

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

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 2022. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and Review

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

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

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

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of 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

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.

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. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). 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/>.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

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, MPM2023 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 MPM2023, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

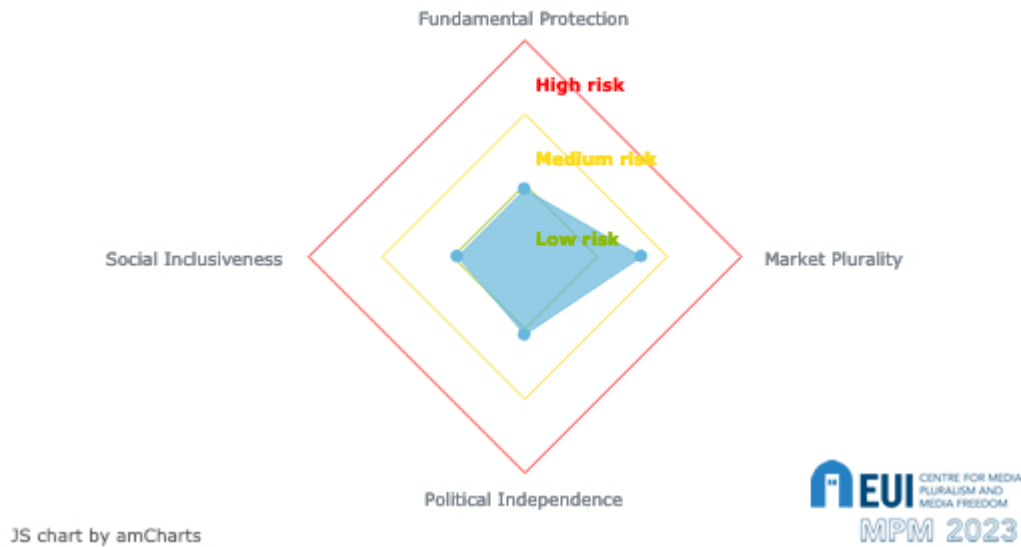
2. Introduction

- **Population.** As of January 2023, there are 68.0 million inhabitants in France. During the year 2022, the population increased by 0.3% (INSEE, 2023a).
- **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 report of the National Institute of Statistics and Economic Studies, in 2021, there were 7 million immigrants living in France (among which 2.5 million acquired French citizenship), and 0.8 million foreigners born in France (INSEE, 2022). In 2022, 156.103 asylum applications (including minors) were made to the French authorities. This represents an increase of 28.6% compared to 2021 and a shift back to the level observed before the health crisis. Afghanistan, Bangladesh, Turkey and Georgia are the top countries of origin of first-time asylum applications (Ministère de l'Intérieur et des Outre-Mer, 2023).
- **Economic situation.** Annual GDP increased by 2.6% between 2021 and 2022, a figure that is mainly the result of the rebound in activity in mid-2021, after the COVID pandemic. Despite a drop in consumption in the main economies of the eurozone, economic activity in France was generally stable in the fourth quarter of 2022, with the effects of the energy crisis appearing to be less significant at this stage than what had been expected. Economic growth is thus expected to remain slightly positive (+0.2% forecast for the first and second quarters of 2023), bringing the mid-year forecast to around +0.6% for 2023 (INSEE, 2013b). Annual inflation is set at +5.2% in 2022 (INSEE, 2023c).
- **Political situation.** France is governed by President Emmanuel Macron, whose political party is the centrist and pro-free market *Renaissance* (RE).
- **Media market.** France's mediascape hosts both a public and a private audio-visual sector. With the advent of digital terrestrial television in the 2000s, there was a multiplication of private channels, now controlled by a few major groups. The print press is divided between national, more politicized outlets aimed at urban, upper-middle-class readers, and regional outlets whose readership is older and less well off. Younger audiences tend to shun print news in favor of their online counterparts, which are often accessed via third-party platforms. This media environment has been evolving at a fast pace with the progress of online media and digital platforms, while legacy media, especially the print press, have been experiencing growing economic difficulties. Their readership and their advertising revenues have both been decreasing at a fast pace for several years now. In France, the percentage of trust in the media varies according to the nature of each media outlet. According to the 2022 barometer on the confidence of the French in the media conducted annually by Kantar Public - onepoint for La Croix, 49% trust radio news, 49% print media, 44% television and 24% the internet. It is significant to mention that according to the 2022 Digital News Report, 29% trust media in general while 38% trust only the media outlets they use (Kantar, 2022).
- **Regulatory environment.** Following the 25 October 2021 law (chap. 1 & 2), the French TV and Radio regulatory body, the CSA, merged in January 2022 with the HADOPI (the authority in charge of protecting author rights on the Internet) to constitute a new entity, the ARCOM (Audiovisual and Digital Communication Regulation Authority). The ARCOM is responsible for guaranteeing the independence

and nonpartisanship of the public audiovisual communication sector in France, free competition of service providers, the quality and diversity of programs, the development of national audiovisual creations, the defense of the French language and culture (art. 3-1), the issues related to disinformation, the defense of cultural creation (encouraging legal online offers for cultural goods, fighting against illegal streaming or downloading, online forgery and mirror websites – also linked to the broadcasting of sports events – and a broadening of provisions to defend French audiovisual works). The new entity is able to exchange information with the Competition Authority when dealing with media concentration (art. 3-2).

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

France: Media Pluralism Risk Areas



France confirms the highest level of risk in the **Market Plurality** area (54%, up 2 points) and registers an increase of risk in **Political Independence** (36%, up 7 points). The risk associated to **Fundamental protection** has decreased (31%, down 3 points), while the risk associated with **Social inclusiveness** remains stable (31%). It is worth mentioning that a great number of fundamental threats underlined in last year's report do not only persist but also exhibit an upward trend. In parallel, new challenges for media pluralism in France have been identified.

In the area **Fundamental protection** (31%), three out of five indicators displayed low risk. France's constitution and legal apparatus ensure freedom of the press, of opinion and expression. However, there are several limitations to media freedom requiring specific scrutiny. For instance, in 2022, companies initiated a flurry of Strategic Lawsuits against Public Participation (SLAPPs) against several independent media outlets, preventing journalists from exercising their watchdog role. These procedures were most often based on the July 30, 2018 Law (no. 2018-670) on the "protection of trade secrets", which considers that information which has a commercial value and is deemed secret by companies should be protected, and thus that any person obtaining, using or publishing it, may be prosecuted. Moreover, media concentration results not only to grow the influence of industrialists on media content but also to worsen journalists' working conditions, who very often have to satisfy marketing/political demands.

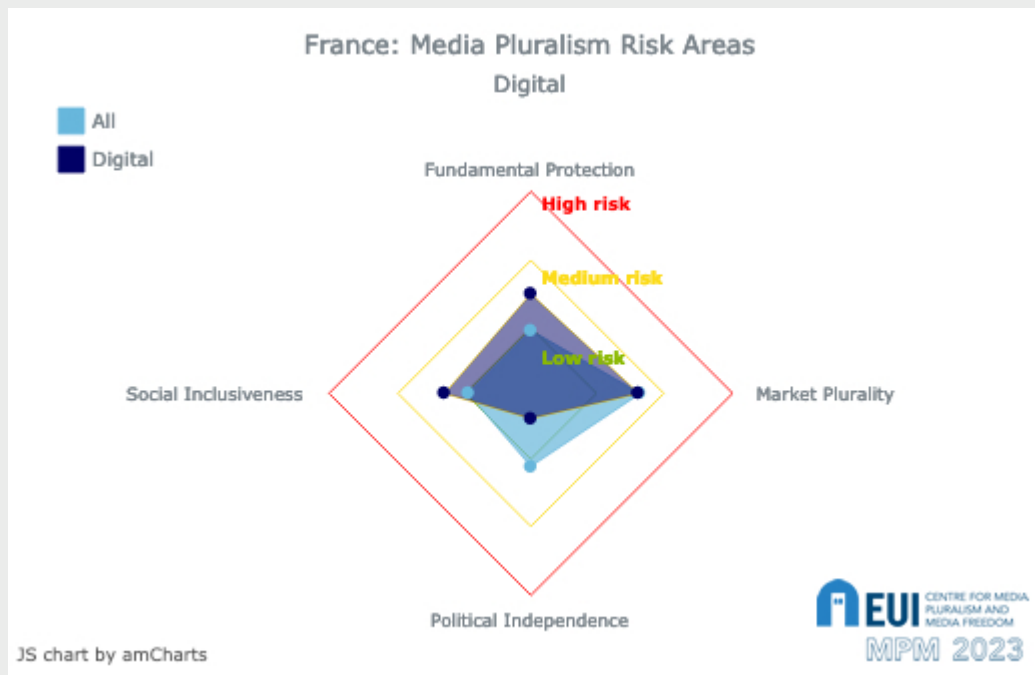
In the area **Market Plurality** (54%), three out of five indicators displayed medium risk and one indicator presented high risk. Despite the fact that the French legal apparatus ensures a certain degree of transparency as far as media ownership is concerned, there is a great degree of opacity in the media sector, given the complexity and multi-layeredness in the shareholding structure of many media conglomerates. Moreover, media concentration results in the growing influence of industrialists on newsrooms and media content as well as to the worsening of journalists' working conditions who very often have to satisfy marketing/political demands.

The **Political independence** area (36%) is the one with the greatest increase as far as the risk assessment is concerned as it scored a medium risk (36%, +7 points). This is mainly due to structural changes such as the recent removal of the audiovisual tax. Submitting PSM directly to the state budget could force

these media to negotiate their budget each year with the government and the parliament. Consequently, removing the audiovisual tax may be dangerous for the independence of information provided by the PSM and thus become opposite to several national and European texts. In addition, media concentration seems to be an element that significantly influences the political independence of audiovisual media.

