
REPORT OF GENERAL STATES INFORMATION

SEPTEMBER 12, 2024

PROTECT AND DEVELOP
THE RIGHT TO INFORMATION:
A DEMOCRATIC EMERGENCY

LES ÉTATS GÉNÉRAUX
DE L'INFORMATION

*In memory of Christophe Deloire, Secretary General
of Reporters Without Borders and general delegate
of the General Assembly of Information*

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Two recommendations from the steering committee to information professionals

Introduction

Safeguarding and developing the right to information: an emergency

Launched in October 2023 by the President of the Republic as an independent, collective and collaborative process, **the States General of Information** worked for nine months. Nine months during which citizens, journalists, publishers, researchers, senior civil servants, associations and young people reflected on the future of information. Five working groups bringing together around fifty people worked on a set of proposals on specific themes. 22 citizens' assemblies and events organized in the region, 174 hearings, 76 written contributions addressed to EGI members: the mobilization was exceptional.

The sum of these works naturally reflects a multiplicity of points of view, convictions and reflections. This volume demonstrates this. The divergences or nuances, however, cannot obscure the obvious: **the concern is general and profound.**

There is an emergency: information, an **independent, verified** account of reality that engages **the responsibility** of the person who produces it, is threatened and **marginalized**. Journalists, whose job it is, and the news media, whose activity it is, are **impoverished**. The public space is **polarized** by a new force, that of algorithms and their acceleration and amplification effects, particularly on social networks. Finally, many forces are working to **discredit** information, by the "weaponization"¹ of the network, interfaces and algorithms, in disinformation or misinformation enterprises.

The deployment of Artificial Intelligence (AI), and more precisely of **Generative Artificial Intelligences**, will further increase the weight of algorithms. This opens up new perspectives, promising in some cases, more worrying in others.

This is just one of the **risks** that weigh on the production and reception of information:

The proliferation of messages accelerates general confusion. Reality is intertwined with falsehood. Everyone now has access to tools, even of very low quality, that can be used for disinformation. As for the privatization and capture of the tool by a very limited number of very large companies and their closed model, it limits pluralism and the freedom to choose one's source.

For some analysts, **information chaos** is looming: information deserts are appearing, information fatigue is setting in and distrust of the media is becoming widespread. The fear of collapse, or even extinction, is sometimes mentioned. Fortunately, we are not there yet.

But the time has come to stop scattering sectoral measures. **The time has come to safeguard the right to information for those who produce it, and to develop the right to information for those for whom it is intended.** For one simple reason: the right to information is the possibility given to an individual to become a citizen. And there is no democracy without a public space that guarantees an informed debate, based on a shared reality, between citizens². The right to information is a condition for the existence of the public space. And the public space is the living space of a democracy.

¹ Using the network as a weapon.

² According to the definition given by Jürgen Habermas.

Information is therefore not a good like any other, even if it is often produced by companies in the commercial sector. From an economic point of view, information is a **public good**: everyone can benefit from it, without ever depriving others. Its effects are both individual and collective. But philosophically, information is our **common good** : the one that gives the city its unity.

We must now consider a set of measures that, taken as a whole, constitute a **general and ambitious policy to safeguard public space in the era of networks and artificial intelligence**. A policy that can be deployed both at the **national** level and at the European level , where it is a question of building a public space that is still in its infancy.

These measures must highlight the rights, roles and powers of **citizens**, while re-establishing a condition for exercising the profession of informing that is professionally guaranteed, economically possible, in a technological context that is no longer unfavourable to it.

It is about putting ourselves at the service of **freedom of expression** and **pluralism**, indispensable pillars of the democratic information space, while guaranteeing **three freedoms: complementary**: the freedom for citizens to obtain information freely, free from manipulation and algorithmic bias, the freedom for journalists to exercise their profession free from pressure, and the freedom to undertake for media publishers free from economic dependence.

Each of the reports of the five working groups puts forward a large number of proposals which can contribute to the development of a general policy for safeguarding information space and public space.

Taking up part of their conclusions and inspired by the numerous contributions of the participants, **the Steering Committee states**:

- **nine proposals to preserve French public space;**
- **six proposals to contribute to the construction of the European public space;**
- **and makes two recommendations to information professionals.**

This set is obviously not exhaustive, but in our opinion can constitute the framework of a global policy.

