrative decisions.

- **State pressure on investigative journalists**

Despite the whistleblower protection granted by law, there have been a few very troubling cases. Investigative journalist Ariane Lavrilleux, from online, non-lucrative media *Disclose* (2018), was taken in by agents of the DGSI (the domestic intelligence agency) in September 2023 for having, in a series of articles published in late 2021, revealed information protected by the regime of State secrets, after she reported on leaked documents demonstrating the involvement of French intelligence services in the Egyptian State’s surveillance and extremely brutal repression program against citizens, and more specifically its “campaign for arbitrary killings” against smugglers operating along the Libyan border (operation “Sirlil”). She spent 40 hours in detention, her home was searched, and faces trial. This was denounced by unions and NGOs as a violation of the principle of the secrecy of sources. Calls were made for a revision of the 01/04/2010 Dati law n° 2010-1 (the authorities indeed used a loophole in art. 2, which amended the 1881 law) to better protect this principle (APIG, 2024), and for the EMFA to be stripped of a provision, imposed by France, that created an exception to the principle of secrecy of sources in the name of “national security” – the pretext justified the surveillance of journalists with spyware, but this provision was taken out of the final draft in October.

Shortly after Lavrilleux’s arrest, journalists Ismaël Halissat, Fabien Leboucq and Antoine Schirer (*Libération*) were summoned by the police for their investigation into the killing of Amine Leknoun, a young inhabitant of Roubaix, by members of the *Brigade anti-criminalité* police forces. The pretext was the “violation of the secret of investigation”, concealing the offense and defamation against public officials.

- **Whistleblowers**

There have been several SLAPPs launched by private companies against whistleblowers – we address them later on in this report. There are also risks stemming from the generalization of whistleblowing posturing, with toxic consequences when the self-proclaimed whistleblower/media star has a cult following, which will exact revenge against his/her targets. This was the case with rapper Booba against influencer

agent Magali Berdah, who fell victim to a campaign of online harassment, following accusations by the rapper on social media. This issue is addressed by the aforementioned 2023 bill to “secure the online space”, and in the 06/09/2023 law n° 2023-451 on influencers.

In November 2023, anti-corruption NGO Anticor lost the official approval it had been granted in April 2021. Since 2015, the NGO had launched 156 judicial procedures (Bolloré affair in Togo, Richard Ferrand affair, Alexis Kohler affair, Alexandre Benalla Russian contracts, World Cup attribution to Qatar, Eric Dupont-Moretti affair...). This means it will no longer be able to file civil cases, and that the ones it had started in courts could be contested.

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

#### **Introductory overview**

- Risk assessment: “medium” (48%, up 2 points from last year)

*There is, of course, a strong legal apparatus meant to defend the profession (03/29/1936 “Brachard law”; 07/04/1974 “Cressard law” n° 74–630, Labor Code, collective agreements). After the pandemic and the following relief measures (09/10/2021 decree n° 2021-1175), the degradation of journalists’ working conditions resumed its fast pace. Physical threats and SLAPPs were other worrying elements in 2023.*

#### **Issues requiring particular scrutiny**

### **WORKING CONDITIONS**

- **Ongoing degradation**

This is another topic whose many problems we have detailed year after year. We won’t repeat elements already detailed in previous editions of the MPM (Rebillard & Sklower, 2022). Once again, the latest edition of the “social barometer” of journalism, established by Jean-Marie Charon for the year 2023, underlines that the number of journalists is decreasing (33,626, down from 34,075 in 2021, -10% since 2009). 13% of them are under 31, 48% male, 52% female.

- **Growing precariousness among *pigistes* and young journalists**

As documented by Jean-Marie Charon and Adénora Pigeolat (2021), there was a fall in *pigiste* (freelance) interns “employed” by media outlets during the COVID, and no rally since. Young professionals are in a precarious situation, suffer from spending more and more time in front of their computer (desk jobs), reorganizing and grinding information for online development, doing repetitive and superficial work (short-term news, in flux on fast-journalism websites) with less human contact, rather than actually accomplishing journalistic work. Less persons enter the profession, and many leave, often at a young age, after few years in the profession, to pursue careers in communication, media education, digital, marketing, teaching or artistic professions.

More and more journalists accumulate short-term contracts with a high degree of uncertainty and low possibilities to invest themselves in their jobs. They endure great financial difficulties: the level of wages for many *pigistes* is remarkably low, as they multiply precarious contracts (including illegal ones: self-employment, intermittent contracts...), are paid months late. They don’t recognize the job they dreamed of



(social utility or expressive journalism), experience “disenchantment”, meaninglessness. Newsrooms in television stations are more and more fragmented: there is less circulation between the various actors engaged in producing the news; reporters, photographers, cameramen don’t interact with editors, the newsroom, anchormen.

Unions have denounced the “uberization” of young journalists – the fact that media outlets resort the multiplication of short-term contracts (*Le Monde Diplomatique*), self-employment [“*auto-entrepreneurs*”], payment in author rights, interns, external recruitment of young journalists instead of the granting of tenure (frequent in PSM: Radio France, France Média Monde, *Sud-Ouest*...), at the expense of real, long-term contracts, a situation even more precarious than that of pigistes (see above). The aim is to evolve towards more flexible and less salaried staff. In sports journalism, there are new forms of uberized journalists, with the phenomenon of “livers” (live commentators of events).

There are also illegal (art. L. 7113, L. 2242–2243 of the Labor Code) cases of pigistes excluded from negotiations (*Infopro Digital*) on the mandatory annual revision of their wages, others in which owners (*La Nouvelle République*) refused the results of negotiations, wage (or/and “*piges*”) scales not raised (France Télévisions, AFP), leading to strikes (*La Gazette des Communes*, Centre France Group, Le Moniteur Group, EBRA Group, *Sud Ouest*...). Others in which increases in wages were deemed impossible, due to financial difficulties in independent outlets (*L’Humanité*). Strikes were successful in some cases (*L’Est Éclair*, AFP...).

- **Situation of unemployed journalists**

Unions and academics have also warned about the problems unemployed journalists face due to changes in how they are monitored and supported by France Travail (ex-Pôle Emploi), the French governmental agency in charge of registering unemployed people and helping them back into employment, with much harsher conditions under the Minister of the Economy Bruno Le Maire. New compensation rules have been imposed in 2019, 2023 (and others will be in 2024) that have made it more difficult for all unemployed persons to get full compensation and reduced the duration of compensation. These reforms obviously hit harder members of professions with lower job security (the young, women).

- **Recent forms and cases of economic, social and statutory degradation**

The social consequences of recent forms of rationalization are numerous: relocations of printing services (*Paris Turf*), mutualization and externalization of various services (*Marie-Claire*). There have also been massive restructuring plans/layoffs at *La Voix du Nord* (105 layoffs, mostly employees 55 and older), at Euronews (200 layoffs considered in Lyon), *Le Quotidien de la Réunion* (following its judicial liquidation), *Le Midi libre* (45 layoffs considered). Harassment/pressure from management have also led to departures, resignations, layoffs (Ebra Group, Vivendi Group), in some cases when journalists had voiced criticisms of their hierarchy (*Paris-Match*, France Culture), or refused to work under the aegis of new owners (*Le JDD*...).

- **Illegal subcontracting of labor**

*La Dépêche* was condemned for illegal subcontracting of labor – i.e., the use of a subterfuge to pay one worker less for the work another one should be doing. Such forms of tortuous practices are becoming more and more present (France Télévisions, *Marie-Claire*...), but labor inspection services are underfunded and understaffed, meaning sanctions are rare. One example of this phenomenon is that of local press

correspondents (30,000 of them). Their situation has degraded, with outlets asking them to perform new tasks (EBRA group, *La Croix*...) akin to that of “official” journalists: their status (created by art. 10 of the 01/27/1987 law n° 87-39) should be reformed, and their wage grids raised accordingly. We can also mention here the plundering of the work of *pigistes* by other journalists.

- **The “artificialization” of newsrooms**

While some uses of artificial intelligence are creative and useful, many of the evolutions they lead to push towards the externalization of more and more tasks, cuts in spending, and thus imply layoffs, or the substitution of permanent local agents by interns for short (or, sometimes, regular but segmented) periods, or by digital Stakhanovist editors and thematic “hub” animators. The effects of these trends among staff have in some cases been disastrous, as documented by *Blast* in its series on the EBRA group (mental health issues, 3 suicides in 3 years at *Les Dernières Nouvelles d’Alsace*, despite alerts).

## **SECURITY AND PHYSICAL THREATS**

- **Violence against journalists**

France is 24<sup>th</sup> in Reporters without Borders’s latest (2023a) ranking (up 2 spots). The report states that despite the better provisions of the recent national policing plan concerning press freedom, “journalists have continued to be the targets of police violence as well as physical attacks by protesters”. There have been many cases of police violence against journalists in 2023 (Reporters without Borders, 2023b), especially during demonstrations against the pension reform law (there were also cases of assaults by demonstrators), as well as during the May 1<sup>st</sup> demonstrations, or protests against “mega-basins” at Sainte-Soline, among others. Journalists have also denounced the pressures they endure from law enforcement while covering political protests and other events, as well as the climate of “brutalization” of the latter’s tactics. There were also many cases of violence against journalists covering the Summer riots (triggered by the police killing of teenager Nahel Merzouk) in cities and suburbs (European Center for Press and Media Freedom, 2023; Reporters without Borders, 2023c).

- **Far-right violence**

There are more and more cases of far-right/ neo-fascist violence against local media, for instance in Brittany. Erwan Chartier, the managing editor of *Le Poher*, a Breton independent local outlet, received death threats (including from members of far-right movements *Riposte laïque* and *Reconquête*) and a bomb alert after reporting on mobilization against a migrant reception center in Callac. Trade union representatives were also threatened. *Street Press* is frequently threatened by far-right movements.

- **Political threats**

Journalists have been put under police protection following verbal attacks by key political figures, such as Jean-Luc Mélenchon from *La France Insoumise* (Ruth Elkrief). More generally, there has also been a rise in the number of death threats against journalists, in the context of the Israel-Gaza war (Charline Vanhoenacker, Guillaume Meurice of *France Inter*, for instance) or other conflicts, such as the one opposing Turkey to the Kurd regions (*Le Média*).

- **Security in war contexts (Ukraine, Israel-Gaza)**

AFP journalist Arman Soldin was killed during a mission in Ukraine. The AFP's offices in Gaza were bombed in November 2023. AFP photographer Christina Assi and another AFP journalist (with others from Reuters) were severely wounded by gunfire in Southern Lebanon in October 2023, AFP collaborator Moustafa Thuraya was targeted and killed in early January 2024 (the Israeli military defended its action, accusing him of being a Hamas terrorist). Journalists in Israel also face death during rocket attacks from Palestinian or Hezbollah militant groups.

- **Freeing of imprisoned journalists**

*Libération / Le Point* journalist Olivier Dubois was freed after over 700 days of detention in Mali (journalists are investigating into the possibility that he was originally used by the “Barkhane” French military operation to locate the jihadists who took him hostage). Franco-Afghan journalist Mortada Behboudi was freed in October 2023, after spending 10 months in Afghan jails, during which he suffered abuse.

- **Fake bomb alerts in France**

There have been more and more threats against media outlets, in the form of bomb alerts sent by email (especially from Switzerland). For instance, several channels of the France 3 network were targeted in November 2023, leading to the interruption of broadcasts, among other consequences. Between September and mid-November, more than 1,000 such threats were made against schools, monuments, airports, etc.

- **SLAPPs**

The 2023 Case report signals that in 2022, France was second to Malta in total number of SLAPPs, which justifies a high-risk assessment, when considering the issue at the European scale. The mere fact of forcing more or less small media outlets to prepare and pay for a defense is enough, sometimes, to put them in a very difficult situation. There have been several cases of such procedures, triggered by major groups against media companies in 2023 – here are just a few examples, several of them in the name of the protection of trade secrets: State of Morocco vs. *Le Monde*, Radio France, France Médias Monde and NGOs (Pegasus affair); Avisa Partners vs. *Mediapart*, *Reflets*, *Arrêt sur images*, *Fakir*, *L'ADN*, *Next Impact*, *Miroir du Nord*; Sepur vs. France Inter, *Le Monde*, *L'Humanité*; Reworld Media vs *Epsilon* (in 2023, the journalists of *Sciences & Vie* who had created *Epsilon* after the Reworld takeover won the battle against the latter's 2021 SLAPP procedure); Altice (owned by media magnate P. Drahi) vs. *Reflets.info*; TotalEnergies vs *Mediapart*, Greenpeace; Valgo vs *Le Poulpe*; Casino vs. *La Lettre A*; Alila vs. *Mediacités*. We should mention here the case of journalist Christophe Nobili who was fired from the independent, satirical newspaper *Le Canard enchaîné* for revealing a scandal of embezzlement of funds (bogus jobs). Labor inspection considered his firing illegal.

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

### Introductory overview

- Risk assessment: “low” (13%, up 8 points)

*There haven't been any manifest recent cases of political pressure on the ARCOM, which is an independent public authority, with a budget of its own, transparent decisions and appointment procedures (07/26/1983 n° 83–675; 09/20/1986 n° 86–1067; 11/15/2013 n° 2013-1028). The major issue in the past two years were the sanctions against Russian State-owned media, imposed by Brussels without approval from the national authority, a procedure that was contrary to French norms of freedom of communication. The issue of the uselessness of its sanctioning powers was also raised with the situation at Bolloré's television channels.*

### Issues requiring particular scrutiny

- **Transparency and of political influence on PSM appointments**

Economist Julia Cagé (2022) has called for less influence of the President of the Republic in appointment procedures (ARCOM and Competition Authority), as well as the imposition of unique mandates at the Competition Authority. Auditions should be made public when important cases of media concentration are considered by the latter. Others consider journalists or even citizens should have a say.

- **Illegal ban on Russian State-owned media**

France registered a slight decline in Internet freedom during 2022 according to Freedom House (2022), which mentioned the case of Russian websites tied to the Kremlin blocked in response to an order from the European Union. These procedures were contrary to French norms of freedom of communication (art. 42 of the 09/30/1986 law and 06/21/2004 law n° 2004-575) – the ban should have been considered (and eventually implemented) by the ARCOM or by the president of the litigation department of the Council of State, which wasn't the case. This contentious situation was denounced by RT France's professional unions, as well as by the European Federation of Journalists and various legal experts (Gutiérrez, 2022; Charvin, 2023; Derieux, 2023). RT's assets were frozen in December 2022 (in order to cut its production, which was still viewable online via VPNs), following new sanctions against Russia, and RT France shut down in January 2023, leading to the firing of its 123 employees (77 accredited journalists). In another case, the ARCOM had considered itself incompetent to impose upon the French cable operator Eutelsat to stop broadcasting other Russian channels (Rossiya 1, Perviy Kanal, NTV). Fighting against foreign State propaganda must be done according to legal, democratic procedures.