In the area **Social Inclusiveness** (31%), one out of five indicators displayed medium risk while four indicators scored low risk. France’s legal apparatus ensures the necessity of the representation and promotion of the “diversity of French society” through the French media, an effort monitored by the ARCOM. However, in 2022, a declining presence of people perceived as “non-white” on television has been observed, due in part to their underrepresentation in information programs. In addition, people perceived as “non-white” are more often represented in negative roles than positive ones. Similarly, gender equality is part of the PSMs’ performance contracts and supported by the September 1986 law and its amendments in the 2010s. However, women are rarely invited as experts in French media, a phenomenon which results in the perpetuation of gender stereotypes.

Focus on the digital environment



France confirms the highest level of risk in the **Online Market Plurality** area (medium risk: 53%, up 9 points). The **Online Fundamental Protection** (49%, down 1 point) and the **Online Social Inclusiveness** area (42%, down 5 points) are placed in the medium risk category. The remaining area **Online Political Independence** (12%, down 3 points) falls within the low-risk category.

Online Fundamental Protection (49%) is within the medium risk category. In France, the situation of digital native news media is, legally, the same as the one of print media, but within a very different media ecosystem. One of the issues that has raised particular concerns is the August 24, 2021 “Separatism” Law (no 2021-1109) on “guaranteeing respect for the principles of the Republic”, especially the fact that website blocks and content removal are not submitted to sufficient judicial and administrative oversight. In addition, the April 29, 2021 EU ruling no. 2021/784 relative to fighting against online terrorism, is imposed upon platforms such as Facebook or Twitter, to use their

algorithms to filter and intercept terrorist propaganda, and to block such content within an hour – meaning they will have to resort to automated systems, and thus with an important risk of *de facto* censorship. In addition, the fact that the State delegated many aspects and initiatives to block and filter disinformation or illegal content to the private platforms that host them (Law n° 2018-1202) also raises concerns as these major companies defend the lack of transparency on their algorithms in the name of trade secrecy laws. In addition, France registered a slight decline in internet freedom during 2022 as Russian state-linked websites were blocked following an order from the European Union (EU) in response to Russia’s military aggression against Ukraine.

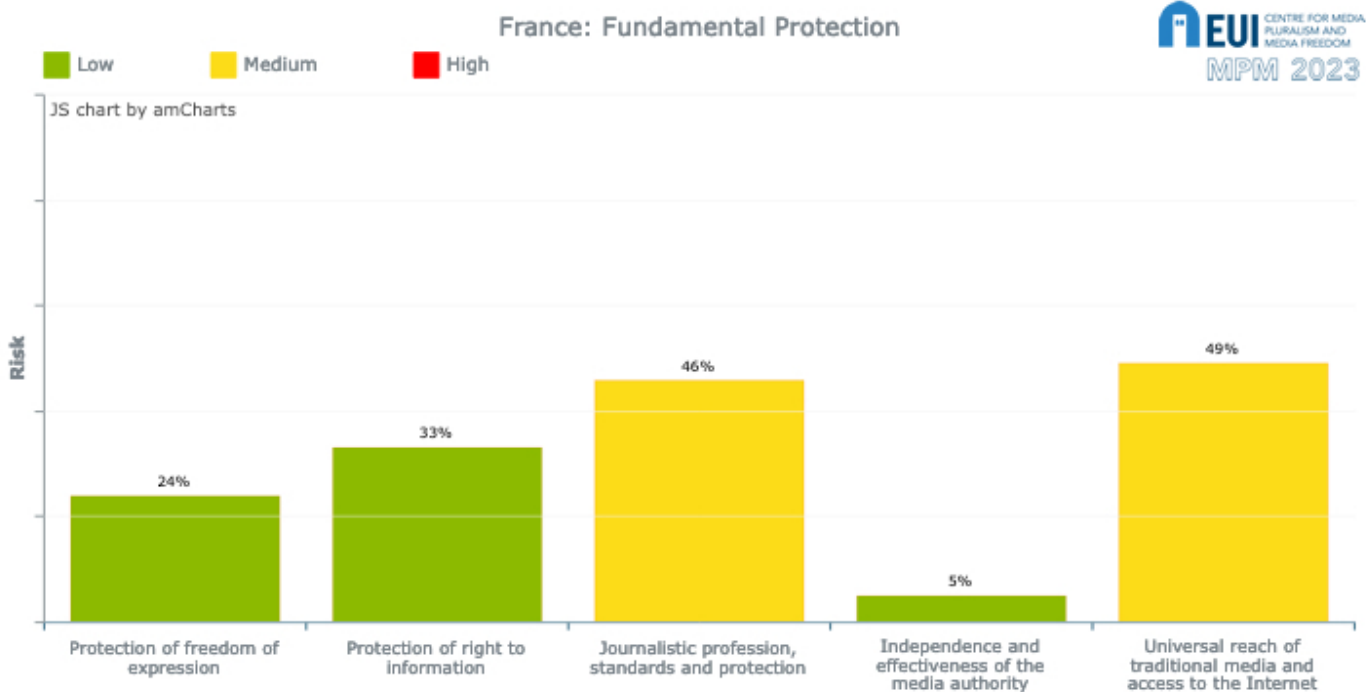
The risk assessment for the **Online Market Plurality area** (53%) is medium. As with the print press, there is quite often a certain degree of opacity, pursuant to the complexity of the structures of media conglomerates that have invested in online media, over the past 20 years. Additional opacity is created when, occasionally, websites that do not officially pretend to be “journalistic” news outlets present themselves as such. On this point, it is worth mentioning that disinformation and its impact are growing in France due to the fact that distrust towards public officials is on the rise.

The risk assessment for the **Online Political Independence** area (12%) is low. Unlike the print press and the audiovisual media, there does not seem to be any form of indirect political control over digital native media. However, as mentioned above, several online threats against journalists have been recorded in 2022. In addition, several incidents during the 2022 presidential campaign occurred confirming a lack of transparency about the spendings and techniques used in social media.

Finally, the **Online Social Inclusiveness** area (42%) scores medium risk. The 62% of the population in France inhibit basic or above basic digital skills which amounts to a low risk assessment with regards to media literacy (Eurostat, 2021). In addition, the legal framework in France ensures the respect of transparency of online information and the fight against the dissemination of false information. However, the chaotic proliferation of information can hardly be monitored by a single, centralized authority. Following a significant decline during the COVID pandemic linked to the reduction of activity, the latest report by the National Commission on Human Rights “on the fight against racism, antisemitism and xenophobia” (2022) stressed that the number of racially motivated incidents within the French society was back to levels comparable to 2019.

3.1. Fundamental Protection (31% - low 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.



In the **Fundamental protection** area, France was at medium risk in 2021 (34%, down 2 points). More precisely, the risk assessment for the indicator **Respect of freedom of expression** presented a decrease in comparison to the previous year (low risk: 24%, - 2 points). France's constitution and legal apparatus (especially the famous July 29, 1881 Law) – as well as the European texts they abide by – ensure freedom of the press, of opinion, and of expression (Bigot, 2017; Derieux, 2018). Freedom of press is limited by some exceptions including offences against individuals (defamation, public insults, right to image, apology of terrorism, etc.), (1881 law; 04/03/1995 law no 55-385; 11/14/2014 no 2014-1353; 12/22/2018 no 2018-1202; 07/14/1990 “Gayssot” law no 90-615; 01/27/2017 no 2017-86; 06/25/2020 no 2020-766), as well as confidentiality safeguards (professional discretion, civil servant discretion, doctor-patient confidentiality, secret defense, etc.), especially for whistle-blowers (11/12/2007 law no 2007-1598; 01/03/2012 decree no 2012-484; 12/09/2016 “Sapin” law no 2016-1691).

The risk assessment for the indicator **Protection of right to information** presented an important decrease in comparison to the previous year (low risk: 33%, 7 points down). Right to information is guaranteed by France's legal apparatus (07/17/1978 Law no 78-753; 07/11/1979 no 79-587; 04/12/2000 no 2000-321). More precisely, according to the 1978 law citizens can resort to the CADA (Commission d'accès aux documents administratifs), an independent administrative authority responsible for ensuring “access to administrative documents”, to contest the non-communication of documents. Thus, the public administration needs to motivate its decision not to release documents, and inform the complainant. Upon refusal, citizens and legal persons can make a hierarchical administrative plea. Usually, administrations do not recant. Plaintiffs must then call upon the CADA, which will emit a notice, which is non-binding. Administrations usually follow the CADA's advice, as it has moral authority and advertises its opinions. If the CADA advice is

negative (and only thereafter), the plaintiff has two months to call upon administrative courts to contest the administration's decision. The court can eventually pronounce the cancellation of the refusal if it deems it illegal, and ask that the administration release the documents, under penalty. Moreover, over the past years there have been several examples of pressure put on investigative journalists to reveal their sources. For instance, companies against several independent media outlets in France initiated a flurry of SLAPPs sending a clear message to the French journalistic community to not report information of public interest (see the next section). However, it is worth mentioning that during 2022, France improved its legislation regarding whistleblower protection by adopting the March 21, 2022 Law (n° 2022-401) aiming to improve whistleblower protection.