The steering committee
of the States General of Information

Summary of the 15 proposals

Save French public space

1. Make critical thinking and media education a priority in schools Everyone

forms an opinion based on the information they have access to, but no one is safe from being exposed to disinformation or misinformation, *especially* in a disrupted information space. Knowing how to use it and exercising critical thinking is therefore essential. Consequently, we propose to strengthen the share of critical thinking and fact-based education in the school curricula currently being revised. We also propose to generalize media and information education within the time allocated to moral and civic education, based on the compulsory projects planned from 5th to 3rd grade. A steering unit for this education, with the necessary resources, must be set up within the general directorate of school education and an evaluation of the results of this reform conducted no later than 2027. We want to allow all future citizens to access a varied range of quality professional information media on their personalized workspace (ENT). This would concern political and general information publications (IPG) and the youth information press.

2. Neutralize disinformation through large-scale preventive awareness raising (*pre-bunking*)

Exposure to disinformation, orchestrated in particular by foreign powers, is massive. It cannot be controlled *a priori*. To deal with it, we propose to strengthen the natural defenses of all citizens by setting up large-scale awareness-raising in schools, universities, businesses and more generally in places that can reach certain highly exposed audiences. Actions must also be planned for decision-makers, journalists and civil servants to raise their awareness of the risks of manipulation and foreign interference. It is recommended to rely on Vi-ginum to illustrate the modules using concrete cases and to associate research to define the appropriate methods. An interministerial pilot should be designated.

3. Extend the status of mission-driven company to information companies

Information is both a public good and a common good, but to date there is no specific status for media companies that takes this dual nature into account. The PACTE law has allowed commercial companies to define themselves as mission-driven companies. We propose to extend this principle by creating the information mission company. Each publisher will be free to adapt the model they wish to implement.

However, it will have to include elements relating to the participation of readers, or subscribers, as well as journalists in the governance of the company. It will have to employ a minimum threshold of journalists with a press card or having received training leading to a diploma from a recognized school. It will have to involve the editorial staff in the change of management decided by the shareholder. It will have to contribute to the media education policy and promote an "ethics of discussion". It will have to make commitments regarding diversity in the subjects covered and the points of view. In return, the aid paid by the State to the media concerned could be significantly increased. The implementation of this measure could be an opportunity to overhaul the system of direct aid for pluralism.

4. Improve news media governance

When mutual trust between citizens, journalists and the media erodes, greater transparency is required. This is the responsibility of both the shareholder and the public authorities. The "Bloche" law already offers some answers. It is a question of continuing it, by ensuring that it is fully applied, extended and clarified where necessary. This applies in particular to five areas:

- In the news media, the law provides that ethical charters be drawn up jointly between management and editorial staff. This is not always the case.
Not only must the law be respected, but these charters must be generalized and made easily accessible to the public.
- Ethics committees must be extended to all news media and not just to audiovisual media, as is the case today. It is also a question of changing their method of appointment by instituting an appointment on an equal basis by management and by the editorial staff, with the exception of "independent" members who would be appointed jointly by management and by the editorial staff. Failure to comply with one or both of these obligations (adoption of a code of ethics and establishment of an ethics committee in compliance with the method of appointment indicated) must result in the application of effective sanctions of a dissuasive amount for the media concerned.
- An independent director within the board of directors, responsible for ensuring independence and the prevention of conflicts of interest, must be appointed in multimedia groups.
- The president of the journalists' society must benefit from the status of protected employee for the duration of his mandate.
- The shareholder will be required to inform the editorial staff of his intention to appoint a new editorial director, within a timeframe that allows representative organizations to express their point of view. This information will be justified and supported. At the same time, the ethics committee, also informed of this intention, should be able to issue an opinion quickly and make it public. These measures, strong in themselves, were preferred by the steering committee to other proposals submitted to it, more restrictive for the shareholder, which may appear in the reports of some of the working groups.

The steering committee did not retain them, considering that they could not be applied to all situations, and that their generalization would therefore present disadvantages.

5. Strengthen the protection of the confidentiality of sources and legislate against SLAPPING PROCEDURES

Without journalistic independence, the right to information is no longer guaranteed and the public space is hampered. As such, protecting the confidentiality of sources is essential. While its principle is clearly enshrined in law, the law must also define more precisely the exceptions it authorises and specify that no exception to the confidentiality of these sources is possible before having been formally authorised by a judge. To remedy these limitations and allow journalists to assert their rights *a priori*, we propose to clarify, in order to reduce it, the scope of the "overriding imperative of public interest" mentioned in the 2010 law on freedom of the press, which can be invoked to lift this confidentiality, and to provide for the prior authorisation of a judge of liberties and detention before any act of investigation or inquiry. This amounts to aligning with the case law of the European Court of Human Rights.