- **Sanctions against Bolloré's channels and Cyril Hanouna**

The ARCOM's sanctioning powers are important, but are not always applied, as was highlighted by the Council of State in its 02/13/2024 ruling n° 463,162 on the ARCOM's lack of intervention against the highly biased political treatment of news on CNews. They aren't always effective either. The ongoing provocations of the Bolloré channels – CNews, C8 (Cagé, 2022a; Sécail, 2022; 2024) – have been regularly met with sanctions in the last few years (see the Hanouna case in the Political Independence area). The accumulation of cases (documented later in this report) might cost C8 – and other Bolloré channels – its

spectrum allocation in 2025 which would, undoubtedly, renew accusations in various media of State censorship.

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

- See following section.

### **FOCUS ON THE DIGITAL ENVIRONMENT**

#### **I.1. PROTECTION OF FREEDOM OF EXPRESSION**

- **Expanding counter-terrorist legal apparatus & opposition**

Over the years, the French and European legal apparatuses to fight terrorism have regularly been expanded (11/13/2014 law n° 2014-1353; 06/03/2016 law n° 2016-731; 10/30/2017 “SILT” law, sustained by the 07/30/2021 law n° 2021-998; 08/16/2022 law n° 2022-1159 implementing the 04/29/2021 EU ruling n° 2021/784 on the online dissemination of terrorist content – “TCO” or “TERREG”), as well as various anti-disinformation and anti-hate speech laws mentioned further down in this report, impose upon platforms such as Facebook or Twitter to use their algorithms to filter, intercept and block such content within an hour – meaning they have to resort to automated systems, preventive censorship and, in theory, armies of moderators.

The TERREG legislation was attacked by a numerous civil society organizations – Quadrature du Net, Access Now, ECNL, EDRi, Article 19, Wikimedia Foundation (Quadrature du Net, 2023a) –, for reinforcing the hegemony of major online platforms, for resorting to their flawed algorithms, for possibly threatening basic freedoms (of expression, of access to information online), and for handing over to authorities the power to censor entire websites, without independent judicial oversight.

- **Platforms restrict access to APIs and research on the spread of disinformation**

Despite the implementation of the DSA, and its requirement that “VLOPs” and “VLOSEs” provide researchers access to data and APIs (art. 40), there still are numerous problems with major platforms, regarding this issue, as well as the fight against disinformation (ARCOM, 2023I). Elon Musk let rumors leak about his intent to shut down X/Twitter in Europe to avoid the new constraints in terms of content moderation, following the DSA. The platform’s actions (such as the billing of access to its API, or SLAPPs) have also recently led about 100 research projects on the spread of disinformation to be canceled or suspended. Other platforms have also shown similar resistance: access to the CrowdTangle API was canceled by Facebook. There are similar problems at TikTok, as well as a crisis at Reddit, with a “strike” by the volunteers who moderate the subreddit chatrooms, following its decision to bill access to its API. These restrictions represent real threats to research on a variety of crucial phenomena that occur on social networks and platforms.

## I.5. ACCESS TO THE INTERNET

- Risk assessment: “medium” (49%, stable)
- **The Open Internet Regulation and various digital acts**

If the European Open Internet Regulation enshrines users’ right to access and distribute information and content online, it applies solely to ISPs. Located at the end of the Internet access chain, devices (smartphones, voice assistants, connected cars...) and structural platforms’ closed ecosystems (aka gatekeepers) have proven to be the weak links in achieving an open Internet. These concerns were taken into consideration by the BEREC and the ARCEP, and integrated into the various digital acts (DSA, DMA, DGA and DA), which constituted, with the BEREC’s recommendations, progress with regards to net neutrality, as well as privacy, competition, among other issues.

- **Transatlantic Data Privacy Framework**

Not all commentators, however, are as optimistic about these new regulations. Firstly, the evolution of EU-USA discussions on data transfers, which reached a new step in July 2023 with the new Transatlantic Data Privacy Framework, has been more or less harshly criticized by a variety of actors – among which, once again, None Of Your Business (2023), which is challenging this new step – as an illegal extension of the American surveillance apparatus and a clear threat to national and individual data privacy and sovereignty.

- **The defense of interoperability**

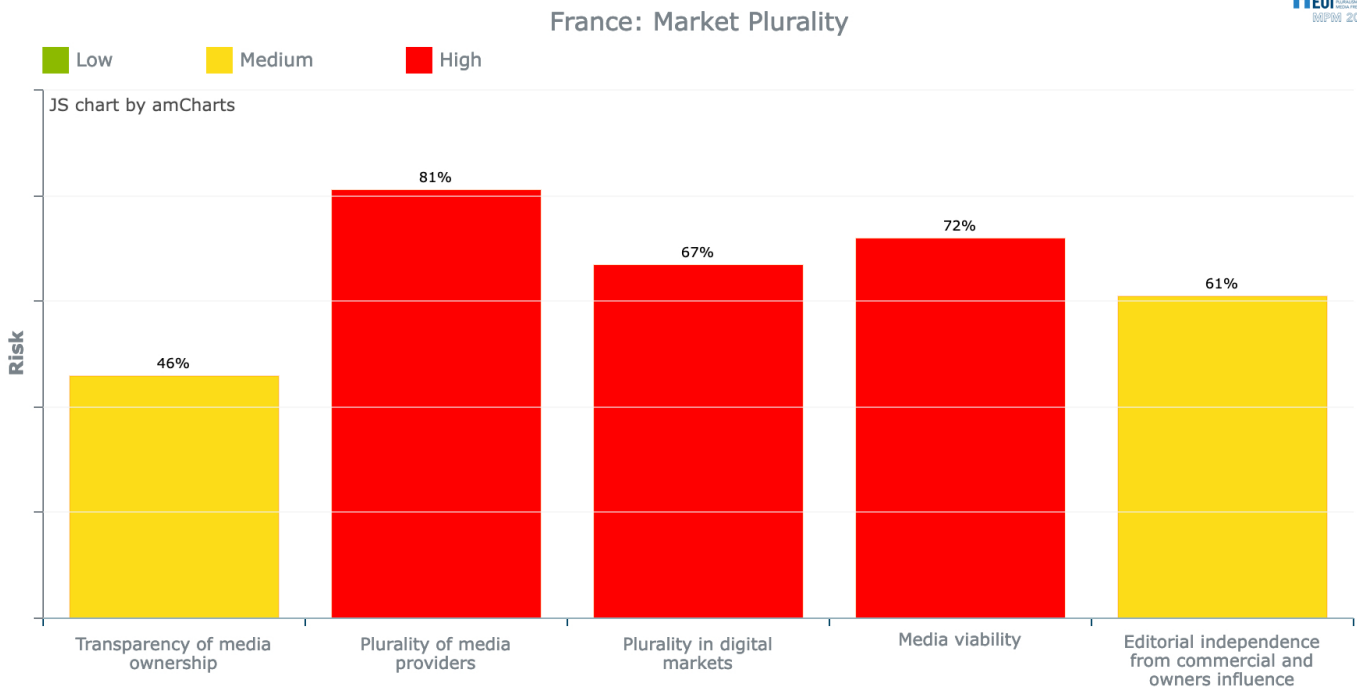
Secondly, the Quadrature du net (a French NGO dedicated to digital freedom) also keeps on battling for a true open Internet, against the technical and digital enclosures of major, oligopolistic, centralized platforms, with their negative effects on users, data collection and privacy, and the great threat they represent to freedom and pluralism (Labonde et al., 2022; Quadrature du net, 2023c). This obligation of interoperability and data portability for gatekeepers was introduced in the DSA and the DMA, but France opposed the measure, which was then abandoned for social networks, and drastically reduced for interpersonal messaging services.

- **Risks tied to triple play offers**

La Quadrature du Net also underlined the risk that the exception of “quality of service” in digital audiovisual services provided by triple-play offers via boxes and the likes. This can constitute an opportunity for service providers to favor the channels with whom they have a commercial agreement, over other channels or other types of content, and thus an abuse of dominant position. For instance, the online channel Le Média, which was officially recognized by the ARCOM, is still not broadcasted by the SFR and Orange boxes.

### 3.2. Market Plurality (65% - medium risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



- Overall risk assessment

**Market Plurality** is the area where the situation has deteriorated the most, with a strong 11-point increase in average risk (up to 65%, nearing a “high risk” average). While the “**Plurality of media providers**” is almost stable (up 1 point to a record 81%), all others have significantly gone up: “**Transparency of media ownership**” and “**Plurality in digital markets**” are up 6 points (to 46 and 67%, respectively), while “**Media viability**” is up 19 points to 72% and “**Editorial independence from commercial and owners influence**”, a record 23 points this year, to 61%. This stems from the ongoing restructuring of the private media sector, with additional trends towards oligopolistic consolidation and rationalization at both the national and local scales – elements that demonstrate the obsolescence of the French regulatory model in terms of independence and pluralism – anti-competitive practices by several GAFAM, limited revenues in a context of high inflation and audience erosion.

## II.6. TRANSPARENCY OF MEDIA OWNERSHIP

### Introductory overview

- Risk assessment: “medium” (46%, up 6 points)

*The French legal apparatus ensures a certain degree of transparency: ownership of companies is semi-public (pay for access to the trade register). Various national laws (08/01/1986 law n° 86–897; 09/20/1986 n° 86–1067; 06/12/2009 n° 2009-669; 11/14/2016 n° 2016-1524; 12/09/2016 n° 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 2015 and 2018 EU directives that aimed at fighting against the financing global terrorism (n° 2015-849; n° 2018-843).*

### Issue requiring particular scrutiny

- **Transparency**

The Open Ownership report on France (2023) proposed a rather positive evaluation of the country’s data, but it stressed technical and data quality issues. Researchers have in the past underlined the complexity and difficulty to establish ultimate owners of media groups (Cagé et al., 2017; Cagé & Huet, 2021), as has the 2022 Senatorial Commission on media concentration (Assouline, 2022), though this hasn’t stopped them, or other journalists (such as those of *Le Monde diplomatique* – cf. ACRIMED & *Le Monde diplomatique*, 2023), or the Senate during its 2022 Commission on media concentration, from determining who owns which French print and audiovisual media.

## II.7. PLURALITY OF MEDIA PROVIDERS

### Introductory overview

- Risk assessment: “high” (81%, up 1 point)

*Despite the refusal of the TF1-M6 merger in 2022, oligopolistic control of news media is still on the rise. The complex set of laws imposing various thresholds (07/29/1982 law n° 82–652; 10/23/1984 n° 84–947; 02/01/1994 n° 94-88; 08/01/2000 n° 2000-719; 07/17/2001 n° 2001-624...) aren’t effective at stopping further concentration, and calls for their revision have multiplied with the political polarization of the sector. Concentration in the print – most notably at the local level – accentuates the decrease in external pluralism, while concentration in the audiovisual sector has led to less internal pluralism.*

### Issues requiring particular scrutiny

- **Concentration**

The progress of vertical, horizontal and diagonal/conglomerate concentration and their deleterious effects on pluralism and democracy in France keep on being major issues within the French media, political (Assouline, 2022; Requin et al., 2022) and academic fields (Cagé, 2022a; Casas, 2023; Lefebvre & Bouquillion, 2023; Smyrniotis, 2023b). Recently, fed by the realization of the growing influence of certain media conglomerates on the framing of issues, public opinion and France’s political future, debates have



arisen over the necessary revision of French regulations (the system of thresholds, the independence of newsrooms, the role of existing regulators) to limit and, eventually, reduce the phenomenon – we discuss proposals in our conclusion.

- **Recent cases of conglomerate concentration**

- In 2022-23, the **Bolloré conglomerate** divested from its African ventures, to concentrate its capital on cultural and media assets (**Vivendi**). In November, Bolloré made a public offer on Vivendi, to take full control of that entity of his conglomerate (he previously had 60%) and consolidate its international development. The group also made an offer to absorb Lagardère, which was validated by the European Commission, subject to the cession of a certain number of the elements: publishing company Editis was sold to another, more recent, media mogul, **Daniel Kretinsky's International Media Invest** (a subsidiary of CMI); in order to keep *Paris-Match*, *Gala* was sold to the Figaro group. In the acquisition, it also took control of Europe 1 and *Le Journal du Dimanche* (JDD). We document earlier the dire consequences for these entities' newsrooms further down in this report – the situation is similar to that at i-Télé (which became CNews in 2016), and later Europe 1. The group created a company limited by shares for its radio entity (Europe 1, Europe 2, RFM), as lip service to the French media regulator, to no avail in terms of internal pluralism. M6 also entered negotiations with Prisma media (owned by Vivendi/Bolloré) to sell eight thematic media outlets (Cuisine AZ, Passeport Santé, Fourchette & Bikini, Déco, M6 météo, etc.).
- **Daniel Kretinsky** kept on diversifying his French media empire: he bought the leading group of publishing companies Editis from Vivendi, acquired 47% of the capital of Louie Media (podcasts – a sector that is moving towards a more oligopolistic morphology – ARCOM & Ministère de la Culture, 2024), acquired 45% of *Loopsider* (specialized in the dissemination of videos on social media), loaned another €14M to *Libération*, but sold his shares in *Le Nouveau Monde* (one of the major shareholders of *Le Monde libre*, which holds 72.5% of *Le Monde*) to **Xavier Niel**. The latter transferred all of his to a trust fund (he had also acquired **Matthieu Pigasse's** 49% in *Le Nouveau Monde*, in early 2022). He has been acquiring many media in the past quarter of a century (*L'Obs*, participation in *Mediapart*, *Mediawan*, *Nice-Matin*, the Paris-Turf group, etc.).
- **Patrick Drahi** sold all of his remaining shares (49%) in the weekly news magazine *L'Express* to **Alain Weill** (founder of the Group NextTVRadio, now Altice Media), to whom he had already sold the first 51% in 2019.
- **Rodolphe Saadé** (CMA CGM) has kept on pushing his pawns in the media sector. With **Xavier Niel**, he invested in *Brut* (at the expense of Kretinsky). He entered M6's surveillance council in 2023 (he has 6% of its shares), invested in the regional press (*La Provence*, *Corse-Matin*, *La Tribune*). He also bought elements of **Bolloré's** logistics group. In March 2024, Saadé was bound to acquire Altice Média (BFM-TV, RMC) from Drahi.
- **Claude Perdriel** has been developing a concentration strategy in the sector of news magazines. He sold *Historia* to the *Les Échos* group (**LVMH**).
- In 2022, TF1 (**Bouygues**) sold most of its digital pole to **Reworld Media** (Aufeminin, Marmiton, Doctissimo, Les Numériques, etc.).

- **Regional press concentration**

With great difficulties adapting to the new digital environment (Amiel & Bousquet, 2022), regional media have kept on concentrating to unprecedented levels, with a small number of groups sharing the French territory and its 51 outlets. Between 2010 and 2020, more than 25 outlets (nearly 50% of the sector) were bought (or proposed takeover bids), an evolution which came with layoffs and massive austerity measures against journalists and other employees (in 2023 at *Sud-Ouest*, *La Provence*, *Midi Libre*, *La Voix du Nord*, *Le Messenger*, *Le Marin*...).