The risk assessment for the indicator **Journalistic profession, standards and protection** remains relatively high but decreased in comparison to the previous year (medium risk: 46%, down 3 points). However, this indicator remains one of the most worrying of all in this report. To be more accurate, there is a strong legal apparatus meant to defend the profession (03/29/1936 "Brachard Law"; 07/04/1974 "Cressard Law" no 74-630, Labor Code, collective agreements). However, all signs point to both a structurally and a conjecturally alarming situation. Thus, there are several issues that should be taken into consideration.

More precisely, the legislative framework in France is generally protective of media and journalistic freedom, but shortcomings remain in regards to Strategic Lawsuits against Public Participation (SLAPPs) and safeguarding the confidentiality of journalists' sources while business investigation is prevented by a Secret Trade Law protecting corporate interests. In 2022, companies initiated a flurry of SLAPPs against several independent media outlets in France. For instance, on September 21, 2022, the group Altice sued the media outlet Reflets for "breach of trade secrets". Altice is owned by Switzerland-based billionaire Patrick Drahi, a telecom and media magnate, and the owner of large French media which includes RMC, BFM and Libération. Altice demanded the removal of the articles with a 500 euros fine per day of delay and for any media outlet to be forbidden to use the same information. The firm also argued that the media outlet was complicit in actions of the ransomware company, suggesting that Reflets "echoed" the hackers and the articles would "increase the pressure on Altice to pay the ransom". Reflets stood by its reporting, stressing that the information published was of public interest, did not contain any trade secrets, and that the personal revelations about Patrick Drahi were conducted properly. Despite the reactions of French journalists' unions, on October 6, 2022, the Commercial Court of Nanterre ordered the independent investigative media Reflets to pay 4,500 euros to Patrick Drahi's Group. Moreover, the Court ordered the media not to publish any new information about Altice. The censorship of articles, which were not even published, is based on the 2018 Law (no. 2018-670) protecting trade secrets. This law is in line with the June 2016 EU directive. It considers that information which has a commercial value and is deemed secret by companies should be protected, and thus that any person obtaining, using or publishing it (without even having participated in the eventual hijacking) can be prosecuted.

Moreover, the protection of the confidentiality of journalistic sources is not absolute: it is limited by an "overriding public interest" (not clearly defined), and can be threatened by possible violations by the said sources; a magistrate can then order perquisitions (January 2010 law, art. 2).

In addition, despite the strong tradition of protecting journalists' rights in France, unionized journalists are often not strong enough to resist top-down transformations in newsrooms, as clearly shown by recent cases within the Bolloré empire. For instance, during the 2022 presidential elections, the influence of the Bolloré empire on media agenda amplified. Vincent Bolloré (CEO of the Bolloré empire) systematically used his power in order to promote his protégé, the far-right candidate Éric Zemmour. Journalists' unions

subsequently conducted several actions and/or issued statements denouncing this phenomenon. However, these actions do not seem to have a significant impact, as the journalists working in the media empire very often have to satisfy marketing/ political demands. For instance, it is worth mentioning that since the acquisition of Prisma Media by V. Bolloré, 130 journalists out of 400 chose to use the change-of-control clause, which allows them to leave the company with financial counterparts following a change of ownership. This phenomenon results to more politically homogeneous newsrooms aligned with the demands of V. Bolloré. Furthermore, it seems that the aim of Bolloré is to create synergies between its different companies by using Prisma Media as an advertisement tool for Havas clients, Universal Music Group artists, Canal + films and so on. This phenomenon seems to contribute to the blurring of information and communication and influences journalists' freedom of expression.

Furthermore, several incidents of physical violence against journalists have been reported during 2022. Apart from the incidents of physical violence, cases of online harassment against journalists have also been reported. Additionally, in 2021, several scandals revealed the extent of female harassment in newsrooms. In October 2022, a total of 30 women have contacted the authorities, 21 of whom have filed complaints of sexual harassment, sexual assault or rape (11 women) against the TF1 star anchorman Patrick Poivre d'Arvor.

The risk assessment for the indicator **Independence and effectiveness of the media authority** is identical with the previous year (low: 5%). The Audiovisual and Digital Communication Regulation Authority (ARCOM) – ex. CSA, is an independent public authority, with a budget of its own, transparent decisions and appointment procedures (07/26/1983 no 83-675; 09/20/1986 no 86-1067; 11/15/2013 no 2013-1028).

There hadn't been any notable cases of political pressure on this institution during 2022. However, it is worth mentioning that since its creation, ARCOM as well as its predecessors, has been subjected to scrutiny for possible politicization, especially during the appointment process, due to a certain number of its board members being designated by the different branches of the State. ARCOM counts nine members: three appointed by the President of the Senate, three by the President of the National Assembly and two by the Council of State and the Court of Cassation, while its President is appointed directly by the President of the Republic.

The risk assessment for the indicator **Universal reach of traditional media and access to the Internet** is also identical with the previous year (medium: 49%). Universal coverage of the PSM (France Télévisions, Radio France) is guaranteed by law and asserted in the latter's bill of specifications. Art. 44 of the September 1986 Law guaranteed universal coverage of the PSM. The March 2007 and October 2015 laws introduced dispositions into the 1986 law relative to universal coverage of the population by digital terrestrial television (TNT). Art. 96-1 and 98-1 of law thus extend coverage provisions to new dissemination technologies: the law now guarantees free universal dissemination or distribution of "national free-to-air television services" through digital terrestrial radio reception to at least 95% of the metropolitan area population, pursuant to directives issued by the ARCOM (art. 28). The ARCOM makes sure that the PSM enact the norms defined in their bills of specifications, and mentions progress in its reports.

Focus on the digital environment

France's constitution and legal apparatus ensure freedom of expression on the Internet (law no. 2004-575). The November 14, 2014 Law (no. 2014-1353) against terrorism has enabled administrative authorities to block websites promoting terrorism or child pornography. In accordance with the article 41 of the law n° 2021-1109, since June 7, 2022, the control of blocking, removal and administrative dereferencing of terrorist and child pornography content is carried out by the Regulatory Authority for Audiovisual and Digital Communication (ARCOM).

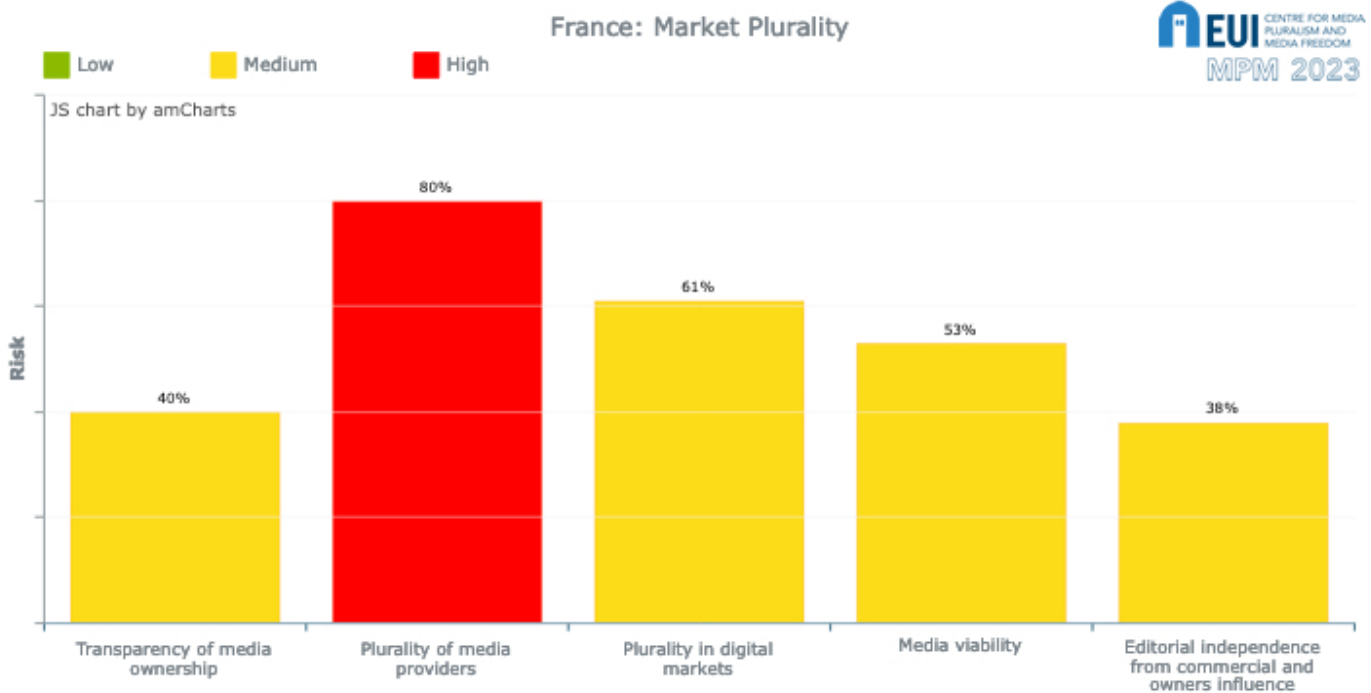
The means chosen and implemented by the State in order to fight against disinformation through the August 24, 2021 **"Separatism" Law** on "guaranteeing respect for the principles of the Republic" (which amended the June 21, 2004 Law on "trust in the digital economy") have raised serious concerns, particularly on the fact that website blocks and content removal are not submitted to sufficient judicial and administrative oversight.