As regards SLAPP procedures, it is proposed to introduce into the law a precise definition of these procedures, also valid for internal cases, as well as provisions allowing for the rapid dismissal of unfounded procedures and dissuasive sanctions in the event of abuse, covering legal costs and moral damage suffered by the journalist or the editorial staff, as is already the case in some European Union countries.

6. Propose voluntary labeling of information influencers Not all message

producers make information. It is therefore a question of being able to differentiate between those who commit to respecting reinforced requirements in terms of information processing (quality of sources, honesty in the processing and presentation of information, impossibility of anonymity in particular) and those who do not. We propose to set up a labeling adapted to these information producers active on the networks who would like to benefit from it. Their commitment to respecting these reinforced requirements would allow them to benefit from the advantages linked to this recognition. Like any form of labeling, it should be subject to regular validation by an external third party.

7. Create a new responsibility: democratic responsibility Preserving public

space is not the sole responsibility of the news media.

Economic actors and the State, particularly as advertisers, also have a role to play.

We therefore propose to create a new responsibility, called "democratic responsibility", which would be added to the social and environmental responsibility of economic actors, for the benefit of their contribution to safeguarding the democratic public space. It would encourage economic actors who are advertisers (beyond a certain threshold) to invest in information media. The idea is to make transparent the allocation of their advertising investments to information media, in proportion to the investments made to other media, in particular digital platforms. This transparency would apply obligatorily to the State.

8. Redistribute part of the wealth captured by digital service providers in favor of information Incentives cannot be enough

to correct the imbalances in economic models. Advertising revenues are increasingly captured by very large digital platforms to the detriment of information media. We therefore propose to redistribute part of this wealth by setting up a mandatory contribution from digital platforms on digital advertising. The bill currently under consideration in California, itself inspired by a Canadian law, deserves to be examined carefully.

Before this new contribution is implemented, we recommend, as a first step, that the State devotes part of its budgetary resources to financing initiatives that support the positive externalities that the production of information generates for the community. This financing will be focused on two priorities: the fight against disinformation and the safeguarding of the employment of journalists in editorial offices (financing by the State of a reduction in social charges paid by the news media for the employment of journalists on a permanent basis).

9. Ensuring media pluralism in the context of concentration operations

Access to a plurality of reliable sources is one of the pillars of the right to information. However, an excessive degree of concentration harms the expression of this plurality. This principle and this observation founded the law of 1986. But since then, the public space has evolved and the nature of the risks weighing on pluralism has evolved with it. New risks call for new regulation that takes into account the real power of influence of the media in an adequate manner.

To establish this new regulation, we propose the establishment of a single, multi-media threshold with two options for defining this threshold: measuring the "power of influence" of the information media by calculating their "*reach*", assessed according to their capacity to reach readers, listeners and viewers, or assigning each information media a number of points according to its information content.

This development represents a significant change from the current situation, which is unsatisfactory and cannot continue.

In a second stage, after publication by Arcom of its guidelines indicating the methodology adopted, the control of pluralism will have to free itself from a threshold logic in favour of a 360-degree examination of pluralism, on a case-by-case basis, and based on a multi-factor analysis, both quantitative (audience, economic viability, attention share, etc.) and qualitative (diversity of content, honesty, etc.).

Building the European public space

10. For European recognition of the right to information

Information does not respect borders. The right to information must therefore be protected at new borders, particularly in Europe. It is still only partially protected. This is why we propose that the right to reliable information be included in Article 3 of the Treaty on European Union in order to establish an obligation to act through the formulation of identified policies.

11. Establish effective pluralism of algorithms

Algorithms have taken power and it must be taken back from them. They have replaced newsstands and are moving into newsrooms. It is a matter of doing for them and with them what was done in 1881, when freedom of the press was guaranteed, and in 1947, when all newspapers were guaranteed to be present in newsstands. We therefore propose to promote a right to "pluralism of algorithms" in order to consider them as sums of distinct functionalities, likely to be chosen between different suppliers. For these functionalities, proposals from other actors could be offered, allowing the consumer to make an informed choice between the different products available. On an increasingly ambitious scale of configuration, several levels are possible: requiring the platforms concerned to offer users more choice in the recommendation (in line with RSN/DSA and RMN/DMA¹); encourage and supervise the deployment of "plug-ins" for browsers and applications, allowing users to individually configure these services; guarantee the possibility of installing intermediate software layers between platforms and users.

¹ Digital Services Regulation (DSA) and Digital Markets Act (DMA). The review processes could be launched from 2026 for the DMA (Article 53 specifies that a review report by the Commission is to be submitted to the European Parliament by May 2026 at the latest) and 2027 for the DSA (Article 91 provides that the Commission is to submit a report to the European Parliament on the effects of the DSA by 18 February 2027 at the latest).