There have been multiple recent agreements between the various groups, leading to a “juxtaposition of local monopolies” or local hegemonic positions (Bousquet & Amiel, 2021), rather than competition and pluralism. There has also been a trend towards the grouping of newspapers within a same group, to achieve economies of scale through the centralization and digital standardization of content, the rationalization of management via cost killing, to the detriment of internal and external diversity. Such was the case within the SIPA-Ouest-France group, which mutualized the contents of 4 of its newspapers.

Two groups traditionally have great influence:

- **SIPA-Ouest-France** (*Ouest-France*, *Presse Océan*, *La Presse de la Manche*, *Le Maine*, *Le Courrier de l’Ouest*, as well as Sofiouest, which invested in *20 Minutes*, a free daily newspaper)
- **Est Bourgogne Rhône-Alpes (EBRA)** (*Le Dauphiné libéré*, *L’Est républicain*, *Le Progrès*, *Dernières Nouvelles d’Alsace*, *L’Alsace*, *Le Bien public*, *Le Journal de la Haute-Marne*, *Le Journal de Saône-et-Loire*, *Le Républicain lorrain*, *Vosges-Matin*) owned by the Crédit Mutuel.

Other groups:

- **Rossel-La Voix** (*L’Union*, *La Voix du Nord*, *L’Ardennais*, *Courrier picard*, *L’Est-Éclair*, *Libération Champagne*, *Nord-Éclair*, *Nord Littoral*, *Paris-Normandie*),
- **Les Échos-Le Parisien** owned by Benard Arnault (via LVMH).
- **Nouvelle République Centre-Ouest** (*La Nouvelle République*, *Centre Presse-Poitiers*),
- **Sud Ouest** (*Sud Ouest*, *Charente libre*, *Dordogne libre*, *La République des Pyrénées*, *L’Éclair des Pyrénées*), owned by the Lemoîne Family
- **La Dépêche** (*La Dépêche du Midi*, *Midi libre*, *Centre Presse-Aveyron*, *La Nouvelle République des Pyrénées*, *Le Petit Bleu*, *L’Indépendant*), owned by the Baylet family (68%),
- **Centre France** (*La Montagne*, *La République du Centre*, *Le Berry républicain*, *Le Journal du Centre*, *Le Populaire du Centre*, *L’Écho républicain*, *L’Éveil de la Haute-Loire*, *L’Yonne républicaine*).

Two groups were acquired by media magnates:

- **Nice-Matin** (*Nice-Matin*, *Var-Matin*, *Monaco-Matin*), acquired in 2020 by Xavier Niel (NJJ Press), who imposed a massive restructuring in 2023.
- The formerly independent group **La Provence** (*La Provence*, *Corse-Matin*) was acquired in 2023 by

Rodolphe Saadé (CMA CGC group).

This only leaves two independent groups,

- *La Marseillaise* (Groupe La Marseillaise), which, over the years, has undergone recurring austerity measures (-200 employees in 2014 - 50 in 2018, liquidation in 2020). The Provence group had offered to take it over in 2020, which the newsroom refused.
- *Le Télégramme* (Groupe Télégramme).

## II.8. PLURALITY IN THE DIGITAL MARKET

- See Internet section

## II.9. MEDIA VIABILITY

### Introductory overview

- Risk assessment: “high” (72%, up 19 points, out of “medium” zone)

*The context of strong inflation has had dire consequences on the entire media field, which is adapting at a fast pace, with new forms of rationalization, content and transmedia diversification, diagonal synergies, new forms of advertising. Recent economic 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 greater streamlining of media outlets, with obvious negative consequences on pluralism.*

### Issues requiring particular scrutiny

- **Limited revenues in a context of strong inflation**

Many audiovisual groups (TF1, M6, NRJ...) have seen their advertising revenues strongly decline in 2023, in a context also marked by new uses (Sonnet & Boudon, 2021), lower audiences, especially among the young (Dejean et al., 2021). And though some (Canal +, Altice) see a slight increase (Kantar et al., 2023), the figures are lower than the 4.9% 2023 inflation rate. The situation is similar in radio groups (M6, NRJ, Lagardère, Altice...). It is more contrasted for the print press, with some groups improving their revenues. Several print press media (*Liberté Hebdo*, *Les Nouvelles Calédoniennes*, *VSD*, several titles of the Téma Group...) and groups (Quatre, I/O...) were in receivership in 2023.

Many online media also faced losses: *Arrêt sur images* lost more than €100,000 in 2022; *Vice France* closed in March. By contrast, after a slight decrease of its turnover in 2022, *Mediapart* bounced back in 2023. The professional digital press (*Contexte*, *La Lettre*, *AEF Info*, *Politico*...) aimed at organizations (and thus financed by expensive subscriptions) is doing better.

- **The situation of the regional press**

In 2023, local media outlets have had to face both structural (competition of local bloggers/influencers, erosion of an aging readership, competition from online outlets, blogs and social networks, uberization of the news, loss of ad revenues) and conjunctural (persistence of consequences of the pandemic, inflation of paper and other costs with the war in Ukraine) constraints. In 2023, readership fell by up to 10% in all but one local newspaper, as well as within the local free press (Bousquet, 2023; Joux, 2024), as they accelerated their digital transition and their investment of the local audiovisual sector (ARCOM, 2023h).

- **New strategies**

There are many forms of (more or less) new strategies, content and sources of revenue, throughout the media sector:

- **Lowering/rationalization of costs:** classical economies of scale via internal or external growth, externalization of numerous functions (Rebillard & Noûs, 2021), standardization of content production thanks to AI (electoral results, translations, content moderation, editorialization, writing)...
- **market extension:** regionalization (*Le Figaro* developed local, regional editions based in Bordeaux, Lyon, Nantes and Nice), European expansion (Euronews moved to Brussels, to be closer to European institutions, and laid off dozens of journalists; Arte is starting to rebrand itself as a European channel), international expansion (towards global French-speaking audiences), as foreign channels gain traction in France (Le Diberder, 2019).
- **content diversification & innovation** (European Federation of Journalists, 2021; Ouakrat et al., 2022): “solution journalism”, “data journalism” (Joux, 2021; Aubert, 2023), OSint, collaborative “cloning”, multiplication of online formats (Guéraud-Pinet, 2022). Some practices are at the service of media freedom: Forbidden Stories is a collective of journalists who finish the job of those who are pressured into stopping their investigations – or imprisoned, kidnapped, assassinated, etc. (Daucé, 2023) – the website proposes the “SafeBox Network” which keeps sensitive information safe in case of threats to the investigation or its messenger.
- **transmedia diversification** (additional revenues and economies of scope): *Le Figaro*, for instance, has been developing a strong audiovisual production unit, launched a digital terrestrial television channel in the Ile-de-France region, developed a radio channel (Joux, 2017; Rouquette, 2018). *L’Express* is also aiming at a digital terrestrial channel. Many media have developed podcasts.
- **diagonal synergies:** organization and sponsoring of events (conferences, sports, fairs...), cooperation with “influencers” (for instance, Le Mouv’ offers slots to content creators; YouTuber Hugo Decrypte is now an interviewer for France 2).
- **sources of funding:** crowdfunding and independent funds (Rebillard, 2020), for instance *Mediapart*’s crowd-funded Fund for a free press, to help small, independent, digital native, investigative journalism.
- **distribution:** digital kiosks, one-stop shop”/“single desk” online media, “360°” portal strategies with magazines, supplements, digital contents, e-commerce.

## II.10. EDITORIAL INDEPENDENCE FROM COMMERCIAL AND OWNER INFLUENCE

### Introductory overview

- Risk assessment: “medium” (61%, up 23 points)

*The risk has gone up, as new forms of “journalism” keep on blurring the boundaries with advertising. The major issue – documented several times in this report – is that of the editorial independence of newsrooms, in the face of the growing concentration of the sector. Solutions exist to ensure better independence, at a structural level.*

### Issues requiring particular scrutiny

- **The blurring of commercial and news content**

We have documented in previous editions of the MPM (Rebillard & Sklower, 2022) the multiple creative ways in which advertising blends in media formats: “brand content”, branding strategies (Lafon, 2021), “content commerce”, “communication journalism”, “native advertising”, sponsoring, transmedia synergies, partnerships with “influencers”, lobbying to enable new forms of advertising on television, use of AI to virtually integrate brands in film and series postproduction (Aubrun & Del Vecchio-Lima, 2021; Bullich, 2021; Fere, 2021; Conférence nationale des métiers du journalisme, 2023).

- **New statuses for independent media outlets**

In recent years, there has been an important development of digital native regional media, 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 a “**solidarity press company**” [*entreprise solidaire de presse d’information*], which was created thanks to the 17 April 2015 “Pacte” law n° 2015-433, which created tax deductions for donators, and requires that 70% of profits be reinvested into the company. *Charlie Hebdo* was the first to adopt the status in 2015, followed by *Les Jours* in 2016, *L’Humanité* in 2017, or *Blast*, more recently – among others. This new status could prove beneficial for small, local, independent media, especially to maintain their editorial independence, though other cooperative statuses exist which could be just as useful (SCOP, adopted by *Alternatives Économiques*, SCIC adopted by *Nice Matin*).

Some outlets embrace *Mediapart*’s economic model: exclusively online, a hard paywall, no advertising, subscriptions, and calls for crowdfunding. Several of them have developed partnerships with *Mediapart*, as has *MarsActu*, since 2011: a form of mutualization of resources that favors independence and pluralism. Others, such as *Disclose*, resort only to donations, and exclude stock owners.

Authors like Pierre Rimbert (2014) and Patrick Champagne (2016) have championed the model of a **mutualized infrastructure services** for information production and dissemination, from the “journalist to the seller [*kiosquier*] or the web page”. This common service 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, commercial services, and would provide for the wages of all the workers whose jobs are on the verge of eradication. It would be financed by member subscriptions, and organized by members, on the model of the French social security

or retirement funds.

With similar ideals, but with a very different approach, Julia Cagé and Benoît Huet (2021) consider that we must enact not only media pluralism, but “**ownership pluralism**” – a form of democratized capitalism. With this in mind, they proposed the status of a “nonprofit 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.

In France, the category of “nonprofit media” isn’t really claimed, except for a few outlets such as *The Conversation France* (a digital native, academic media outlet, financed by donations and partner universities – an original model first experimented in Australia) and *Reporterre* (a digital native news outlet dedicated to ecology).

## FOCUS ON THE DIGITAL ENVIRONMENT

### II.6. TRANSPARENCY OF MEDIA OWNERSHIP

- **Transparency of online media**

The situation here is more problematic for online media, and more specifically for video-sharing services. Disclosure of ownership details or financial reporting is limited in the online environment – the 12/22/2018 law n° 2018-1202 does not apply to AVMSs and platforms (Kamina, 2021), and France did not implement art. 5-2 of the European AVMS directive (forcing media services to disclose this information). More generally, information on ultimate owners of foreign companies is way less transparent.

### II.8. PLURALITY IN THE DIGITAL MARKET

- Risk assessment: “high” (67%, up 6 points, out of “medium” zone)
- **Online concentration**

Concentration in the online media sector is subject to the same mechanisms as other sectors, and monitored by the same regulators (Competition Authority, ARCOM). However, there is for the moment no clear anti-concentration mechanism for online media equivalent to that for the print and audiovisual sectors. The digital sector is not yet fully consolidated yet, as there is a multiplicity of actors, media, formats that can hardly all be considered under the same umbrella, if not that of “convergence”. There isn’t yet a sufficiently threatening trend of online concentration, though there are, of course, signs of such a movement – for instance in the podcast sphere (ARCOM & Ministère de la Culture, 2024) –, though one shouldn’t fall for the illusion of a structurally pluralistic online mediascape.

With the “platformization” of legacy media (Rebillard & Smyrniotis, 2019; 2021; Aubert, 2023), the internationalization of national media (such as the *New York Times*), the growth of an independent digital native mediascape (*Mediapart* and its fund for a free press, the actors defended by the SPIIL – the union of independent online news outlets), and the role played by social networks, the phenomenon of concentration cannot be assessed as it is for traditional, analogic, “silo” media.

Problems, for the moment, have to do with access, distribution and advertising revenues (the role played by new gatekeepers/infomediaries), more than of horizontal concentration. When it comes to

“diagonal”/conglomerate concentration (Négrier, 2019), with possible synergies between various cultural/creative/media industries (and subsequent internal circulation of content/media figures, or censorship of others), then we face the limitations of a focus on sectorial as well as cross-media concentration, and must rethink the whole apparatus in light of these new trends and strategies.

- **Online advertising triopoly & anti-competitive practices**

One of the major issues for online media is the crushing dominant position (and abuses thereof) of the Alphabet/Meta/Amazon triopoly over online advertising (France Pub et al., 2023) and its very harmful effects on online media revenues (Benzoni & Clignet, 2017; Mattelart, 2020; Perrot et al, 2020; Guillou, 2023; Smyrnaio, 2023a). A recent forecast (ARCOM et al., 2024) for the next 6 years considers that this control (the report includes TikTok in the oligopoly) will keep on growing.

In May 2023, the Competition Authority pronounced “protective measures” against Meta for its rejection in its ad-verification apparatus of Adloox, a small, independent French company, for opaque reasons. Google was fined by the European regulator for its anti-competitive practices and abuse of a dominant position in the advertising sector (Thibout, 2024). The Competition Authority is also investigating on Apple’s practices relating to targeted advertising.

- **Limitations of the DMA**

It is obviously an ongoing process, with the implementation of the DMA in 2023 (as well as the DSA, the EMFA and, eventually, future “digital acts” on artificial intelligence and taxation) and, in a near future, the consequences of the American FTC’s antitrust procedures against Google and Facebook. One can consider that, given the extremely high level of concentration of the online advertising sector in France and beyond, and its disastrous effects on the revenues of national media outlets, the regulations are quite ineffective. Their structural, hegemonic grasp on the various sectors they invest in is not fundamentally challenged by these regulations (or, for the moment, their echo via the “Brussels effect”). It is not clear that the EU has any will (or power) to actually attack the roots of the problem, for instance through a much more vigorous antitrust apparatus, the defense of sustainable, independent media against predatory capitalism. It is not any more obvious that competition or cultural policies can actually go against market trends and consumer sovereignty.

- **Related rights**

We had documented the contentious negotiation process around related rights, its various stakeholders (and those that were excluded from the deals) in previous editions of the MPM (Rebillard & Sklower, 2022; Ouakrat & Larochelle, 2023). France has indeed implemented a mechanism for platforms to pay for the use of such content, and another one to contribute to the financing of innovative media. This latter mechanism has been criticized (especially by independent, digital native media) as the sums have essentially been going to those media that already massively profit from State subsidies, and as the apparatus increases dependency upon the GAFAM (Joux, 2020; Ouakrat, 2020; Papaevangelou & Smyrnaio, 2023).