In addition, the April 29, 2021 **EU ruling no. 2021/784** relative to the fight against online terrorism, applicable in France since June 7, 2022, imposes platforms such as Facebook or Twitter to use their algorithms to filter and intercept terrorist propaganda (thanks for instance to digital watermarks), and to block such content within an hour - meaning they would have to resort to automated systems, leading to an important risk of de facto censorship. Indeed, although the ruling clearly states the type of content that should not be blocked, it could be mistaken for terrorist propaganda by a hasty or overzealous algorithm. On this point, we should mention that one problem is that the State delegated many aspects and initiatives to block and filter disinformation or illegal content to the private platforms that host them (law n° 2018-1202); it relies on their good faith to provide transparency on how they do so. But these major companies defend the lack of transparency of their algorithms in the name of trade secrecy laws. The complexity of these algorithms means very few actually have the skills and knowledge to decipher them.

Within Freedom House's 2022 index, France has a good "Internet freedom score" of 76. However, according to the Freedom House's report, France registered a slight decline in internet freedom during 2022. More precisely, it is mentioned that Russian state-linked websites were blocked in response to an order from the European Union (EU). In response to **Russia's military aggression against Ukraine**, the Council of the European Union introduced the suspension of the broadcasting activities of Sputnik' and RT/Russia Today in the EU "until the aggression to Ukraine is put to an end, and until the Russian Federation and its associated outlets cease to conduct disinformation and information manipulation actions against the EU and its member states". RT France appealed the ban to the European Court of Justice for a temporary suspension on 30 March 2022 which was rejected. A subsequent appeal to the General Court was also rejected.

3.2. Market Plurality (54% - 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).



In the **Market plurality area**, France was at medium risk in 2021 (52%). Despite the fact that the French legal apparatus ensures a certain degree of transparency as far as media ownership is concerned, there is a great degree of opacity in the media sector, given the complexity and multi-layeredness in the shareholding structure of many media conglomerates. Moreover, media concentration results to the growing influence of industrialists on media content as well as to the worsening of journalists' working conditions, factors which are responsible for the increase of the risk level for this area.

The indicator **Transparency of media ownership** scores medium risk (40%). This is due to the fact that the French legal apparatus ensures a certain degree of transparency. Ownership of companies is accessible to the public through the Trade Registry upon payment of a fee. Various national laws (08/01/1986 law no 86-897; 09/20/1986 no 86-1067; 06/12/2009 no 2009-669; 11/14/2016 no 2016-1524; 12/09/2016 no 2016-1691) impose the publication of all direct and indirect/final owners of media outlets, ensuring an important degree of transparency, especially since the implementation in France of the 2015 and 2018 EU directives that aimed to fight against the financing global terrorism (no 2015-849; no 2018-843). Transparency is however often limited to the first layer of the shareholding structure. Indeed, there is a great degree of opacity in the media sector, given the complexity and multi-layeredness in the shareholding structure of many media conglomerates (Cagé et al., 2017).

The indicator **Plurality of media providers** remains the one with the highest risk (80%). The complex set of laws imposing various thresholds (07/29/1982 law no 82-652; 10/23/1984 no 84-947; 02/01/1994 no 94-88; 08/01/2000 no 2000-719; 07/17/2001 no 2001-624) are not effective at stopping further concentration

(Carasco, 2018; Kamina, 2016). On this point, it should be stressed that there is a high degree of concentration of the French media which is particularly alarming for media pluralism. More precisely, media concentration is high generally but heterogeneous across sub-sectors. Television, radio and national daily press present a high degree of concentration while local daily press presents a very high degree of concentration (Requin et al., 2022). With the exception of the Vivendi group, the diversification of groups in France into multiple media remains limited. It is therefore difficult to make an unequivocal assessment of concentration for the sector as a whole (ibid.).

The wave of media deregulation and liberalization in the 1980s paved the way for the “return of industrialists” within the media sector (Chupin *et al.*, 2012). The 2000s saw a very fast reorganization of the sector, with the breaking-up of the “three Hs” (Hachette, Havas, Hersant) and the reinforcement of conglomeral positions. Construction (Bouygues), luxury (Arnault, Pinault), aerospace and weaponry (Dassault, Matra-Lagardère), transportation & logistics (Bolloré), banking & finance (Crédit agricole, Crédit mutuel, Rothschild), telecommunications (SFR, Orange, Bouygues) (ibid.). The types of groups investing in the media since the 1980s are operating in economic fields highly dependent on public order (e.g., aerospace and weaponry), highly regulated by the State (telecommunications, transportation) or in which State’s interests are consequent. Besides lobbying and in this context, media control is an obvious means of influence. The ties media moguls have with leading political figures are well known and documented. In fact, though the September 30, 1986 Law (no 86-1067) was amended dozens of times since its creation, its anti-concentration clauses (art. 38 to 41) were barely modified in over a third of a century (except for digital terrestrial television), and anti-concentration regulations regarding the print press have proven unable to stop the trend towards further oligopolistic concentration.

In 2021, there has been a wave of media mergers: Vivendi / V. Bolloré bought Prisma Media from Bertelsmann, Xavier Niel’s NJJ Holding bought the Paris-Turf group and Reworld Media acquired Melygroup, which is specialized in online infotainment aimed at youth audiences. On this point, it is worth mentioning that Niel had acquired Mediawan and *Nice-Matin* in 2020, *L’Obs* in 2014, and a participation in *Le Monde* in 2010 (see previous reports for more information). Thus, following the recent waves of media concentration and public outcry against the phenomenon, the Senate voted to create an *ad hoc* commission, established in November 2021. On March 31, 2022, the commission published a report with 32 propositions aiming at dealing better with media concentration phenomena (Lafon et Assouline, 2022).

On this point, it is worth mentioning that on September 2022, Bouygues, RTL Group, Groupe TF1 and Groupe M6 have decided to call off their plan to merge the TF1 and M6 groups that was announced on 17 May 2021. This decision came after the parties appeared at the hearings of the French Competition Authority’s board on 5 and 6 September 2022 to argue in favor of the benefits and necessity of the deal. Following the debates with the Authority it appeared that only structural remedies involving at the very least the divestment of the TF1 TV channel or of the M6 TV channel would be sufficient to approve the proposed merger. The parties have therefore concluded that the TF1-M6 merger plan should be abandoned. The decision to abandon the TF1-M6 merger project was motivated by market criteria (risk of a dominant position in the advertising and audiovisual production market). More precisely, it is worth mentioning that progressively, through the various revisions of the 1986 law, the anti-concentration rules have shifted from safeguarding political pluralism to regulating competition. Thus, the structure playing a key role in merger and acquisition procedures is rather the Competition Authority than ARCOM. Within this context, the merger of French broadcasters TF1 and M6 has been abandoned solely on the basis of market criteria. In fact, as underlined by Nikos Smyrniaios (2023) the TF1-M6 merger project was presented by its initiators as a French response to the growing hegemony of US-based platforms such as Netflix, Disney or YouTube. The

French Competition Authority considered that this future audiovisual giant would constitute a quasi-monopoly in the audiovisual industry regarding advertising, content distribution and audiovisual programs' purchase. The owner of M6, German group Bertelsmann, consequently abandoned the sale.

The risk assessment for the indicator **Plurality in digital markets** presented an increase in comparison to the previous year (medium risk: 61%, +13 points). In France, the situation of digital native news media is, legally, the same as that of print media, but within a very different media ecosystem. The August 1986 law (no. 86-897) which "reformed the (French) press regime" imposes an obligation of transparency upon all press publications. The June 2009 law (no. 2009-669), the May 2011 law no. 2011-525 (art. 66), and the November 2016 law (no. 2016-1524) amended the August 1986 law to include "online press services" in the definition of press companies (art. 1, 2). Thus, the above-mentioned legal frame also applies to digital media. As with the print press, there is quite often a certain degree of opacity, pursuant to the complexity of the structures of media conglomerates that have invested over the past 20 years in online media. In addition, the sprawling of so-called "news" websites and the flowing of information (and disinformation) from websites and social media accounts located beyond France that do not officially pretend to be "journalistic" news outlets (but present themselves as such) creates additional opacity. This is the case of FranceSoir, a formerly respectable journal which abandoned its journalistic function in 2019, becoming a blog platform since and presenting itself as an alternative, "democratic" voice (see section 3.3).

The indicator **Media viability** scores medium risk (53%, - 10 points). The revenues of the audiovisual sector seem relatively stationary for the two first trimesters of 2022 (official data for the whole year is not available at the time of writing of this report), while the revenues of the newspapers and press agencies sector increased during the same period. Generally, the situation seems to be less difficult than during the peak of the COVID. However, it should be taken into consideration that the almost 6% inflation in the country risks threatening media economic viability in the near future.

As their advertising and sales revenues have constantly decreased since 2007, traditional print media increasingly depend on online integration (Lyubareva & Rochelandet, 2017), valorization (thus the importance of the issue of neighboring/related rights – Joux, 2020a, 2020b; Ouakrat, 2020) and diversification (Guignard, 2019), subsidies or private funds, and some on prior subscription models which can benefit from recent tax-rebate schemes. Crowdfunding is not a major source of financing for print and online media, which represent less income than traditional subscription models (Rebillard, 2020). Considering economic models, there is a growing trend towards paywall systems – online subscriptions for full content access, which bet on readers' desire for editorial independence. Such solutions, among others, tend to attract people with relatively solid cultural and economic capital, and can accentuate the "social duality" of media practices (Charon, 2015) – serious, print content for graduates, and commercial, audiovisual for the less educated. New types of online distribution have appeared, for example with online "stands" [kiosques], with Facebook News, (Google) News Showcase or Apple News Plus, the problem here being that the GAFAM imposed these models in deals on related rights. French actors have also launched new infomediation platforms: for instance, Phone company SFR created "SFR Presse" in 2016, Bouygues created "LeKiosk" in 2017 – both were replaced by Cafeyn in 2020, a platform for three phone operators (Free joined in). Publishers and journalists are not necessarily well remunerated by such offers (Rebillard & Smyrniotis, 2019, 2021; Rebillard, 2020; Mattelart, 2020) and so far, did not meet a great success.