The other problem is the lack of universal support for a collective solution to this issue (Duby-Muller & Garcia, 2022). The APIG has refused to join the Société des Droits Voisins de la Presse (DVP, created in October 2021, following the implementation of the April 2019 EU directive on related

rights), which is meant to negotiate, collect (art. 15 of the Directive) and distribute the new funds stemming from online uses of journalistic content. The DVP regroups a large number of media (237 press publishers), both public and private, in the audiovisual, print, press agencies (46) sectors, as well as groups (Prisma Media, CMI, Altice Media...), from various organizations (SEPM, SPIIL, FNPS), with the SACEM (the APIG actually just signed a deal with the SACEM to benefit from its knowledge in rights collection and distribution). We still do not have any data on how these new funds are redistributed and how they affect the revenues of journalists, whatever their status.

The DVP has denounced the lack of transparency of online platforms on their revenues, their unwillingness to negotiate the issue. It signed a first deal with Google as late as October 2023. Many media and press agencies (*Le Monde*, *Le Figaro*, *Les Échos-Le Parisien*, *AFP*...) have sued companies such as Twitter and Microsoft for refusing to negotiate the amounts they will be paying in related rights. Google has been fined several times by the competition authority (most recently fine in March 2024 – €250M) for not respecting its commitments to negotiate “in good faith”, as well as for not clearly indicating how its artificial intelligence application Bard trained its model...

- **Artificial intelligence**

As a growing source of production and distribution of news and disinformation, AI can be both a tool to help journalists, but also to rationalize the massive production of uncontrolled “gray propaganda” (including trolling, false profiles, deepfakes, etc.) – all the more given the fact that it widens the chronological gap with thorough, patient journalism (NewsGuard, 2023). Publishers, journalist unions are starting to tackle the various threats to their profession, their revenues and their audiences. For instance, Reporters without Borders proposed a charter (2023d) and has associated with the APIG to create the “Project Spinoza”, for AI to serve journalists, news trustworthiness, citations and respect for related rights. The DVP exercised its opt-out right; AI crawlers now need a prior authorization to exploit the content of its members. In March 2024, *Le Monde* signed a multi-annual deal with OpenAI, once again shying away from a collective solution.

## II.10. EDITORIAL INDEPENDENCE FROM COMMERCIAL AND OWNER INFLUENCE

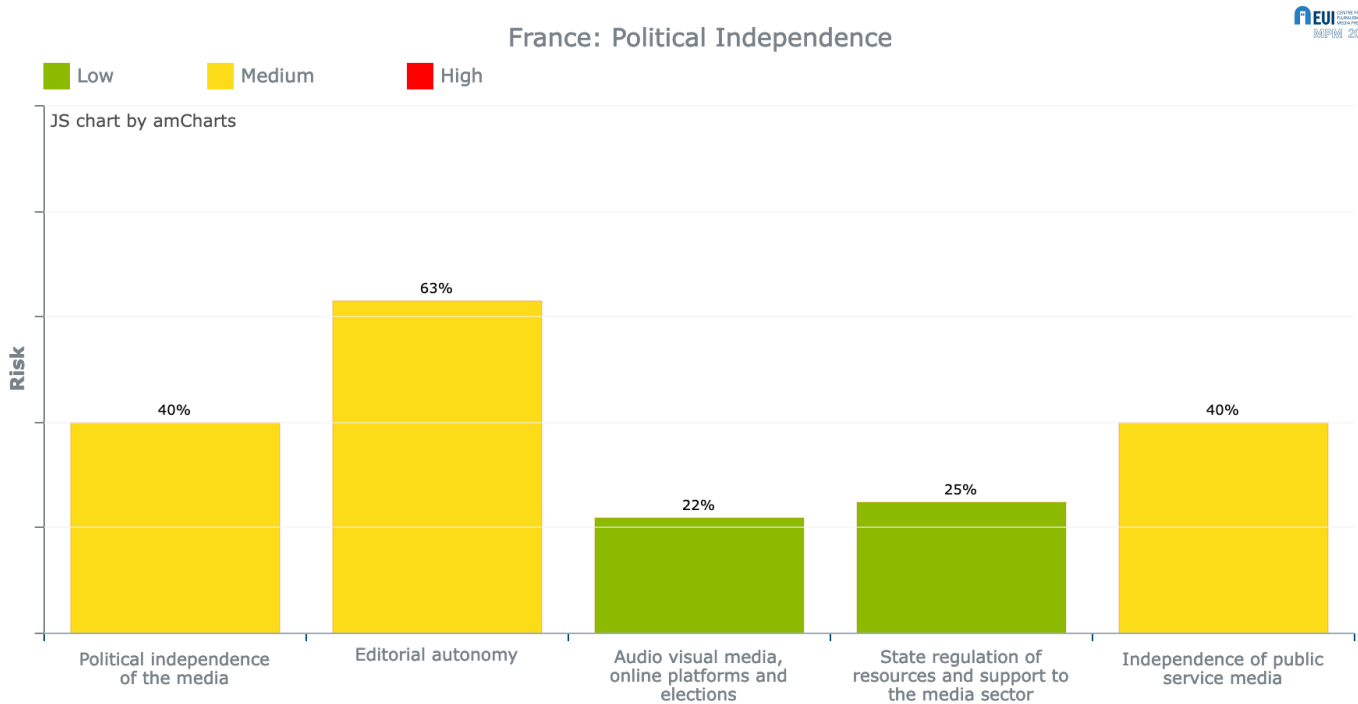
- **Mediapart’s Fund for a free press**

There are original means of financing independent journalism, online (Rebillard, 2020; Cagé & Huet, 2021; Joux, 2022). Over the years, one of the most fruitful initiatives is Mediapart’s “Fund for a free press”, which aims is to “defend freedom of information, press pluralism and the independence of journalism; to contribute to the protection of the right to know and the freedom to speak out in the digital revolution; to promote journalism in the public interest, bearing humanist values, in the service of the common good and equal rights, the rejection of discrimination and the rejection of injustice”. It is transparent on its financing: it receives regular funds throughout the year, and launches financing campaigns – it received over €120K from 1,500 contributors during the most recent one in 2023. In 2023, it supported *Le Courrier des Balkans*, *Inf’OGM*, *L’Empaillé*, *La Déferlante*, *Mediacités*, *Reflets.info*, *Splann!*, *StreetPress*, *Transrural Initiatives*, *Afrique XXI*, *Au Poste*, *Climax*, *CQFD*, *Guyaweb*, *Le Poulpe*, *Le Postillon*, *Marsactu*, *Terrestres* and the common *Rue89Bordeaux-Rue89Lyon-Rue89Strasbourg* project. It also supported independent a few media outlets that were experiencing financial difficulties.



### 3.3. Political Independence (38% - medium 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.



- Overall risk assessment

The **Political Independence** area is relatively less disturbing than the previous ones, with a slight, 2-point risk increase (up to 28%), essentially due to the looming obsolescence on spectrum allocation mechanisms (“**State regulation of resources and support to the media sector**” indicator up 8 points, to 25%), as over-the-top devices could free audiovisual actors from the ARCOM’s regulatory grip in a near future, and with the threat against public service media (“**Independence of public service media**” indicator up 2 points, to 40%), with the reform of their financing (abolition of the license fee and “budgetization”). The three other indicators remain stable, at however significant risk levels: “**Political independence of the media**” stays at 40% (“medium risk”), “**Editorial autonomy**” at 63% (always on the verge of “high risk”, due to additional cases of State pressures on investigative journalists, and on the ideological overhaul Bolloré imposes on the media he acquires), and “**Audiovisual media, online platforms and elections**” at 22% (“low risk”), in a year where without elections, though contentious elements appeared during the 2022 campaigns.

### III.11. POLITICAL INDEPENDENCE OF THE MEDIA

#### Introductory overview

- Risk assessment: “medium” (40%, stable)

*Within the audiovisual sector, media independence is monitored by the ARCOM (09/30/1986 law n° 86–1067; 10/25/2021 law, n° 2021-1382 merging the CSA and the HADOPI). Most ethical charters in press outlets emphasize honesty, impartiality, freedom of thought and of its expression, denounce censorship, and defend independence from political parties. 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, much more than direct political control. The war in Ukraine, and then the 7 October 2023 Hamas attacks followed by the Israeli war in Gaza, have fed the ideological polarization of the media field, in evermore troubling ways (rising antisemitism, racism, threats against journalists...).*

#### Issues requiring particular scrutiny

- **Political influence**

There is very scarce direct political control of the print press in France – such control is more indirect. Political control is not prohibited by the law, and in the case of audiovisual media, political pluralism is a condition imposed by the ARCOM. The power media magnates have to appoint chief editors is one of the most problematic means of such control (Sedel, 2022).

Examples exist from all sides of the aisle: on the “center”, Macron has cultivated his ties to several media tycoons (Lévrier, 2021), elements we documented in detail in previous MPM reports (Rebillard & Sklower, 2022). On the left, the independent, crowdfunded Le Média (which is now a “cooperative community-oriented enterprise”), has close ties to La France Insoumise, though there have been constant tensions within the newsroom between those who want it to be the political movement’s organ, and those who oppose a monolithic ideological line. On the right, the greater presence of private actors in the sector clearly favors phenomena of external political influence. Though some media groups are supported by figures that can lean towards the left on certain issues (rarely, however, on the issue of additional safeguards to protect newsrooms), this means that there is an enormous resource asymmetry, with more media (within larger, integrated groups) that tend to support interests and ideologies in line with those who own them and, more generally, the interests homologous to their position within society (among the capitalist class) – this is a classical criticism of the effects of private media ownership. These elements all point to a more ideologically polarized mediascape, with a growing hegemony of right-wing media, despite, of course, the existence of more or less formal internal pluralism in many of them. This issue is at the heart of the Council of State’s recent ruling against several Bolloré channels.

- **Sanctions against Bolloré channels**

The control Bolloré has acquired over an important segment of the mediascape, and the orientation he has given to the media he owns by redefining newsrooms and content, is an example of such indirect political control. He admitted in March 2024 to the members of the Parliamentary Commission on the renewal of digital terrestrial television channels that he attends weekly meetings of his media group at its head office. He indeed clearly supported the far right in the 2022 presidential election – be it Marine Le Pen or his

protégé Éric Zemmour. Recent debates about Bollorés's channels many political (Pascal Praud, on CNews...) or infotainment (Hanouna, on C8) shows, with the February 2024 intervention of the Council of State calling upon the ARCOM to act against the channel's far-right-wing political biases, illustrate this fact and, once again, the limitations of the latter's effective control.

Cyril Hanouna, the host of the most popular infotainment talk show in France, has been gaining influence within the political realm, and his shows had strong effects on the balance of forces during the 2022 presidential electoral campaign (Sécail, 2022; 2024). His behavior has led C8 to be warned and sanctioned several times (23 reprimands since 2012) this past year, for:

- insulting the mayor of Paris Anne Hidalgo in October 2022 (€300,000 sanction in May 2023);
  - insulting in November 2022 a former speaker of his show, now a La France Insoumise member of Parliament, who had been invited and had attacked Bolloré for his activities in Africa. The situation demonstrated the grip Bolloré has on the politics of the shows broadcast by his media (€3.5M sanction in February 2023);
  - insulting the Minister of Culture Rima Abdul-Malak in February 2023 (she had reacted to his call to privatize the PSM, denouncing its subsidies, as part of a more global attack by private media). The Minister's reaction led right-wing media and politicians to denounce "governmental censorship";
  - letting guests delve into conspiracy theories, such as, in March 2023, the QAnon "adrenochrome" myth, a variation on the antisemitic trope of pedophile, bloodthirsty global elites (which led to a €500,000 sanction);
  - manipulating facts in April 2023, as he had wrongly presented 4 people invited to his show as members of the "Brav-M", a motorized police squad responsible for violent actions during demonstrations against the pension reform;
  - clandestine advertising (€200,000 sanction in June 2023).
- **War in the Middle East: pressure on the AFP**

With the war in Gaza following Hamas's attack in Israel on 7 October 2023, there have been calls from right-wing members of the Parliament to impose upon the AFP that it clearly state that the attacks were *terrorist* ones. This is a very touchy subject, and this paragraph certainly does not pretend to present all the complexities of the debate. The AFP refuses to qualify the attacks as such, in line with several other international press agencies and prominent media. For instance, the BBC's style guide suggests not to use the term "without attribution", and this is also the AFP's rationale, in the present day as well as in the past, about other violent groups (IRA, ETA, al-Qaeda, the Red Brigades, etc.). This decision prompted accusations of complacency and responsibility in the rise of antisemitism in France, by various actors, among which political representatives. Accusations were made against some of the AFP's staff of having a pro-Palestinian bias, of being Hamas sympathizers, among other examples of defamation. These accusations seem to be specific to France, where coverage of the war has been particularly engulfed in ideological simplifications.

### III.12. EDITORIAL AUTONOMY

#### Introductory overview

- Risk assessment: “medium” (63%, stable)

*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 cession clause has proven useless to oppose ideological overhauls of newsrooms, as exemplified by the situation at the JDD. Subsequently, debates about the creation of a “right of approval” were met opposition from centrist and right-wing parties, and by a majority of privately owned media.*

#### Issues requiring particular scrutiny

- **Situation in various media conglomerates: Bolloré/Vivendi, once again**

Over the years, the French team of the MPM has constantly had to report on the strategies of media moguls such as Vincent Bolloré. New details have emerged on the situation at Prisma Media (*Télé Loisirs*, *Femme Actuelle*, *Capital*, *Géo*...) after its takeover in 2021, thanks to the account by Jean-Marie Bretagne (2023), the head of the group's Social and Economic Council gave details on the pressure on exhausted journalists, the brutal layoffs when they do not use their “cession clause” – 180 of them, 60% replaced (see also Reporters without Borders, 2021; Cagé, 2022a; Lévrier, 2023).

Bolloré proceeded in similar fashion with *Paris-Match* in 2022, getting rid of Bruno Jeudy, and provoking mass departures: 25 journalists – out of 63 permanent one – have left the journal since August 2022. One of them was fired in April 2023 for being critical of her hierarchy. She was not authorized to resort to her conscience clause, and thus sued the magazine, revealing a series of elements that demonstrate the pressure Vivendi and Bolloré impose upon its content, identity and staff: censorship, complacent papers on people close to the magnate (or his views), critical ones against foes (within the government, for instance), synergies with other outlets of the media conglomerate...

A similar pattern unfolded at *Le JDD*, property of the Lagardère Group, which was then about to fall under Bolloré's aegis – he had entered the capital in April 2020, and the takeover took place in December 2023. Lagardère imposed Geoffroy Lejeune, the former editor in chief of the far-right *Valeurs Actuelles* (Marty et al., 2022; Ouakrat, 2023). The journalist had led the weekly magazine to assume more and more far-right stances since his arrival in 2016, and made it an instrument of Éric Zemmour's 2022 presidential campaign. This had negative effects on the journal's image and finances, which led Jean-Louis Valentin, the president of its owning structure (Valmonde), to replace him in June 2023 (with Tugdual Denis), under the pressure of the conglomerate's principal shareholder, billionaire Iskandar Safa (deceased in late January 2024).

Geoffroy Lejeune was then called by Arnaud Lagardère to become *Le JDD*'s managing editor, in replacement of Jérôme Béglié, who was sent to *Paris-Match*. The announcement of his arrival was followed by the newspaper's longest strike since 1975 (22 June to 1 August 2023). 95% of the newsroom left the newspaper. Lejeune was confirmed despite this historic mobilization (and the massive support it garnered from most of the journalistic field, academics, NGOs, etc.), and invited elements of his previous team at *Valeurs Actuelles* to join in, as well as figures from other far-right outlets (*Le Bien Commun*, *L'Incorrect*, close to Marion Maréchal – Marine Le Pen's niece, a friend of Lejeune's and a member of Zemmour's

Reconquête party). The newspaper's identity and content immediately shifted to the far right. This is yet another example of the limitations of existing regulations. Public officials were relatively passive, and rare on the right to support the movement against Lejeune's appointment (and beyond, the greater media concentration within the hands of Bolloré). After the inaugural turmoil and some condemnation of the takeover, the government opted for a *laisser-faire* stance, followed by official dubbing, with weekly interviews granted by several Ministers.

- **Similar methods with Rodolphe Saadé's takeover of *La Provence***

The same phenomena occurred after other major takeovers by media giants: billionaire Rodolphe Saadé (CMA CGM Group) took over *La Provence* in September 2023 (against the bid by another contender, Xavier Niel), which led 50 to 60 journalists (20% of its staff) to resort to the cession clause. Saadé had promised to hire one journalist per departure: he did not honor that promise, and eventually announced he would get rid of one out of six, which triggered a strike in mid-November. After the blocking of the TF1-M6 merger, Saadé started developing an appetite for M6 and entered in its capital (as well as Brut's capital, with Niel, paradoxically). He is also in the process of buying 100% of the Hima Group's capital in *La Tribune*. Its 90 employees (among which 40 journalists) learned the news through the press, and now worry about their future.

- **Bernard Arnault and *Les Échos***

In September 2023, *Les Échos'* newsroom opposed their veto to the appointment of François Vidal as their new editor-in-chief – he had been proposed by the newspaper's supervisory board, following the firing of Nicolas Barré in March, which had not been submitted to the latter, and which had come after a series of publications which had allegedly not pleased Bernard Arnault, the CEO of LVMH and owner of the *Les Échos-Le Parisien* Group. The members of the *société de journalistes* condemned the maneuver and its brutality, and voted against the appointment, thanks to their “right of approval” [*droit d'agrément*]. In this case, the resistance of the newsroom was effective, but it came with power struggles, strikes, and the likes.

- **Cessions clauses: a relative safety net for journalists, not for media pluralism**

It is clear that these extremely wealthy investors are most at ease with the mechanism of the cession clause. They actually seem to look forward to such developments, both to lower costs, to rationalize management, and get rid of hostile newsrooms, when they have ideological goals. It is a relative safety net for journalists (they may get their severance pay, many, however, aren't sure of finding a position elsewhere), but not for media pluralism, both internal and external. Those who stay can be submitted to pressure from their hierarchy, as noted above, and observed time and time again throughout the years.

- **Journalists vs. shareholders and the issue of “right of approval”: defense by independent media, opposition by the APIG**

Within media outlets, professional associations can be effective in certain circumstances, when there is a change in ownership, and useless in others. Previous MPM reports have documented the role played by those of prestigious, financially healthy media with strong control instances such as *Le Monde*, in limiting interferences by their owners, or recently *Les Échos*, as mentioned above. Yet, many cases over the years

have demonstrated that the arrival of new owners that aim to fundamentally reshape the professional, social and ideological identity of the outlets they acquire eventually manage to do so, after a more or less long period of resistance. The final decision is incumbent upon shareholders.

Only four major media outlets (*Le Monde*, *Libération*, *Les Échos*, *Mediapart*) have a statutory right of approval giving journalists the power to vote against the top-down appointment of a chief-editor. This right was included in a pending transpartisan law proposal meant “to protect the editorial freedom of media requesting public subsidies”, supported by the center and the left, as well as by unions, NGOs, and media outlets, and meant to be examined by the Parliament in April 2024. It stemmed from different initiatives, including the Assouline (2022) senatorial report on media concentration. It had two articles, aimed at subjecting the attribution of frequencies or public subsidies to outlets that integrated the right to their statuses.

It is not supported by the APIG, who does not mention it in its list of recommendations for the “General Estates of information” (2024). This lobby is headed by Philippe Carli, the director of the EBRA group, which is known for its brutal “management by fear” and repeated layoffs (employees -15%, blue collars -50% within printing, especially), as documented by the aforementioned investigation by *Blast* and union press releases (SNJ, 2024); it was nonetheless paradoxically awarded a “social responsibility of companies” label in 2021, as reported by two of its titles (*L’Alsace* or *Le Progrès*). There are exceptions within the APIG (Louis Dreyfus, director of the Le Monde Group, *L’Humanité*...).

### III.13. AUDIOVISUAL MEDIA, ONLINE PLATFORMS AND ELECTIONS

#### Introductory overview

- Risk assessment: “low” (22%, stable)

*France’s regulatory apparatus (Electoral Code, laws: 09/30/1986 n° 86–1067; 04/14/2011 n° 2011-412; 04/25/2016 n° 2016-506) guarantees equal treatment of all political forces during electoral campaigns on all audiovisual media (public or private). The expansion of media conglomerates and the development of opinion journalism constitute various new threats in this field, leading to a judgment by the Council of State on internal pluralism in audiovisual media, which set the stage for complex, future changes in the apparatus. There were no elections in 2023 – we address those that took place in 2022.*

#### Issues requiring particular scrutiny

- **Council of State judgment on political pluralism in Bolloré channels and the issue of “political personalities”**

Based on research by TV semiologist François Jost (2024), RSF had first appealed to the ARCOM in November 2021, to send a formal notification to CNews, reminding it of its obligation to support political pluralism and of the ARCOM’s right to regulate on this issue, pursuant to art. 42 of the 09/30/1986 law. The ARCOM rejected it in April 2022. The second appeal was addressed to the Council of State which, in February 2024, issued a judgment considering that the internal pluralism of a channel must be assessed more globally (and not based on isolated incidents), and that it cannot limit this assessment to a calculation of the speaking time of political personalities, exclusively. It canceled the ARCOM’s prior judgment and called upon it to reexamine within 6 months CNews’ respect for political pluralism, with a new set of tools. All of Bolloré media – and beyond, especially on the far right – reacted with a coordinated attack against ideological “censorship” and double standards (they frame PSM as pro-left).

The ARCOM now has to propose new rules to count the speaking time of a variety of personalities (who often have no clear, explicit political affiliation), and who obviously have a right to privacy when it comes to their exact political beliefs. The ARCOM's president's expressed reluctance to do so. The issue of the breadth of the definition of "political personalities") is a sensitive one, as considering some of them as unofficial members of parties, when they eventually abandoned their partisanship, when their positions fluctuate, and so forth, can lead political parties to prefer not to waste time on these people and prefer to send official spokesmen and women – a *de facto* censorship. The issue of how, according to what criteria, by whom these personalities will be tagged politically will clearly be a very contentious one, as will be that of defining the scope of the measures, considering the highly politicized stances of many pundits, and the growth of opinion journalism. This also means CNews might have to adapt its programs in a short amount of time (a few months), given the allocation of frequencies by the ARCOM is near. Furthermore, all channels will have to consider this judgment and change their practices accordingly, lest such procedures multiply, stemming from a variety of stakeholders and political positions.

- **Political pluralism within PSM**

Generally speaking, the presidential campaign was characterized by a certain "languor" (saturated media agenda, "democratic weariness" – Mercier, 2023). In its annual report on public service television channels, the ARCOM (2023m) stressed that, outside of the electoral window, public television channels had occasionally underrepresented the Rassemblement National (France 2, France 3, France 5, FranceInfo), La France Insoumise (France 2, France 3, France 5), Le Modem (France 2), Reconquête (France 2), Horizons-Agir-Parti radical (France 3), Renaissance (France 5, FranceInfo), not represented Debout la France (France 3) – a problem that did not occur with the presidential party. Similar issues occurred during the electoral period (over-representation of Mélenchon and Yannick Jadot, underexposure of Valérie Pécresse and Anne Hidalgo on France 2, over-representation of Jadot and Fabien Roussel, underexposure of Pécresse on France 3...). There was also unbalance during the 2nd period (8–27 March), but barely any during the 3rd (28 March-8 April) as well as during the 2nd turn of the election. During the legislative elections, equity was globally respected.

- **Political pluralism on private television channels during the elections**

The ARCOM has recently published reports on various audiovisual groups (ARCOM, 2023d; 2023e; 2023f; 2023g, 2024b); it considered that TF1 had "globally respected" political pluralism, that the M6 Group systematically underrepresented La France Insoumise, that BFM TV globally respected equity, but that during the 1<sup>st</sup> electoral period, there was a "strong and persistent over-representation" of Éric Zemmour and underrepresentation of Hidalgo and Nicolas Dupont-Aignan. Considering the 1<sup>st</sup> round of the Presidential election, it stressed the over-representation of Jean-Luc Mélenchon on C8 and of Éric Zemmour on CNews during the 1<sup>st</sup> period of observation, and, in certain time periods, during the 2<sup>nd</sup> period, the over-representation of Zemmour on C8 and CNews, of Fabien Roussel on CNews, the underrepresentation of Anne Hidalgo on C8 and CNews, and of Macron and Pécresse on CNews. However, it considered that both channels had globally respected the principle of political pluralism.

- **“Marianne” fund scandal**

Money was funneled from the “Marianne fund” created by former minister Marlene Schiappa to support empty shells, created by people close to the Minister, among which an association that was used to promote political content critical of opponents to Macron, during the 2022 presidential campaign. The fund had originally been created to honor history professor Samuel Paty, who was assassinated in 2020 by a radicalized Islamist teenager for showing caricatures of the prophet in his classes.

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

#### **Introductory overview**

- Risk assessment: “low” (25%, up 8 points)

*The law (09/30/1986 law n° 86–1067) provides for fair and transparent rules on spectrum allocation, monitored by the ARCOM and the ARCEP. The issue of the renewal of frequencies in 2025 is crucial, with the numerous charter violations by several of Bolloré’s channels. Rules concerning the distribution of subsidies (04/13/2012 decree n° 2012-484) are relatively transparent, and monitored by a public committee (the CPPAP). They were clarified following the FranceSoir problem (12/21/2021 law, n° 2021-1746). The support scheme is criticized, especially by online, independent media outlets, for its lack of fairness – despite the latter now benefitting from a new subsidy (12/15/2021 law, n° 2021-1666).*

#### **Issues requiring particular scrutiny**

- **New wave of allocations (2023-2025)**

TF1 and M6 were reallocated their channels in 2023, after they signed new charters with the ARCOM, which include original elements concerning “societal commitments and the protection of audiences”, media literacy, male-female parity, and sustainability.

There has been a debate about this issue with the new wave of allocations in 2024 for 2025, with the spectrum of 15 free and paying digital terrestrial channels (in February: TMC, TFX, C8, W9, NRJ12, LCI, Paris Première; in August: CNews, Planète Plus, Gulli, BFMTV, Canal Plus Cinéma, Canal Plus Sport, CStar) being reassessed. After this process, channels won’t be allowed to be sold for 5 years, to avoid situations that have occurred in which groups speculated on the value of allocated channels (Cagé, 2022b). The Parliamentary Commission started auditioning a variety of stakeholders in early 2024. Auditions were public and broadcast live, an appreciable element of transparency, though internal debates weren’t.

TV channels have asked for more freedom to sell their frequencies after attribution. They consider that the situation is dangerous for their groups’ mid-term strategies and stock prices. The regulation will stop RTL Group from selling M6, whose frequency was renewed in 2023 (against Xavier Niel’s project) before 2028. Altice, which is high in debt, wanted to sell some of its channels too – it eventually did so with its 2024 deal with Saadé.



- **The obsolescence of spectrum allocation?**

There are also threats on certain channels, who have been chastised many times by the ARCOM, such as CNews and C8, leading to tensions between the Canal Plus group and the Minister of Culture, Rima Abdul Malak, who had attacked the former for their lack of internal pluralism. Canal Plus is negotiating the possibility to leave after 2 or 3 years, as more and more of its audience is international and accesses its programs online – a structural phenomenon that reduces the value of these channels and offers more leverage for the latter to negotiate with the regulator. The issue of legislation on over-the-top media services, beyond the frame of traditional spectrum allocation, is thus very important, if the regulator wants to avoid such forms of “blackmail” (channels leaving the TNT field if legislation is too demanding), and maintain its authority within the sector.

- **Criticisms of existing public support scheme & “conditionality”**

Digital native media organized in the SPIIL have constantly criticized the French direct aid support scheme in favor of the print press, and lobbied for it to support new forms of journalism, and not outlets own by media magnates (for instance, Bernard Arnault’s group got more than €14M, Dassault’s Figaro, €5.9M...), a system that goes against competition and weakens new entrants. For independent online media, public support should go to groups that ensure the independence of their outlets’ newsrooms, transparency of their owner structure, publicity of their accounts, and to online outlets with “virtuous economic models” (SPIIL, 2019; 2020; Fonds pour une presse libre, 2023).

Of course, the system also enables independent, national (*L'Humanité*, for instance) or local newspapers to subsist, and a significant portion of the French readership depends on this format for information, and not digital native outlets. However, this fact does not invalidate the argument in favor of conditioning the support to the respect of the newsrooms’ independence from owner intervention.

Conversely, the APIG (2024), considers conditionality as a means of influence by the State, with risks of economic censorship – an argument that goes back decades, and extends beyond the media sector. In its report for the governmental “General Estates”, it called for a “sanctuarization” of public support for print media, the consideration of “digital transition” in the criteria for the granting of subsidies, the limitation of advertising for PSM. One should also note that though members of the SPIIL are independent, the economic model of many of them (specialized, professional press) is not necessarily that virtuous, as it is based on the selling of expensive subscriptions to institutions, and thus excludes the general public.

### **III.15. INDEPENDENCE OF PUBLIC SERVICE MEDIA**

#### **Introductory overview**

- Risk assessment: “medium” (40%, up 2 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 issue now is that of the future financing of the latter, with the abolition of the license fee and its replacement with a fraction of the VAT and the subsequent “budgetization” of PSM, which constitute threats to its sustainability and independence.*

## Issues requiring particular scrutiny

- **Cases of political pressure**

There are regularly suspicions of political influence in the appointments and dismissals of PSM managers. Olivier Schramek, the former director of the CSA publicly recognized in early 2024 that François Hollande had expressed reservations on a couple of candidates to head public service television channels. Recently, there has been a call from three candidates to head France Médias Monde for full transparency on the vote that re-elected Marie-Christine Saragosse at the head of the channel, following rumors of political intervention in the voting procedure.