According to Arnaud Mercier and Nathalie Pignard-Cheynel (2014), in France, those involved in journalism education are more and more convinced that students need to be introduced to the "digital culture" – i.e., a willingness to innovate and a curiosity for new media. Within this context, young journalists now receive

extensive training to be able to face the challenges imposed by the new digital environment. In parallel, as Jean-Marie Charon (2015) explains, newsrooms are increasingly concerned by the effects of the digitalization of contemporary societies. Thus, traditional media are reorganizing their newsrooms, modifying the chronology of news production with the "digital first" approach and developing new skills (e.g., "low information", fact checking, data visualization, etc.). Thus, media companies often invite consultants and experts from other fields in order to experiment with new models of broadcasting, foster creative journalism and bring out new approaches. The innovations affect the entire information process, from the choice of subjects up to their reception. Reporting and monitoring systems have been set up. Other online tools are mobilized to collect testimonies, suggest topics, etc. In addition, companies are investing more and more in the automated transmission of information. In their 2022 article on innovation in journalism, Alan Ouakrat, Lorreine Petters and Jérôme Pacouret offer a detailed panorama of the institutional policies, public and private incentives for innovation in journalism in France, and the strategies of French companies for appropriating these mechanisms. As the authors explain, innovation in journalism in France is currently divided into several topics that concern the formats of disseminating information, the relationship with technical intermediaries and platforms, as well as the diversification of revenues and of other activities. More precisely, within media companies, innovation is based on a variety of aspects concerning both the information distribution channels (newsletters, digital social networks, mobile applications and websites) and the relationship with technological actors such as platforms, news production, distribution formats and associated services offered to subscribers, etc. However, one should underline the growing influence of digital technologies in the production of news (Joux & Bassoni, 2018): for instance, the replacement of journalists by algorithms / "robot journalists" to process data and formalize it into news snippets (Raynaud & Didier, 2018). Many digital native media (Melty, Konbini) systematically resort to algorithms.

In addition, it is worth mentioning that the journalistic profession has undergone an "extreme deterioration" of its economic condition during the last years in France (Leteinturier, 2014). The latest edition of the "social barometer" of journalism, established by Jean-Marie Charon for the year 2022, underlines that there are less journalists compared to the previous year (33,626 in 2022 and 34,076 in 2021) and increasing precariousness (Charon, 2023). Furthermore, media concentration seems to contribute to the worsening of journalists' working conditions.

The indicator **Editorial independence from commercial and owners influence** is the one that significantly increased this year as it scores medium risk (38%, + 8 points). French regulations clearly distinguish journalism from advertising and communication (art. L7111-4 of the Labor Code). Art. 1 of the August 1986 law distinguishes "press publications" from promotional tools, while art. 10 (and art. L121-15-1 & 2 of the Consumer Code) imposes that the commercial nature of advertising content be clearly indicated as such. It also forbids any editing company from receiving (or being promised) money or any other advantage in exchange for misrepresenting financial advertising as information. The Journalistic Deontology and Mediation Council (CDJM, formerly the Observatoire de la déontologie de l'information created in December 2019), an independent association regrouping several (but not all) journalist unions and associations, is a mediation instance between the media, the newsrooms and the audience (no sanctioning powers). It proposes annual reports and contributes to debates and reflections on ethics and "good practices" within the media (ethics, media pluralism, independence, economic pressure on newsrooms and trust in the media – but not concentration per se). It studies questions regarding media ethics pointing towards the influence of growing competition, the sense of emergency nurtured by 24-hour news cycle and social networks, the problem of privacy in the age of the Internet, or the rise of opinion journalism. Aside from this, a committee on honesty, independence and pluralism of information composed of independent personalities exists within France Télévisions. This committee has to issue a public annual report and must

inform the ARCOM of any fact likely to contravene the principles of independence, honesty and pluralism. Similarly, other media outlets such as Radio France, *Ouest France*, *Le Monde*, *La Dépêche du Midi*, Canal, Altice Media, *Le Parisien*, M6, *Le Canard enchaîné* and *Les Echos* have adopted specific ethical rules that ensure the political and economic independence of journalists. However, these rules are non-binding commitments and they are not always effective in practice. The CDJM bases its decisions on three key texts: the 1918 Charter of Professional Ethics for Journalists, revised in 1938 and 2011, the Munich Declaration of the Duties and Rights of Journalists, adopted in 1971 and the IFJ Global Charter of Ethics for Journalists, adopted in 2019. Each of the above-mentioned texts specifically mentions that journalists should avoid any confusion between their activity and that of advertising. Similarly, the ethical rules adopted by the media outlets mentioned above, clearly state that journalists should never confuse the profession of journalist with that of advertiser or propagandist.

There are multiple examples of owner and commercial influence over newsrooms and media content. For instance, several journalists' unions have underlined the worsening of working conditions for journalists exercising their profession within the media of the Bolloré empire who very often have to satisfy marketing/political demands.

In addition, it is worth mentioning that the General Directorate of Competition, Consumer Affairs and Fraud Control (Direction générale de la concurrence, de la consommation et de la répression des fraudes - DGCCRF) investigates since 2021 on the commercial practices of influencers. According to the DGCCRF, 60% of French Influencers do not comply with the rules relating to the transparency of the commercial nature of their publications. Among them, some have also misled consumers about the properties of the products sold (false anti-Covid claims, organic or natural products that were not...) or have promoted risky products or services, particularly in the field of sports betting, by ignoring the regulations framing these products. In addition, since May 2022, the collective Help for Victims of Influencers ("Aide aux Victimes d'Influenceurs") (AVI) has been collecting testimonies and evidence against those it calls "inluvoleurs" (composite word of the terms "influencer" and "thief" in French). More precisely, 88 joint complaints have been addressed to the Paris Public Prosecutor's Office for "organized fraud" and for "abuse of trust". However, it is also worth mentioning that the Autorité de Régulation Professionnelle de la Publicité (ARPP) has launched the Responsible Influence Certificate. According to the Observatory of Responsible Influence conducted by ARPP, in 2020, more than 1 in 4 contents were not transparent concerning commercial collaboration. In response, a certificate for content creators (The Responsible Influence Certificate) was launched. The certificate aims to allow influencers to preserve the values of ethical and responsible Influence marketing. However, it is worth mentioning that this certificate is not mandatory. Moreover, there is an increasing media coverage of influencers' fraudulent and/or harmful practices (cryptocurrency scams, gambling, financial advice, plastic surgery, etc.).

Furthermore, Art. 2 of the 11 October 2013 law on transparency in public life defines for the first time the notion of "conflict of interest" as "any situation of interference between a public interest and public or private interests which is likely to influence or appear to influence the independent, impartial and objective exercise of a function". As far as media are concerned, compared to other professional environments (e.g., scientific research), there are not up to now any laws and/or self-regulatory schemes asking for disclosure of any actual or potential conflict of interests of the owners of the media that might affect the editorial content.

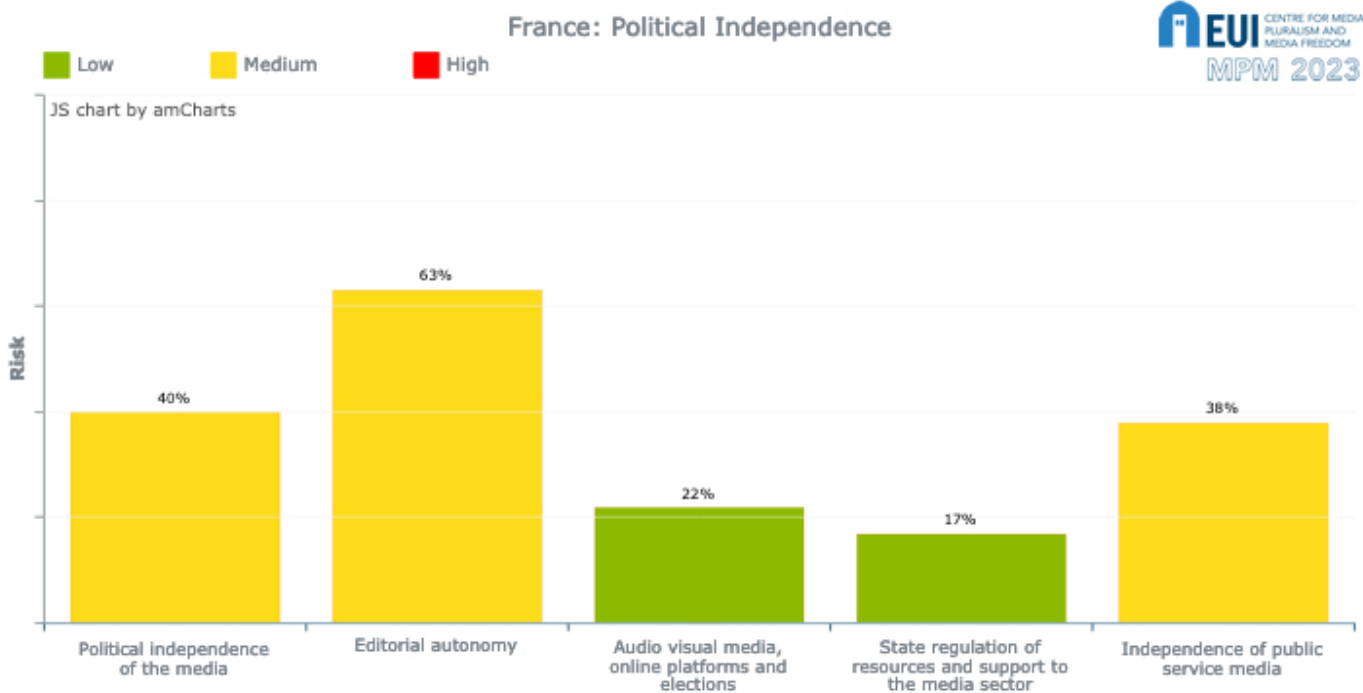
Focus on the digital environment

The risk assessment concerning the plurality of digital markers is higher (61%, + 7 points) to the overall risk level for the area Market plurality. As mentioned above, there is quite often a certain degree of opacity, pursuant to the complexity of the structures of media conglomerates that have invested over the past 20 years in online media. However, it is worth mentioning that the American digital giants seem to dominate the online advertising sector. For instance, the market share of the greatest players in the online advertising sector in France (Google, Meta, Amazon) is 66%. Furthermore, these actors display the highest concentration as far as the audience share is concerned (more than 70 %). The Competition Authority monitors concentration in the advertisement market, including the online market which is now the prominent advertising media market since 2016. On this point, it is worth mentioning that the development of new forms of concentration (data, for instance) within the digital and online sectors lead to new ways of considering economic concentration. In 2020, the Competition Authority created a service dedicated to the digital economy. It looked further into this sector, and, following a complaint by 3 press publishers (News Corp Inc., Groupe Figaro, Groupe Rossel La Voix), it sanctioned Google in June 2021 for “having abused its dominant position in the market for ad servers for publishers of websites and mobile apps, in violation of Articles L. 420-2 of the French Commercial Code (Code de commerce) and 102 of the Treaty on the Functioning of the European Union (“TFEU”)”. The French Competition Authority fined Google 220 million euros, which the latter finally agreed to pay. The company also accepted to stop favoring its own content and services. The Minister of Economy Bruno Le Maire welcomed the sanction and underlined that due to their dominant positions the major platforms have gradually acquired, it is essential to enforce the competitive rules against the digital giants operating in France. Google confirmed that it agreed with the French Competition Authority on a number of solutions to improve the functioning of the online advertising market, in which the US group has a dominant position. It is important to note that, as Alan Ouakrat (2020) observes, there is a tension between regulation by platforms and regulation of platforms, particularly as far as it concerns the related rights law. With its services, Google participates in shaping the way news is made visible to the public. It also structures the way publishers can report their content and convey it through code regulation. In addition, it provides funding for an initiative related to innovation in digital journalism. However, Google has to cope with the French and European political agenda of platform regulation. Through the case of the related rights law, A. Ouakrat observes the dynamic adjustment of the modalities of platform regulation. The search for rapid effectiveness leads the State to share its power to regulate digital markets, exchanges and content by according to online platforms the role of stakeholder during the regulation process.

Additionally, a 15 December 2021 decree enacted the creation of a fund to support online media pluralism, aimed at exclusively online general political news outlets (“services de presse tout en ligne”, SPTTEL). The amount of the annual subsidy is 4 M€, for about one hundred beneficiaries.

3.3. Political Independence (36% - 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.



The **Political independence** area is the one with the greatest increase as far as the risk assessment is concerned as it scored a medium risk (36%, +7 points). This is mainly due to structural changes such as the removal of the audiovisual tax which are dangerous for the independence of information provided by the PSM as well as to the growing media concentration.

The indicator **Political independence of the media** is the one with the highest risk (40%, + 9 points). Within the audiovisual sector, media independence is monitored by the ARCOM (09/30/1986 law no 86-1067). Most ethical charters in press outlets emphasize honesty, impartiality, freedom of thought and of its expression, denounce censorship, and defend independence from political parties. However, in France political influence is more indirect than direct. It is the ties between political parties, figures, ideologies and media magnates that account for cases of political leverage (Comby & Ferron, 2018; Lévrier, 2019), much more than direct political control, which is less frequent. As far as the private sector is concerned, media concentration seems to be an element that significantly influences the political independence of audiovisual media. For instance, 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. During the 2022 presidential elections, Vincent Bolloré, the CEO of the group Bolloré, who has achieved an important media concentration over the past years, systematically used his media empire, in order to support the far-right. Despite the reactions to this phenomenon (e.g., the creation of the group called “Stop Bolloré” - composed of unions of journalists, associations, media and left-leaning personalities), the media empire continues to grow, influencing the agenda of the political debate during the 2022 presidential elections. For instance, some of the original programs of Bolloré’s flagship television

stations were adapted to be aired simultaneously on the radio station Europe 1, thus producing a threefold reduction of pluralism: less different programs, less different journalists, and less objectivity in the favor of opinion journalism. The situation is similar in the radio sector and in the newspapers (e.g., Vincent Bolloré - *Lagardère* media, Bernard Arnault – LVMH, etc.).

The November 1945 ruling and the January 1957 law (no. 57-32) ensure the independence, impartiality and transparency of press agencies vis-à-vis private financial interests, via public funding (and tax exonerations, reduced VAT, preferential rates, etc.) and the banning of a certain number of practices (funding from a foreign State, no advertising, no information granted without a payment, etc.). Press agencies are also subject to the provisions of the August 1986 law in terms of transparency and independence. The types of problems that we can identify rely more on the sources of press agencies, for certain categories of news – over-reliance on public sources, or police sources, for example, in certain regions of France, can contribute to stereotyping, moral panics, and so forth. This is all the more important that press agencies such as the AFP have a strong agenda-setting and framing function in the field, offering, behind a discourse of neutrality and objectivity, an institutional, “legitimist” and a-critical perspective on electoral campaigns, for example.

The indicator **Editorial autonomy** scores medium risk (63%) as in the previous report. In France, there aren't any legal safeguards concerning private media – self-regulation is what certain newsrooms resort to, after negotiations with owners. There is a solid tradition of protecting journalists' rights in France. However, the unionization rate is low and public authorities have a tendency to discuss with representatives of the media entities rather than their employees. As mentioned above, despite this tradition, unionized journalists are in most cases not strong enough to resist top-down transformations in newsrooms, as clearly shown by recent cases within the Bolloré empire.

The **Audiovisual media, online platforms and elections** indicator scores low risk (22%, - 2 points). France's regulatory apparatus (Electoral Code, laws: 09/30/1986 no 86-1067; 04/14/2011 no 2011-412; 04/25/2016 no 2016-506) guarantees equal treatment of all political forces during electoral campaigns on all audio-visual media (public or private). However, as mentioned previously in regard to the role played by the media owned by V. Bolloré during the 2022 presidential elections, media concentration is a major threat.

The **State regulation of resources and support to the media sector** indicator scores low risk (17%). The law (09/30/1986 law no 86-1067) provides for fair and transparent rules on spectrum allocation, monitored by the ARCOM and the ARCEP. Rules regarding the distribution of direct subsidies (04/13/2012 decree no 2012-484) are also transparent and monitored by a public committee (the CPPAP). In recent years, the distribution of State subsidies, whether direct or indirect, has become much more transparent and fair, under the pressure of new actors such as the Union of independent online press outlets (SPIIL). The SPIIL keeps on asking for these aids to be distributed more fairly across the media field, so that all press families (especially the online press) be better taken into consideration. A December 15, 2021 decree enacted the creation of a new fund to support online media pluralism, aimed at online-only general political news outlets (“services de presse tout en ligne”, SPEL). Data on press subsidies are public (and published online) and subject to public debate every year. Subsidies suffered several adjustments following analyses and recommendations by the Court of Audit (the administrative authority in charge of controlling the use of public funds). However, certain non-journalistic media outlets can abuse the support scheme. This is the case of FranceSoir, a formerly respectable journal which abandoned its journalistic function in 2019, becoming a blog platform since and presenting itself as an alternative, “democratic” voice. In early 2021, professional journalists called for a retraction of public support to this outlet. However, the CPPAP eventually considered that the outlet was indeed an online news service, as it had decided to employ a couple of journalists (plus

interns) since the accusations, enabling it to maintain access to subsidies. In 2022, the CPPAP decided to finally retrieve the public support for this outlet. However, this decision was later withdrawn.

The **Independence of public service media** is the indicator with the greatest increase (medium risk: 38%, +30 points). Appointment procedures for management and board functions in the PSM are transparent and balanced between various actors. There have regularly been suspicions of political influence in the appointments and dismissals of PSM managers. For instance, although presidents of the cultural affairs commissions of the National Assembly and the Senate traditionally sit on the board of directors of France Télévisions, Aurore Bergé (President of the parliamentary group *Renaissance Deputies* and a close ally of President Macron) has been appointed at the board of directors of France Télévisions in 2022.

It is worth mentioning that Aurore Bergé's nomination coincides with the abolition of the audiovisual tax, adopted on July 23, 2022 in France. The abolition of the audiovisual tax raises the question of the financing of public service media. Submitting PSM directly to the state budget could force these media to negotiate their budget each year with the government and the parliament. Consequently, the abolition of the audiovisual tax may be dangerous for the independence of information provided by the PSM and thus become opposite to several national and European texts. This structural change does not guarantee the financial stability of PSM, phenomenon which may reduce the means available to journalists for conducting their investigations and render them more vulnerable to political and/or commercial pressure. By being deprived of means necessary to conduct extensive investigations, journalists will be forced to rely mainly on official data. The overreliance on official/governmental resources weakens the quality of information provided by the media who instead of exercising their watchdog role, end up by disseminating the discourse of the political authorities and their institutions (prefectures, police, justice...).