At France Inter, the cancellation of a daily show “C’est encore nous”, led by Charline Vanhoenacker) was interpreted as a form of censorship, as one of its humorists’ main target was the government. Targeting France Médias Monde in an August 2023 speech to ambassadors, President E. Macron considered that “independent newsrooms” do not accomplish their “work of influence” in favor of France.

- **Abolition of the license fee and replacement with a fraction of the VAT**

Until 2023, the main source of financing for France Télévisions was the “contribution to public audiovisual media” (originally created in 1933 with the extent of public radio broadcasts and extended to television sets in 1949). It was an annual license fee television owners had to pay if they were submitted to the local residence tax (art. 1605 of the Tax Code). Its amount was determined annually by the Finance law voted in the National Assembly, and represented about 90% of PSM financial resources.

As promised by Macron during the 2022 campaign, the contribution was abandoned with the final abolition of the local residence tax in 2023 (as per art. 6 of the 08/16/2022 finance law n° 2022-1157). The PSM are now financed by a fraction of the VAT (which is the State’s first fiscal resource), after concessions to the right-wing opposition, and despite opposition from the left. Consequently, for the next two years, the Parliament will be voting the amounts allocated to the PSM, before a stable system is defined in 2025.

A July 2022 report by the General Inspection of Finances and the General Inspection of Cultural Affairs (Requin et al., 2022) stressed that financing PSM by the State’s budget created the risk of a “volatility of financing”, while the contribution represented a “stable base”. There is thus the risk of regular changes in public amounts distributed to the PSM, a fluctuation that can be subject to political changes. It also paves the way for various forms of lobbying, to pass amendments in favor of different stakeholders. This means there could be a growing politicization of the financing of PSM, less independence for PSM management – something that is already in the air with constant attacks by private audiovisual media against the PSM. These are the well-known consequences of the “budgetization” of public services (Cagé, 2022b; Joux, 2023a), and their impact on the PSM have been denounced by a variety of people from the whole political spectrum, including unions (SNJ, SNJ-CGT), as well as right-wing Senators Roger Karoutchi and Jean-Raymond Hugonet, in their report on the issue (2022).

- **Evolution of the PSM towards a new France Médias holding**

Within the next few years, PSM will have to keep up the pace of their digital transition and media convergence, as well as prepare for the anticipated grouping together of all of them under the umbrella of the “France Médias” holding, a project being reconsidered, since June, with a new bill “relative to the reform

of PSM and audiovisual sovereignty”, that would fundamentally overhaul the September 1986 law.

- **Structural reduction of workforce**

On the long run, the funding of these channels and their programs is challenged both by the new financing structure of the French PSM, and by structural cuts over the years, which are in line with a general neoliberal approach to public services (education, health, basic public services...). During Macron’s first mandate, between 2019 and 2022, France Télévisions laid off 1,000 people, Radio France 300, cut budgets by €190M, and the overall workforce went from 10,490 FTEs in 2012 to 9,012 in 2022. This is the offset of financial “stability”. The budget has gone up for the next 5 years: a temporary relief?

## **FOCUS ON THE DIGITAL ENVIRONMENT**

### **III.13. ONLINE PLATFORMS AND ELECTIONS**

- **Illegal use of data brokers to target citizens for political propaganda**

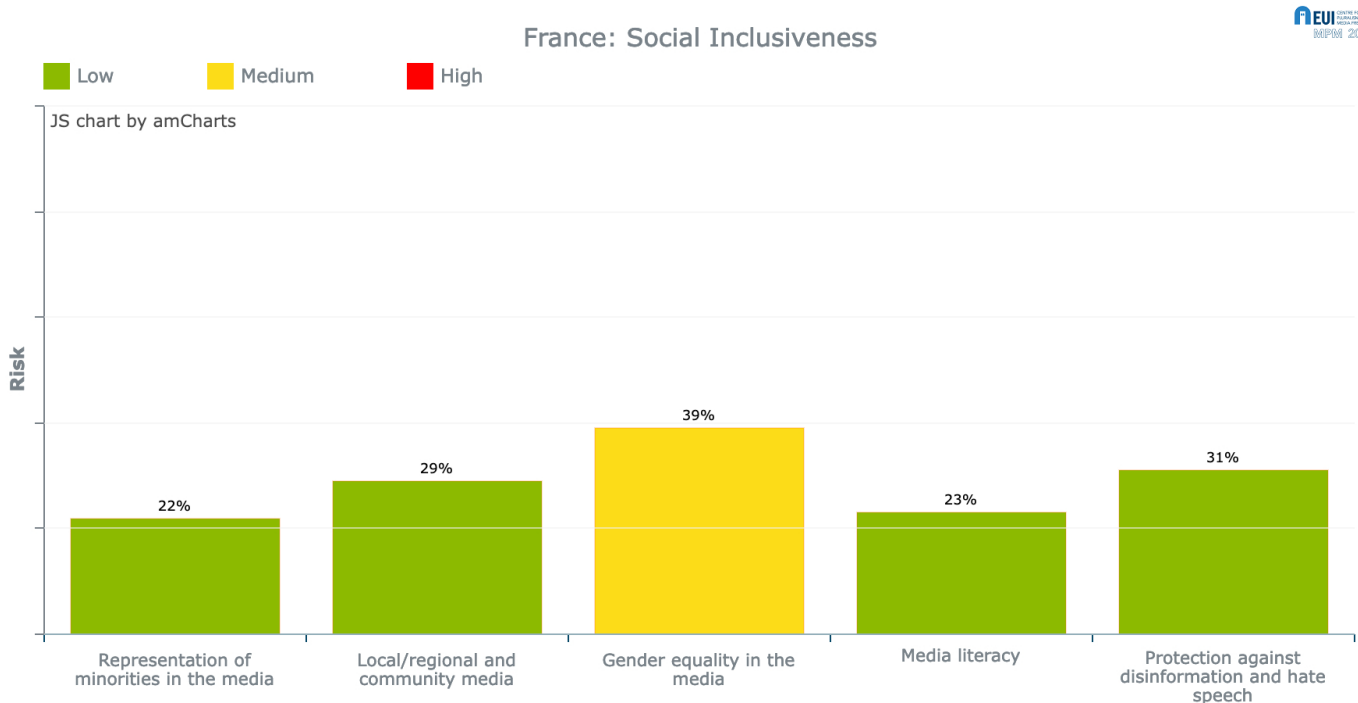
There are cases of such illegal practices. For instance, the Macron campaign seems to have invested dozens of thousands of euros to incite targeted profiles on Facebook to vote by proxy, disguising a political campaign as a civic one (Groupe de veille numérique à l'intégrité territoriale, 2022). The CNIL is looking into the possibility that the Zemmour campaign illegally benefited from the services a data broker to target members of the French Jewish community with SMS, during the campaign.

- **Transparency of online political advertising: new EU rules set for after the next European Parliament elections**

In early 2023, EU lawmakers approved the internal market (IMCO) committee’s text on the Regulation on Political Advertising, paving the way for the next phase of the legislative process. It is meant to increase the transparency of political advertising and tackle the issue of foreign interference in electoral campaigns, and originally scheduled for an application by the Spring 2024 European Parliament elections. It eventually was not ready in time, and will be applied after the elections. The provisional deal agreed upon in December 2023 imposes strict limits on the use of targeting and ad delivery techniques, the use of personal data. It will cover political advertising that is normally provided for remuneration, as well as political advertising through in-house activities. To prevent foreign interference, the EU co-legislators have also agreed to ban the provision of advertising services to third country sponsors three months before an election or referendum. Reporters without Borders (2024) published a list of 12 proposals to defend freedom of information and to fight against online disinformation (to incorporate the right to reliable information into the Treaty on the EU, to establish a principle of “information exception” so that it is not treated like other goods, to require that algorithms and digital services promote reliable news sources...).

### 3.4. Social Inclusiveness (29% - 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 disinformation and hate speech.



- Overall risk assessment

The area of **Social Inclusiveness** has seen the risk assessment go down by 1 point, to 30%. The situation is contrasted here, with a high increase in risk for the “**Local/regional and community media**” indicator (16 points, up to 31%), where conglomerate consolidation has had negative effects on pluralism and independence, but a lowering of risk of 4 to 7 points for the 4 other indicators: their positive efforts in various media outlets, both private and public, in favor of the “**Representation of minorities**” (-4 points, to 25%) – despite obvious contrasts and persistent stigmatization and racist moral panics, especially in far-right media and via social networks – , as well as in favor of “**Gender equality**” (-5 points, down to 39%) and representation – despite ongoing cases of sexual harassment in newsrooms and greater job insecurity for female journalists – , as well as an ongoing effort in favor of “**Media literacy**” programs (-7 points, down to 23%) and against “**Disinformation and hate speech**” (-5 points, down to 30%, out of the “medium risk” zone), thanks to the implementation of EU regulations (DMA, DSA...). There are however serious concerns with how the GAFAM limit access to their data and algorithms, the uberization of information wars and the development of disinformation mercenaries, especially in this tense international context.

## IV.16. REPRESENTATION OF MINORITIES IN THE MEDIA

### Introductory overview

- Risk assessment: “low” (25%, down 4 points)

*Within a cultural context marked by France’s uneasy relationship to its postcolonial immigration – heightened by the Summer 2023 riots in the suburbs and, the war in Gaza – , and the ground gained by far-right discourses, polemics on Islam, “race”, and so-called “woke” identity politics have kept on intensifying in 2023. In laws (09/30/1986 law n° 86–1067; 01/27/2017 n° 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 ARCOM. Despite these trends, and though there still is a steep path to equality, there have been numerous improvements in terms of representations of minorities and people with disabilities in the media.*

### Issues requiring particular scrutiny

- **ARCOM reports on diversity**

The ARCOM’s diversity barometer (2023b) shows a slight increase in the representation of people “perceived as non-white” on audiovisual media, while their presence on all-news channels is “particularly low” (9%) despite the authority’s calls for improvement. The qualitative aspect of their representation is unequal, with more people “perceived as non-white” in leading roles. The presence of overseas citizens strongly decreased (1% of the total of indexed people, down from 3% – a major fall occurred in 2020 when the France Ô channel was interrupted). It has called for television channels to increase their efforts, and upon VOD platforms to commit to concrete measures in terms of diversity (which also encompasses the representation of disabled people – ARCOM, 2023c).

The agency started using IA tools in 2023, in partnership with the INA, to improve the results of its barometers, to work with various actors on topics concerning LGBT people as well as on the variable of “corpulence”, and to mobilize actors and online platforms in the perspective of the 2024 Olympic Games.

- **Staff diversity & racism in newsrooms**

In its series of assessments of various private channels (ARCOM, 2023d; 2023e; 2023f; 2023g), the TF1, M6, Altice Media and NRJ groups were globally saluted for their respect of diversity in programs, though the situation was less clear when it came to staff diversity at Altice Media. A study conducted by the SNJ-CGT and media association AJAR (2023), published in March 2023, underlined the fact that one in four of the 167 media professionals interviewed declared having been victims of racism, and one out of two having witnessed cases of racism.

- **Stigmatization of ethnic minorities & migrants**

One could consider these efforts much less effective on the “perception of non-white people” in the media than the constant stigmatization of people of color, especially of people of Northern African descent and migrants, as the themes of terrorism, Islam, immigration, delinquency, and more recently the alleged “brutalization”/“de-civilization” (“*ensauvagement*”, a “concept” that comes from the far right and has clear

racist, colonial overtones) of French society.

This was all the more the case following firstly the Summer 2023 riots, framed as “savage”, with no possible structural explanation, and then the war in Gaza, which has at times brought the climate to a tipping point. There is a structural, now hegemonic cultural and media apparatus that serves to paint French suburbs as lawless places ridden by drug traffic and violence (problems that have indeed increased in certain major cities, as has police repression), and immigration as a major, imminent threat to France and its identity. The ARCOM documented many instances of extremely explicit racism on a variety of channels, on channels such as Sud Radio (for racist comments by Renaud Camus, the inventor the “great replacement” theory) or CNews.

## **IV.17. LOCAL/REGIONAL AND COMMUNITY MEDIA**

### **Introductory overview**

- Risk assessment: “low” (31%, up 16 points)

*Local television outlets are recognized by the French legal apparatus (12/13/1985 law n° 85–1317; 09/30/1986 n° 86–1067; 08/01/2000 n° 2000-719; 07/09/2004 n° 2004-669; 11/15/2013 n° 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 funding, as documented in previous MPM reports. The local media sector – both public and private – has undergone important changes in the past few years, once again with harsh consequences for newsrooms and pluralism.*

### **Issues requiring particular scrutiny**

#### **▪ New structure of local media**

The sector has evolved towards a new structure. Firstly, the PSM local channels, that are undergoing a process of restructuring/rationalization, with the fusion of France 3 and France Bleu. Within the private sector, three groups of actors: 10 BFM (Altice) regional channels, a strategy started in 2016 (BFM Paris) and continued in 2022 (BFM Normandie); channels tied to the regional or national press, as part of their conglomerate/synergetic diversification strategy (Wéo of the Rossel Group, vià Occitanie of La Dépêche, TV7 and TVPI of Sud-Ouest, Le Figaro TV IDF); a few independent channels (TVR in Rennes, Canal 32 in the department of Aube...). And finally, the not-for-profit sector.

#### **▪ Economic situation of local television channels**

In its 2022 report on local television channels (2023h), the ARCOM underlined the recent trend towards concentration in the sector, with regional daily press groups acquiring local television channels (especially Altice). There were 42 local channels on the metropolitan digital terrestrial television network, 13 in the Overseas, as of 31 December 2022. The year 2022 was characterized by a general fall in resources, both private (-4%) and public (-7%), following the bump triggered by COVID help in previous years, and the authorization to resort to partial activity during the crisis (Rebillard & Sklower, 2022). Public financing accounts for an average of 44% in 2022 (45% in 2021, 53% in 2020). Only two of the channels that are mainly supported by public funds had a positive operating profit in 2022.

In the Overseas, costs are higher, and the advertising market narrower. Public support is not strong enough, and in 2023, there were cases of compulsory liquidations (Alizés TV, Éclair TV in Guadeloupe; Antenne Réunion was bought by the Cirano group). In French Guiana, there is only one private channel left, after the end of the authorization granted to KTV, in 2022.

### ▪ **Evolution of PSM: concentration at the regional level**

In 2023, France 3 and regional France Bleu radios merged under the umbrella of the “Ici” brand, the application at the regional scale of the integration strategy at work with the FranceInfo digital platform, which is deemed to absorb more content in 2024 (“Tanuki” project). This merger, the associated top-down cancellation/low-cost regionalization of several news programs (“Tempo” project launched in 2022), and other changes (diverse forms of rationalization: automation of control rooms with CGI’s “OpenMedia” solution, replacement of continuity girls with digital technologies, outsourcing of contracts, temporary recruitment...), imposed a fundamental internal reorganization of these PSM that triggered strong opposition from unions and strikes. On the long run, the funding of these channels and their programs is challenged by the new financing structure of the French PSM, as documented earlier.

### ▪ **Funneling of support by major regional groups**

Almost all broadcasting subsidies go to local media groups (Bousquet, 2023). If we consider the regional print press, for example, the SIPA-Ouest France group received €821,889 in 2020, i.e., almost 59% of the appropriations provided for in the initial finance act. This group and three other ones (La Dépêche du Midi, EBRA and Rossel-La Voix) account for 96% of subsidies granted to dailies with limited resources (classified advertising...). As a result, despite the high amounts involved, this mechanism tend to help established players and not to enable the emergence of new ones, thus contributing to the concentration of the mediascape.

### ▪ **Limited financing of local, community media**

Other grants do exist to support pluralism, but they are much more limited in scope and means: support for local media (€12,000 on average per application), for radio broadcasting, for online press services. The alternative for local televisions is the increase in advertising revenues. A 5 August 2020 decree (n° 2020-983) enabled them to propose local, targeted advertising, which they could not do previously under the September 1986 law, a situation that had dramatic consequences with the growth of the online advertising and its associated oligopoly. The APIG criticized the changes, considering they would attract ads from the regional print press to local television stations.

The development of digital terrestrial television in the mid-2000s was supposed to encourage the blossoming of associative televisions. However, there never was any equivalent to the FSER for this medium, despite calls to create one. This means local, community channels still mainly depend upon local public subsidies, which are more subject to political influence than the ARCOM. Community media also face the same structural financing problems that the associative field has to deal with, among which the negative effects of territorial reorganization, a phenomenon went through additional turmoil following the 7 August 2015 law n° 2015-991 (which was aimed at reducing public expenditure, rationalizing local public structures by clarifying local competences, with the abolition of the “general competence clause” for regions and departments). One effect was the reduction of funds for local, subsidized projects, including subsidized

employment, which particularly affected local associations.

#### ▪ **Cutting of public support to activist community media**

In 2023, the public financing of several community television channels was arbitrarily severed. For instance, several media associations of the Plateau de Millevaches (Creuse, Corrèze, Haute-Vienne departments) part of the Soulèvements de la Terre network were targeted by the local prefect, and lost their subsidies – an obvious case of political retaliation.

#### ▪ **Digital transition of radio media**

Other problems stem from the new media environment. The transition to digital terrestrial radio (“DAB+”) is a challenge to small, FM radios that do not have the means to support both broadcasting systems. Competition from new online formats and actors is an additional issue for small, independent, non-“convergent” structures. The National Confederation of Associative Radios had issued a report on these problems in 2019 – it will be convening again in June 2024.

### **IV.18. GENDER EQUALITY IN THE MEDIA**

#### **Introductory overview**

- Risk assessment: “low” (39%, down 5 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, there is a persistent underrepresentation of women in media, discrimination specifically affecting women journalists, and ongoing harassment, despite recent laws aiming at fighting against the problem (08/03/2018 law n° 2018-703; 08/02/2021 law n° 2021-1018).*

#### **Issues requiring particular scrutiny**

- **Specific discrimination affecting women journalists**

Among young journalists, women suffer additional forms of segregation, fewer opportunities (and the glass ceiling), harassment. Structurally, they are in a more precarious situation than their male colleagues (Charon & Pigeolat, 2021): they more often have temporary contracts or a freelance status, as shown by the statistics of the Commission de la Carte d’Identité des Journalistes Professionnels. Several women freelance journalists denounced the fact that their lack of job security made them more vulnerable and thus more exposed to everyday sexism, “old school” machismo and, in some cases, sexual pressures and violence. Their situation makes it particularly difficult for them to denounce such facts. Those in their forties complain of excessive work, devalued activities, burnout, and discrimination (lower wages, glass ceiling). Once they hit their fifties, they have a harder time adapting to the digital reorganization of newsrooms.



- **Harassment at work**

The question of inequality and sexism in the media and in the workplace has become a central one (Damian-Gaillard et al., 2021), as unions, but also universities and schools proposing journalism curricula have tackled the subject. There is also sexism on the job and even before it, during studies training and internships, in media fairs, etc. (SNJ-CGT/ESJ Lille, 2023) This is confirmed by Julie Sedel's work (2021) on the press as a "bastion of masculinity", with effects at the top of media management. One should mention here that several cases of harassment in the journalistic and cultural industries made the news in 2023 (condemnation of Jean-Marc Morandini, Pierre Ménès, numerous, serious allegations against Patrick Poivre d'Arvor, Gérard Depardieu...).

- **Representation of women and transgender people**

The ARCOM's (2023j) annual report on the representation of women in audiovisual media underlined the progress of the share of women in television and radio programs (28% in 2016, 43 in 2021, 44 in 2022), but also the stability of their speaking time (around 35–36%), with better results in PSM (plus 2 points in presence, 10 in speaking time, 9 in visual exposition). Male-female parity is achieved in television and radio magazines, as well as in the PSM, but not in non-specialized public televisions (47%), and less even in private non-specialized television channels (31%). Its 2022 diversity barometer (ARCOM, 2023b) underlined that the share of women who express themselves in audiovisual media is having difficulties progressing (39%, with a higher rate in "legacy" channels – 42%). The proportion of women on television and radio progressed by one point, but their speaking time stagnated at 36%, PSM doing better than private channels (47% vs 45% for their presence, 42% vs 32% for their speaking time). The proportion of female presenters went up 2 points (50%), as well as that of experts (45%, plus 2 points, plus 16 points since 2016), politicians (up 2 points to 32%), and other speakers.

The Association of LGBTI Journalists (AJL, 2023), created 10 years ago, studied in late 2022 the online publications of 21 media dealing with trans identities. The results showed that the issue has become a legitimate one in the public sphere. However, progress is fragile, and even more so considering the multiplication of anti-trans papers in far-right media (see also Fondation Jean Jaurès, 2021; 2022).

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

### **Introductory overview**

- Risk assessment: "low" (30%, down 7 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 n° 2013-595; 12/22/2018 n° 2018-1202) have reinforced this apparatus. The Ministry of Education offers online resources for teachers via various platforms (Eduscol, Clémi...). The 12/22/2018 law n° 2018-1202 added various elements pertaining to media and news education (as well as ICTs) to the Code of Education – a "training in critical analysis of news", media use, online privacy, "news trustworthiness", intercultural dialogue, intellectual property... It also amended the September 1986 law for it to impose that terrestrial television channels contribute to media and news education. While there is a well-developed media literacy policy in France and clear progress (at least, formally), there still are strong disparities between the existing measures, and the realities of their implementation.*

## Issues requiring particular scrutiny

- **Recent evolutions**

A 24 January 2022 circular of the Ministry of National Education somewhat redefined the problems media literacy had to tackle (deregulation of access to pornography, hate speech, online radicalism, cyberbullying, disinformation) and its outlining, extending its territory, to inscribe it in various educational apparatuses:

- within the common core of knowledge, an accent is put on the use of research tools, the confrontation of sources to validate content, the identification of different media, the use of communication and information tools, the treatment and organization of information;
- within the “citizen curriculum”, the accent is put on disinformation, hate speech, the ease of access to unverified content, especially within sciences;
- within the artistic and cultural curriculum, the accent is put on developing a critical mind (Corroy, 2022; see also Delamotte, 2022).

- **Recent CLEMI reports**

Optimistic assessments are confirmed by recent reports by the CLEMI (2023a; 2023b), which underline the significant extension of its media literacy apparatus. 21,297 schools enrolled in its programs (plus 836), 270,000 teachers, 4.7M students – a continued growth, for 7 years in a row. 1,800 media were invested in its operations, 150 online offers. 83% of teacher-led activities during the “press and media week at schools”, among many other proposed devices. Its training apparatus reached more people: in 2020-21, 16,128 benefited from it, a figure that went up to 21,500 the following year, and to 28,447 in 2022-23, and their training actions aimed at academic coordinators went up 90% in 2022-23, to reach 64,000 people. Among its other actions, it also developed its webradio tools (x3.4, number of people trained x2.4). There is clear improvement here.

- **ARCOM reports**

The ARCOM’s report (2023k) shows progress too, with a “real effort” in renewing media literacy programs on television and radio stations, with new formats, new partners and new themes (the environment, media representation, good uses of online platforms, etc.). 7 out of 10 audiovisual groups have pursued their commitment to media literacy with schools, with an emphasis on fighting disinformation and the making of information, especially during the aforementioned “week”, during which these media greet students and have them discover what goes on behind the screens. Audiovisual actors reinforced their action in favor of media literacy (TF1 with “Les rencontres de l’info”, M6 with its McLuhanian “Comprendre les médias” platform, Radio France with “Interclass”, France Télévisions with its “academic Tour de France of media literacy”, etc.)..

The ARCOM has maintained its efforts, cooperating with national networks, renewing its cooperation with the Ministry of National Education and Youth, the CLEMI and the Canopée network, signing one with the CELSA (Paris 1 university), offering 15 training sessions with teachers in 2023, training more than 900 teachers, raising the awareness of 8,000 students with a partnership with the “Génération numérique”

association, etc.

It published in 2022 a study (ARCOM & CNIL, 2023) on the relation teachers have to digital citizenship, which underlined that a still significant number of teachers did not know well or at all its stakes (32%, with a strong generational gap), while 80% say they are at ease with the idea of raising their students' awareness of questions tied to freedom of expression and of developing a critical perspective on audiovisual news, a bit less (77%) on digital news. 75% could tackle the issue of online privacy, 70% on cyberbullying, but only 58% that of the representation of diversity on online platforms. 84% feel the need to raise awareness about digital citizenship; 90% are sometimes "disconcerted" by their students' practices regarding digital citizenship.

Nonetheless, media education cannot thwart structural factors and their effects, among which growing attitudes of indifference or defiance towards the news and the political realm, especially among younger generations (Reuters, 2023); the ARCOM's (2024a) assessment is more optimistic, considering that French people are rather well informed, and know the risks associated to algorithmic media.

## **IV.20. PROTECTION AGAINST DISINFORMATION AND HATE SPEECH**

- See following section.

### **FOCUS ON THE DIGITAL ENVIRONMENT**

#### **IV.18. GENDER EQUALITY ONLINE**

- **Online harassment of women**

The issue of is of the online harassment of women is as much a troubling issue, both within and beyond newrooms, where it is insufficiently taken into account, according to several reports (Prenons la Une, 2023; Féministes contre le harcèlement/IPSOS, 2023; Posetti et al., 2023). This is also confirmed by journalist Pauline Ferrari's' work on masculinist infiltration of social networks (2023), and by a recent report on the spread of anti-abortion disinformation (Fondation des femmes, 2024).

The judicial aspect of the "Ligue du lol" case (cyberbullying of female journalists on Twitter by male colleagues of theirs – see Rebillard & Sklower, 2022), came to an end. It seems that this case, which goes back to 2019, exemplifies a "witch-hunt", if one considers the February 2022 verdict and several media analyses since 2020. Only a few members of this "league" engaged in cyberbullying. Some members had presented excuses after themselves undergoing massive cyberbullying, following the immediate "media hype" on social networks surrounding the case (Beaulieu, 2023).

- **Online representation of women**

The representation of women online, in various non-journalistic media, is much more worrying, according to recent research (Mésangeau & Morin, 2022) and to the High Council on Equality between Women and Men's 2023 report (2023), with a great trivialization of stereotypes (especially online), violence, and invisibility in contents, and great socioeconomic segregation in the profession, in education (these elements are in line with the Council's more general assessment of the progress

of sexism in France, published in 2024).

The question of equality between women and men in the regional daily press, during the 2017 and 2022 presidential campaigns, was analyzed in a report by the Fondation Jean Jaurès (2022). The report underlines that the issue was treated to a greater extent in 2022 than in 2017, but the authors consider that it remains secondary, compared to other campaign issues (purchasing power, security, immigration...). It also notes the absence of a “global societal approach” to the issue, a stereotypical media treatment of both men and women.

## **IV.20. PROTECTION AGAINST DISINFORMATION AND HATE SPEECH**

- Risk assessment: “low” (30%, down 5 points)

### **Issues requiring particular scrutiny**

- **Limitations of the apparatus on disinformation and hate speech**

The means (or lack thereof) the State has decided to implement to fight disinformation through the 08/24/2021 law n° 2021-1109 on “the respect of the principles of the Republic” (which anticipated the 10/19/2022 EU DSA, implemented on 08/25/2023, and universally applicable in Europe since 01/01/2024) have renewed the serious concerns voiced at the moment of the 06/24/2020 “Avia” law n° 2020-766, especially the fact that website blocks and content removal are not submitted to sufficient judicial and administrative oversight (Ader, 2022; Bigot, 2022; Neveu et al., 2023).

There are, of course, appeal mechanisms, but they aren’t deemed sufficient to fully preserve freedom of expression, and rely on the effectiveness (and the will) of platforms to commit real means to the defense of freedom of expression online (Durand-Viel, 2022; Loutrel, 2022), especially in difficult cases relating for instance to wars or social movements. With this system of regulated self-regulation (Mallet-Poujol, 2022, Cluzel-Métayer, 2023), resorting to opaque algorithms, mass moderation and artificial intelligence (Abiteboul et al., 2023) for preventive moderation can represent a true threat to freedom of expression (Badouard, 2020a & 2020b; Abiteboul & Cattan, 2020) – though, of course, the ideological lenses of gatekeepers, globally exploited digital labor or crowdsourced vigilantism can be just as problematic. There are other, more “vicious” forms of censorship, such as “shadow banning”, which is much more difficult to control, as it is invisible by its targets (Badouard, 2021b).

- **ARCOM report on the spread of hateful online content & reporting mechanisms**

For its report on the online dissemination of hate speech, the ARCOM (2023a) questioned online operators on the means they use to ensure the treatment of notifications they receive. A significant number of platforms still refuse to divulge the number of people dedicated to this task. In fact, only 52 moderators (for 13 million French users) exist for the French-speaking segment of X (and only 34 full-time equivalent employees) – a figure revealed thanks to its compliance with the DSA regulation on transparency – while there have been far more alerts in France for hateful content (especially since the 7 October attacks) than in other European countries. Dailymotion has about 30, LinkedIn about 100, the Wikimedia Foundation about 50. Those that are transparent about their moderation techniques say they submit all notifications to a double control (their own rules, those of national legislations). According to the report, this minimizes the number of illicit, hate content effectively

moderated.

The operators can be divided into two segments: those that have said they have established ties with trustworthy flaggers (X, Meta, Google, TikTok, Snapchat) and those that declare they do not collaborate with such flaggers due to the nature of their platform (Bing, Yahoo, Wikimedia) or for internal policy reasons (Pinterest, LinkedIn). The situations are very diverse, with for instance Meta declaring 17 trustworthy partners in France, but not giving the number of reports of illicit content in 2022 (on Meta, see also Œuvrard, 2022), while Snapchat declared collaborating with only 4 trusted third parties, and not having received any notification of that sort.