This structural change in regards to the funding of PSM as well as the nomination of a politician considered to be a close ally of President Macron at a key position within PSM are indicators of the current government's intention to control PSM and thus their editorial content. In addition, there is a structural reduction of financial coverage of expenses and the workforce within the public service media (France Télévisions & Radio France) is undergoing an important austerity cure. The abolition of the audiovisual tax and the submission of the PSM directly to the state budget risks worsening this situation.

Focus on the digital environment

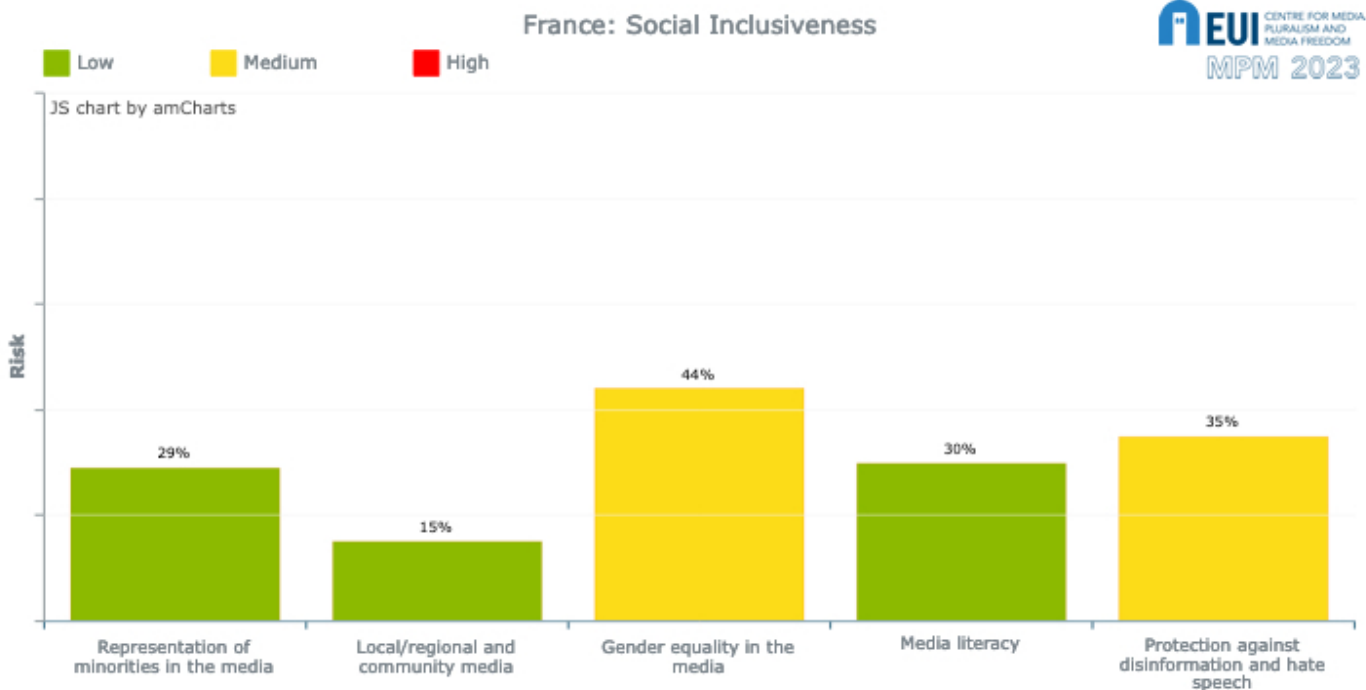
In recent years, there has been an important development of digital native regional media, with titles such as *Mediacités*, *Le D'Oc*, *Le Poulpe*, *MarsActu*. The latter managed to achieve financial balance in 2020, with 5,000 subscribers, five years after being bought by its journalists and adopting a specific status as an "entreprise solidaire de presse d'information" (solidarity press company), created thanks to the April 17, 2015 Law. It offers tax deductions for donations, and imposes for 70% of profits to be reinvested in the company. This new status could prove beneficial for small, local, independent media, especially in maintaining their editorial independence, though other cooperative statuses exist which could be just as useful (SCOP, as adopted by *Alternatives Économiques*, SCIC adopted by *Nice Matin*). The SPIIL (independent online news media union) has proposed ways to improve the legal dispositive and extend its scope, considering it has not attracted many outlets. The online media outlets mentioned above have obviously adopted more or less clear political orientations; some equally exist on the other side of the political spectrum. However, unlike cases in the print press and the audiovisual media, there doesn't seem to be any form of indirect political control over them.

Another fact deserving to be mentioned is how online platforms such as Google and Apple can in certain circumstances easily submit to State pressure, as was the case in their relations to the Russian State during presidential electoral campaign (the deletion of the candidate's online "app"), or follow mainstream / official positions on disinformation, as was the case when Google decided to ban its advertising from conspiracy theory blog platform FranceSoir – one element of pressure on newsrooms which, when they sanction enemies, do not create much uproar (the same goes for the banning of Trump from Twitter). This is another cause for worry concerning freedom of expression at the global and local scales.

As far as the techniques used in social media political campaigns, several incidents during the 2022 presidential campaign occurred. For instance, there have been several instances of manipulations of both the Zemmour Wikipedia page (the most consulted in France) and of Twitter's "trending topics", to support his presidential campaign. This is a clear case of non-transparency, for one of the front-runners of this election.

3.4. Social Inclusiveness (31% - low risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



The **Social inclusiveness** area scores low risk (31%) and remains stable compared to last year. As far as the **Representation of minorities in the media** indicator is concerned there are not significant evolutions since last year. Thus, the indicator scores low risk (29% - the same as in 2021). In laws (09/30/1986 law no 86-1067; 01/27/2017 no 2017-86), as well as in the PSM's bills of specifications and charters, there is an insistence on the necessity to represent and promote the "diversity of French society", an effort monitored by the ARCOM (Rebillard & Loicq, 2013). The ARCOM publishes an annual report, a "barometer of diversity" (art. 20-1 A, 43-11, 44). According to the "barometer of diversity" published by ARCOM in July 2022, there is a declining presence of people perceived as "non-white" on television due in part to their underrepresentation in information programs. In addition, people perceived as "non-white" are more often represented in negative roles (22%) than positive ones (18%).

In January 2021, Radio France launched its "360° Equality Program", a series of commitments to encourage all forms of diversity (social, gender, ethnic, geographic, etc.) on its channels as well as within its staff and activities. France Télévisions also has a charter for the promotion of diversity for its staff as well as its content. A joint SACD-France Télévisions fund was created to finance series that promote diversity. Many private media signed the Diversity charter and obtained the Diversity Label. Some private media organizations have put serious efforts in, at least, advertising their actions in favor of diversity within their staff. For instance, The Fondation TF1 has established mechanisms to promote young workers from a variety of backgrounds. It publishes an annual report on the different "promotions" integrated for its staff members. However, studies on the endogamic nature of the top layers of media groups (as in most professions) clearly show the persistence of *de facto* statutory and socioeconomic segregation (Sedel, 2019, 2021).

Since July 2020, summaries of the Council of Ministers are translated into sign language, and access to most viewed official websites has been improved. In March 2021, the State signed a charter on the “accessibility of State communication” which imposes the presence of a sign interpreter for all official communications. However, a study showed that the quality of subtitles was too often insufficient, especially for certain types of programs, such as political debates. In the 2021 report by Media’Pi and the Fondation Jean Jaurès on deafness, the issue of the difficulty to access the media and the news is considered important by 21% of respondents while 36% consider the media should make more efforts to adapt their content to deaf people.

The indicator **Local/regional and community media** scores low risk (15%, - 6 points). Local television outlets are recognized by the French legal apparatus (12/13/1985 law no 85-1317; 09/30/1986 no 86-1067; 08/01/2000 no 2000-719; 07/09/2004 no 2004-669; 11/15/2013 no 2013-1028) and regulations. A specific public fund meant to guarantee pluralism, the Fonds de Soutien à l’Expression Radiophonique Locale (FSER), supports local and community radios, but there still is no equivalent for local televisions, which would require much higher funds, as trends towards concentration are also accelerating at that level. The PSM has been implementing a restructuring of regional channels, with significant layoffs and reduction of locally produced news. For instance, the national news editions of France 3, better known as “12/13” and “19/20”, will be removed from the programming of France Télévisions in September 2023. These programs will be replaced by information programs entitled “ICI midi” and “ICI soir”. In other words, national and international news will disappear from France 3’s schedule and will be covered by one-hour long regional newscasts. The management of France Télévisions has named this project “Tempo”. According to journalists’ unions, the “Tempo” project aims to reduce resources and journalists’ salaries in the long term and to reallocate resources towards digital media and FranceInfo. The announcement of this project succeeds the suppression of “Soir 3” from the programming of France 3, which took place in August 2019. This program, known for its focus on international news, had been transferred to FranceInfo, taking the name of “23h. The suppression of “12/13” and “19/20” seems to further contribute to the undermining of France 3 programming which began four years ago.

The indicator **Gender equality** in the media scores high risk (44%, + 14 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 aimed at favoring equality and the representation of “diversity” in various fields. However, women are rarely invited as experts in French media, a phenomenon which results in the perpetuation of gender stereotypes (Damian-Gaillard et al., 2021; Coulomb-Gully & Méadel, 2020). Furthermore, there is a monopolization of public speech and knowledge stakes by men. The media reduce the representation of socially weak groups, among which women, thus reflecting power relations present in our society. This phenomenon became quite evident during this year’s presidential elections where female candidates were often treated quite differently from their male counterparts (Coulomb-Gully, 2022). In its 2021 annual report (published in July 2022), the ARCOM underlined the fact that there is still an important under-representation of women in the French audiovisual media (39%, stable). The report also showed that women were less represented in information programs (40%) while they seemed slightly more present in entertainment programs (42%). These results are similar with those of the 2022 report of the Observatory of Equality between women and men in culture and communication issued by the Ministry of Culture.