The ARCOM considers that “the providers questioned demonstrated greater transparency”, but not enough, and calls for more informational and human means affected to these tasks, so that notifications be well monitored, and in due time. Efforts must be done to “improve the clarity and accessibility of general terms and conditions”, and while efforts have been made, access to reporting systems can be opaque.

There are also issues with options to challenge moderation decisions, which are uneven on the different platforms. There are situations with high rates of reversal of initial moderation decisions, for instance on TikTok and Dailymotion, which raises questions about the relevance of initial moderation actions.

There is a high rate of positive responses (85%) to requests for information from the French authorities for the purpose of identifying potential authors of hateful content, something that the DSA should further strengthen following its final implementation in February 2024 (for very big platforms, they were introduced in November 2022), as providers will be “required to promptly respond to judicial or administrative authorities requesting them to take action against illegal content or to provide information about its author, and to give specific reasons for any refusal to comply”.

- **Commission nationale consultative des Droits de l’Homme 2022 report**

The 2022 edition of this report underlined a slight progress in “tolerance”, while also alerting on the possible quick return of racist ideas, especially when they are promoted by political figures. The recent context of political scapegoating of immigrants (with the long and difficult sequence around the voting of the anti-immigration law), as well as the other elements mentioned above, certainly will lead to a more negative assessment for the year 2023. Its report proposed the results of a study on YouTube: hate speech is “rare but extremely diverse”, conspiracy theories are potent, and vigorous beyond race relations, with a prominence in male supremacy theories (on YouTube, see also Lyubareva et al., 2021; Assilamehou-Kunz & Rebillard, 2022).

- **Hate on X (Twitter)**

The French legal apparatus implies an important risk of *de facto* censorship by an overzealous algorithm, although the rulings clearly state the type of content that should *not* be blocked. Yet, recent events have shown that on certain platforms, especially on X (ex-Twitter), outbursts of pro-terrorist or hate-filled content are not controlled by the platforms’ algorithms and even less by their vanishing personnel. It is well established that the arrival of Elon Musk at the head of Twitter led to massive layoffs of employees, among which those affected to monitor contentious content, decisions that are contrary to its obligations under the 08/24/2021 law n° 2021-1109 (the mandatory implementation of “proportionate human and technological means” to fight against such phenomena, pursuant to art. 6-4). Conversely, the move to a subscription-based model, with the famous “blue labels”, has offered

cheap authentication to those willing to pay. Musk's takeover, and his own, personal activity on the platform, have freed extremist expression on X, especially on the far right, and pushed many content producers to desert it.

- **Conspiracy theories and moral panics**

In France, these last years have seen an important spread of other conspiracy theories (Bonnet et al., 2022; Cordonier, 2022) during the COVID, the relative popularity of other ones tied to the QAnon movement ("adrenochrome", global vampiric pedophilia, other antisemitic and racist tropes, etc.) and the far right (Longhi & Vernet, 2023; Voirol & Martini, 2023), not to mention homegrown moral panics, based on highly exaggerated fantasies such as "communitarianism", "Islamism" (Smyrniaios & Ratinaud, 2023), and now "wokism" (Policar, 2022; Mahoudeau, 2023).

One should also mention here the risks tied to "newsbot"-created disinformation, the role AI, such as ChatGPT already plays in spreading fake news, as documented by NGO NewsGuard (Brewster et al., 2023; NewsGuard, 2023), much more efficiently than recent efforts at promoting fact-checking (Bigot, 2017; Dauphin, 2023; Joux, 2023b). Since September 2022, the online spread of pro-Russian content on websites and the "Portal Kombat" network (Viginum, 2024), as well as the "typosquatting" of French media outlets by Russian "URL hijackers" have intensified (Viginum, 2023).

- **Turmoil following the death of a teenager shot by a police officer**

The Pharos platform received 2,700 reports after the death, on 27 June 2023, of a teenager ("Nahel") shot by a police officer after attempting to flee a control in Nanterre (Parisian suburbs), and the subsequent turmoil in many cities and suburbs. The government criticized the negative role social networks (and especially SnapChat) had in spreading online hate.

- **War in the Middle East**

The war in Israel and the Gaza Strip triggered a very important wave of antisemitic, as well as racist and Islamophobic acts and texts. Within only 48 hours of the Hamas attack, the Pharos platform had received 2,000 reports (6,700 after less than a month), mainly concerning elements disseminated via X (Twitter).

Legacy media have also participated in hastily disseminating news/disinformation coming from either the Hamas or Israeli authorities, propagating rumors, oversimplifications of the conflict and its parties, etc. It is way too soon to provide any reasonable, distanced assessment of the sequence, especially on such a loaded topic, and given the events are still unfolding.

## 4. Conclusions

Too many indicators have seen their risk level go up in 2023, and still too many for which the risk assessment is at least “medium” (9, plus 3 “high”), and though there has been some progress in certain fields, one should pay great attention to the problems that the French media field faces, in terms of independence and pluralism. There still are too many cases of restrictions and attacks on media independence, both from public authorities (criminalization of civil disobedience, State censorship and pressure on investigative journalists, illegal spying and surveillance, police violence, pressure on the AFP in the coverage of the war in Gaza, restrictions of access to public information) and private companies (overhaul of newsrooms following capitalist takeovers of media outlets, SLAPPs in the name of trade secrets...).

Such threats stem from a wide range of intertwined factors. Many have to do with structural forces, such as dependency to political and/or commercial interests, concentration thresholds, but also political evolutions, with the growing hegemony of far-right themes in the public sphere. Many difficulties 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, their rights. Other problems can seem more conjunctural, such as the economic toll the war in Ukraine had on the sector, or the political goals of the present government (surveillance of journalists, rationalization of PSM). However, as constantly emphasized in this report, these effects are worrisome only insofar as they exacerbate previously existing tendencies – for example the growing socioeconomic instability of media professionals, or the ever-expanding power of the GAFAM.

Many of these problems 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 digital mediascape. Many might require fundamentally different perspectives on the nature and structure of news media. The good news is that there have been many proposals put forward these past two years, whether they stem from the legislative branch, intellectuals, or media outlets themselves, during both “General estates” initiatives – the official one, presided by Reporters without Borders, and the counter-event organized by the Fonds pour une presse libre.

Below are a series of problems where solutions exist and significant action could be undertaken.

### I. FUNDAMENTAL PROTECTIONS

#### ▪ Application of Labor Code to fight against precariousness and discrimination

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. This will also have anti-discriminatory effects, in favor of women and minority journalists.

## ▪ **Safety of journalists**

The safety of journalists must be protected more efficiently against all forms of violence and attacks, whatever its nature (police, protestors, rioters, political groups), context (national, international) or environment (physical, online). The provisions of the national policing plan relating to the defense of journalists during demonstrations must be enforced systematically, and police officers responsible for forms of violence must be punished. With respect to digital safety, more efforts must be deployed by social networks, as well as by newsrooms, to deal with various forms of hate and harassment, and new tools must be devised to fight malicious foreign attacks. Many recommendations exist on this matter (Council of Europe, 2020; 2024).

## ▪ **Right to information, trade secrets & illegal spying**

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 whistleblowers from lawsuits, as this principle is frequently called upon to justify opacity in negotiations. France must abandon its lobbying efforts against the banning of spying devices in the EMFA.

## ▪ **Independence of newsrooms: right of approval & independent administrators**

The problems stemming from the power struggle between newsrooms and shareholders must be addressed with courageous legislation and adequate means to implement existing ones. Given the limitations of the “cession clause”, The universalization of a “right of approval” is clearly a means to true independence from authoritarian overhauls.

The recent Senate commission on media concentration (Assouline, 2022) had 32 proposals aiming to tackle a series of issues relating to media pluralism and freedom. The first main proposal consists in the strengthening of media independence by respecting freedom of communication. More precisely, it considers independence can be better guaranteed and conflicts of interest in large media groups prevented thanks to the development of a “trptych” of actors:

- an independent administrator within the board of directors (or any other equivalent governing body of a media company) of major media groups. He/she would be able to react in the event of a conflict of interest. Within the board of public broadcasting companies, this administrator would be responsible for ensuring the impartiality of information or greater political balance. Strengthened ethics committees, with greater legitimacy and means of action, could do the same within other media groups.
- Renewed ethics committees, with more legitimacy and means of action, extended to all groups owning media outlets, and associated to the independent administrator.
- The ARCOM, which would work closely with these committees in order to identify and prevent potential problems, and would offer an advisory opinion on the appointment of the independent administrator.



## II. MARKET PLURALITY

### ▪ Conflicts of interest & transparency

Various actors (Forum on Information and Democracy, 2021; Reporters without Borders, 2022; États généraux de la presse indépendante, 2023) have proposed interesting dispositions to further the fight against conflicts of interest, especially improved transparency on the financing and governance of media outlets:

- publication of the names and interests of direct and indirect shareholders, directors, etc.;
- annual publication of accounts of each outlet (and not just the groups' consolidated figures);
- annual publication of all public (including local) funds received;
- publication of financial deals passed with the GAFAM and other major platforms.

Several of these elements were also present in the “New Deal for journalism” initiative, led by the Forum on Information and Democracy (2021)

At both, opposed “General Estates” of information organized in 2023, proposals were made for more transparency on the shareholding structure of various media: the APIG (2024) proposed that the 10% threshold be lowered to 5%, while the Fonds pour une presse libre called for complete transparency of all shareholders, as had the Forum on Information and Democracy (2021); the former also called for the creation of an online open data register of media ownership.

### ▪ Concentration: revision of rules and thresholds

There is a constant debate on concentration thresholds, and thus on the laws that establish them. All agree that the system should be entirely reshaped. There are those on the left and on the side of independent media (Cagé, 2022a; 2022b; Reporters without Borders, 2022; États généraux de la presse indépendante, 2023) who consider the existing thresholds are useless to prevent increasing concentration. The regulatory apparatus – and especially the September 1986 law – should be revised as follows:

- concentration thresholds should be lowered, all paper and digital formats should be integrated in calculations, the periodicity criterion should be suppressed;
- horizontal and vertical concentration should be considered in the criteria;
- the level of application of these thresholds should be assessed at both the national and regional scales;
- conglomerates and groups that have non-media activities(public procurement, markets...) should not be allowed to become direct operators of media outlets;.

Others, on the more “liberal” side (in a French conception of the term), such as Nathalie Sonnac or representatives of major groups, consider thresholds should be loosened for media groups to become “national champions” so that they can compete in the globalized mediascape, dominated by international

conglomerates, both in media and advertising. Neoliberal (right-wing and centrist) political forces tend to support such a stance; the government had for instance supported the thwarted TF1-M6 merger, as had the CSA (Rebillard & Sklower, 2022).

The 2022 report on concentration (Requin & al., 2022) also considers that “the French legal framework for mergers in the media sector is obsolete”, as it has a “silo approach” that is not adapted to the new context of globalized economic and technological convergence. It advocates a flexible case-by-case approach to mergers, based on a multifactorial analysis grid. This is something the EMFA introduces, with its “media pluralism test”.

#### ▪ **Related rights**

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 these platforms, under the supervision of an independent administrative authority, and with the help of an expert body, ensuring greater transparency, publicity and equity (Duby-Muller & Garcia, 2022), despite the limitations of such a principle when it comes to constantly evolving deep learning algorithms and AI infrastructures, and auditing difficulties. In the same way, there should be a collective process of negotiation between the media and AI companies.

#### ▪ **Online advertising triopoly**

More vigorous action should be taken to support all media outlets against the power of major online platforms, and especially in the field of advertising. Despite the implementation of the DMA, it is not clear that the EU – and France – has any will (or power) to actually attack the root of the problem. It is not obvious either that competition or cultural policies can actually go against market (*i.e.*, the consumer’s sovereignty) trends.

### **III. POLITICAL INDEPENDENCE**

#### ▪ **Spectrum allocation**

No audiovisual frequencies should be allocated to groups that do not specialize in media. The conventions passed with the ARCOM for the attribution of free access public TNT frequencies must forbid the transformation of a news channel into an opinion channel and impose internal pluralism. The issue of internal pluralism will have to be addressed in a new way. The idea that the ARCOM should determine the political affiliation of all participants in political debates on audiovisual media (pursuant to the Council of State February 2024 judgment), is bound to open a Pandora’s box, both from a methodological and ethical perspective.

#### ▪ **Financial independence**

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 (“solidary news companies”, media outlets as “common goods”, nonprofit media organizations with new sources of financing), the sanctuarization of their

capital, and the mutualization of production, administration, commercial and distribution infrastructures and services.

The granting of subsidies should be subject to the aforementioned independence and transparency measures, and to the respect of the Labor Code. They should be better targeted to better support independent media, against their funneling by major groups, at the national and local levels.

A status for local and community television stations, similar to the one granted for local radio stations, could be put in place. Indirect censorship of activist community media, through the cutting of discretionary subsidies, must not be allowed.

#### ▪ **Financing of PSM**

The future financing of the PSM must be sanctuarized, and not left to annual revisions dependent on fluctuating parliamentary majorities, considering the risks mentioned earlier.

### **IV. SOCIAL INCLUSIVENESS**

#### ▪ **Stereotyping and harassment of minorities**

Efforts against negative representations of women, minorities and disabled people must be pursued. There must be a better promotion and a more efficient apparatus to defend women against harassment, both at work or online. 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.

#### ▪ **Transparency of platforms**

X and other platforms should be made accountable for their actions as providers of hateful content and disinformation. This means that transparency must exist for all “black boxes”: algorithms, artificial intelligence devices, social media data. The GESTE (2023), which federates 140 online publishers – media, cultural content providers, etc. — , has called with 80 other signatories (copyright collection agents, unions, etc.) for regulation on the transparency of generative AI processes and training data, and condemned France’s official non-interventionist position.

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### Note on sources

*We have included academic scholarship, full reports from NGOs, trade unions and public authorities, but not the numerous news articles, policy documents, union press releases, etc., which were used during the data collection phase, and added to the CMPF's online platform. Laws, codes and regulations are referenced within the text.*

## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 CT Leader
<i>Alan</i>	<i>Ouakrat</i>	<i>Assistant Professor</i>	<i>Irméccen — Sorbonne Nouvelle University</i>	X
<i>Jedediah</i>	<i>Sklower</i>	<i>Post-doctoral fellow</i>	<i>Irméccen — Sorbonne Nouvelle University / LabEx ICCA</i>	

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Romain</i>	<i>Badouard</i>	<i>Associate Professor</i>	<i>Institut français de presse (IFP) / Université Panthéon-Assas (Paris 2) / Centre de Recherches et d'Analyse Interdisciplinaire sur les Médias (CARISM)</i>
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<i>Mathias</i>	<i>Reymond</i>	<i>Coordinator</i>	<i>Action - Critique - Médias (ACRIMED)</i>
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