The **Media literacy** indicator scores low risk (30%, +1 point). Media and information literacy per se is part of the common core of French education, since the mid-2000s; recent laws (07/08/2013 law no 2013-595; 12/22/2018 no 2018-1202) have reinforced this apparatus. The Ministry of Education offers online resources for teachers via various platforms (Eduscol, Clémi...). According to the latest 2022 report on media literacy,

there is a growing intensification of the ARCOM's training activities and its cooperation with national organizations. However, the publication of a study by the "OpinionWay" Institute, has shown that the lack of training is the main reason given by teachers to justify the fact that they devote, on average, only 3 hours per trimester to teaching the principles of digital citizenship. Respondents expressed a need for dynamic teaching materials in order to be able to talk about digital citizenship in the classroom. In addition, more than 58% would like to benefit from the support of institutions such as the ARCOM.

Focus on the digital environment

The **Media literacy** indicator scores low risk. In France, 62% of the population inhibit basic or above basic digital skills according to Eurostat (2022), which amounts to a low risk assessment with regards to media literacy.

The **Protection against disinformation and hate speech** indicator scores low risk (35%, -9 points). Art. 1 of the December 2018 law amended the Electoral Code (EC) to include online platforms. It inserted new articles into the EC: art. L163-1 imposing that online platforms which generate a certain amount of traffic in France respect “educated information”, the “sincerity of the elections” and “transparency” (especially with regard to their algorithms) for a period of 3 months prior to the first day of the month during which elections will take place. Art. L163-2 provides for judicial response in case of voluntary misinformation. Art. 11 of the 2018 law imposes upon online platforms to fight against the dissemination of false information which could trouble public order or alter the sincerity of the elections mentioned in art. 33-1-1 of the September 1986 law. Art. 12 instates the ARCOM as the responsible monitoring authority. However, the chaotic proliferation of information can hardly be monitored by a single, centralized authority, while the solution envisaged to control the phenomenon (enabling platforms to conceive their own tools to prevent the spreading of disinformation) is far from perfect, as assessed in other variables. The crumbling of traditional political parties and forces as well as the spanning of decentralized information online are starting to show their devastating effects on this traditional framework. Following the October 25, 2021 Law (chap. 1 & 2), the competences of the ARCOM have been extended to include issues related to disinformation, as well as a regular dialogue with online platforms on their actions against disinformation (although without any binding measures, for the moment). Furthermore, the government also set up a Commission on disinformation lead by sociologist Gérald Bronner, “The Enlightenment in the digital era” [“Les Lumières à l'ère numérique”]. Its report focuses, among other topics, on individual cognitive biases towards information and how the Internet and social networks reinforce them (“congeniality bias”, “echo chambers”, “cognitive miser”...), the role of algorithms play in disinformation (“algorithmic editorialization”, “social gauging”, “asymmetrical influence”), the choices deliberately made by social networks and the “economy of fake news” (programmatic advertising, clickbait), etc.

In addition, a certain number of instruments are proposed by media outlets (fact-checkers), academics (observatories, such as “Conspiracy Watch”) as well as actions taken by media education associations. In compliance with the law, Google, Facebook, LinkedIn, Microsoft, Reddit, Twitter and their affiliates have decided to fight against fraud and fake news sources, by decreasing their ranking in results and promoting official sources. Several have set up advertising libraries to fight against disinformation during elections and beyond. They also put in place fact-checking mechanisms with various media outlets.

Disinformation and its impact are growing in France due to the fact that distrust towards public officials is on the rise. Disinformation has mainly spread online. The sprawling of so-called “news” websites, the flowing of information (and disinformation) from websites and social media accounts located beyond France that do not officially pretend to be “journalistic” news outlets (but present themselves as such) creates additional opacity. We can consider for instance the above-mentioned case of FranceSoir.

The latest report by the National Commission on Human Rights “on the fight against racism, antisemitism and xenophobia” (2022) stressed that after experiencing a significant decline amidst a health crisis that reduced activity, the number of racially motivated incidents within the French society is back to levels comparable to 2019. The fight against cyber-sexism rests upon the same laws and mechanisms as the one against handiphobia or racism. Many media have also committed to preventing sexism and sexual violence within newsrooms (“gender editors”), as have journalism schools.

4. Conclusions

Various threats underlined in last year's report persist while new challenges emerge. Threats to media pluralism in France rely on a variety of factors. Several laws (i.e., the July 30, 2018 Law no. 2018-670; the August 24, 2021 Law no 2021-1109) raise concerns for the respect of freedom of expression while others are not respected in practice, particularly as far as the status of journalists is concerned (i.e., the July 1881 Law). In addition, other challenges stem from structural dynamics (i.e., media concentration, transparency of media ownership, etc.). Threats to media pluralism also stem from a combination of factors and events that are intrinsically related to the international political and economic situation (i.e., war in Ukraine, economic inflation, etc.). However, through this year's report, we would like to underline that the greatest risk to media pluralism in France for 2022 is related to the current political governance which tends to render PSM less independent and more vulnerable to political pressure (i.e., abolition of the audiovisual tax, Aurore Bergé's appointment at the board of directors of France Télévisions).

Several risks persist to **Fundamental protection**:

- The right to information needs further protection in France. Therefore, it is necessary to *amend several laws* in order to guarantee the respect of the right of information in practice. For instance, the July 30, 2018 Law (no. 2018-670) on the "protection of trade secrets" should be amended in order to better protect investigative journalists from SLAPP procedures and allow them to exercise their watchdog role. Similarly, the August 24, 2021 "Separatism" Law (no 2021-1109) on "guaranteeing respect for the principles of the Republic" should also be amended. More precisely, website blocks and content removal should be better arbitrated by submission to further judicial and administrative oversight.
- Additionally, as mentioned in the report the State delegated many aspects and initiatives to block and filter disinformation or illegal content to the private platforms that host them (law n° 2018-1202). However, these major companies defend the lack of transparency of their algorithms in the name of trade secrecy laws. Moreover, the complexity of these algorithms means that very few actually have the skills and knowledge to decipher them. Thus, the existing legislation should also be amended in order to insure further transparency on behalf of the private platforms.

Market plurality continues to be the area with the highest risk in our assessment:

- *Media concentration* is one of the major threats to media pluralism in France. Thus, anti-concentration laws have to be completely redefined. For instance, a law could forbid companies engaged in public procurement or markets highly regulated by the State from investing in media outlets (Cagé *in* Sénat, 2022). Existing rules which enable majority shareholders to control the fate of media outlets or groups de facto should be amended in order to give more power to editorial staffs and insure a certain degree of editorial autonomy.

The area **Political independence** is the one with the highest rise as far as the risk assessment is concerned:

- The removal of the audiovisual tax was promised by Emmanuel Macron during his presidential campaign as a solution to the decline in purchasing power in France. However, it is worth mentioning that the majority of citizens disagreed with the abolition of the audiovisual tax. In fact, the independent financing of public service media leaves no room for political and/or commercial pressure, thus allowing journalists to fulfill their watchdog role. Consequently, several alternatives to the abolition of the audiovisual tax should be considered such as, for instance, a universal and progressive contribution aiming to finance PSM.

The area **Social inclusiveness** displayed several risks:

- More particularly, progress has to be made as far as the representation of women, minorities and people with disabilities is concerned. Women and minorities are still underrepresented in mainstream media and they are often depicted in a stereotypical way. Similarly, people with disabilities are significantly underrepresented. Thus, in practice, French media do not comply with their obligation to represent “the diversity of French society”. This issue could be addressed by enhancing greater diversity within production staff.
- Finally, CLEMI should intensify its training activities as far as media literacy is concerned, particularly those addressed to teachers so that they can better transmit the principles of digital citizenship to their students.

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
<i>Alan</i>	<i>Ouakrat</i>	<i>Assistant Professor</i>	<i>IRMÉCCEN - Sorbonne Nouvelle University</i>	X
<i>Laurence</i>	<i>Larochelle</i>	<i>Postdoctoral fellow</i>	<i>University Sorbonne Nouvelle</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>Jean-Christophe</i>	<i>Boulangier</i>	<i>President of the SPIIL</i>	<i>Syndicat de la presse indépendante d'information en ligne (SPIIL)</i>
<i>Romain</i>	<i>Badouard</i>	<i>Associate Professor</i>	<i>Institut français de presse (IFP) / Université Panthéon-Assas (Paris 2) / Centre de Recherches et d'Analyse Interdisciplinaire sur les Médias (CARISM)</i>
<i>Emmanuel</i>	<i>Poupard</i>	<i>General Secretary of the SNJ</i>	<i>Syndicat national des journalistes (SNJ)</i>
<i>Mathias</i>	<i>Reymond</i>	<i>Coordinator</i>	<i>Action - Critique - Médias (ACRIMED)</i>
<i>Antoine</i>	<i>Ganne</i>	<i>General Delegate in charge of public affairs</i>	<i>Syndicat National de la Publicité Télévisée (SNPTV)</i>
<i>Laure</i>	<i>Delmoly</i>	<i>International Project Coordinator</i>	<i>Centre de liaison de l'enseignement et des médias d'information (CLEMI)</i>

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