12. Make the online advertising intermediation market more competitive to enable balanced value sharing

In the targeted advertising market, the very large platforms are currently in a dominant position. This is one of the causes of the loss of advertising revenue for the news media. Making competition fairer will benefit the right to information. We therefore propose opening up advertising intermediation services (adtechs) to competition by adding them to the list of services, provided for by the RMN/DMA, for which self-preference is prohibited for large platforms, as well as making interoperability mandatory, in order to encourage the development of competing services.

13. Establish an obligation to display information content for very large platforms

If the very large platforms are the kiosks of the 21st century, then we must ensure, as in 1947 in France with the Bichet law, that they cannot make invisible or dereference information sites. We therefore propose to require them to display information content in a non-discriminatory manner compared to other content. This is the condition for allowing users of these platforms to access quality information without making the latter responsible for the content.

14. Make effective the responsibilities of large platforms in the fight against disinformation and cyberbullying by preparing an “Act II” of the Digital Services Regulation (DSA)

Technology induces a "cat and mouse game" that means that regulation can only correct any harmful effects caused by innovations after the fact. This is why the Digital Services Regulation (DSA) that came into force on 17 February 2024, which now constitutes the most advanced legal framework for combating the circulation of falsified or misleading messages and cyberbullying at European level, comes after a decade of scandals and distortion of public debate. While the priority for the entities in charge of the application must be to ensure its full operability, it is also necessary to prepare Act II of this regulation, which will necessarily be called for by the evolution of technology, starting with generative AI.

As regards the application of current European legislation, this has shown the need for great precision in defining the modalities of its application in order to be effective. The development by the European Commission of operational guidelines and the definitions provided for in the text is necessary to enable better application of the latter.

An assessment of its implementation to determine whether it is sufficient to force very large platforms and very large digital services to assume their responsibilities in the fight against disinformation must be brought to the Commission, with a view to preparing the update of the text after 2026. These measures will also strengthen national means for implementing the RSN/DSA. The European Commission also announced in February 2024 that it was considering a text to harmonise the status of influencers in Europe, which could be a useful vehicle.

We also call for support for associations representing media and journalists in the fight against harassment of online news media, for example by constituting themselves as trusted reporters.

It is also essential that the Commission ensures strict compliance and effectiveness with the provision of platform data to researchers.

15. Consolidate a policy to combat disinformation on a European scale

Disinformation also plays across borders – and perhaps even more than information. To combat it, we must act together, at European level. This is why we propose to create a mechanism for coordinating and pooling the fight against disinformation through a new structure allowing Member States to pool the detection work of their disinformation experts and to strengthen the strike force in identifying malicious actors on a large scale.

We also advocate that the functions relating to the fight against disinformation be brought together under the functional authority of a single commissioner who would cover defence and the fight against disinformation.

Finally, a European network of research centres of excellence in the fight against foreign interference could be created. It would bring together researchers and state actors and civil society.

Two recommendations from the steering committee to information professionals

To preserve the French public space and build the European public space, it is therefore imperative to safeguard and develop the right to information. The proposals we are putting forward appeal to everyone: citizens, public authorities, regulators, the economic world. They naturally require the mobilization of information professionals, journalists and news media publishers. But we need the latter in particular, and we make two recommendations to them:

Recommendation 1: the profession should engage in a voluntary and plural approach to labeling.

It is an element of distinction for citizens and therefore a way of strengthening trust.

This is a condition of effectiveness for public policies and rebalancing of the relationship with platforms. It is not a question here of pleading for mandatory labeling, or of imposing a single label, but rather of taking into account existing categories and labels (IPG, JTI, or Arcom agreements, among others).

Recommendation 2: The profession should begin to build a collective management tool for the news media.

We need a trusted third party that can act as a " *data safe* " for data from digital operators, possibly to ensure compliance with neighboring rights agreements, and, above all, to prepare the economic model generated by Artificial Intelligence: namely the transition from an economy of links on content - neighboring rights - to an economy of contribution through content, which we can think will make a system of collective licensing, or even legal licensing, necessary.

These two actions cannot be decided coercively by the public authorities.

On the contrary, they must arise from an active and voluntary mobilization of information professionals, in the service of information, and ultimately of citizens.

METHOD

Chiffres clés · Chronologie · Organigramme

Key Figures

+ of
500



proposals received

76



institutional contributions
filed on the EGI website

4 092



participants in the online
consultation carried out with the
Economic, Social and Environmental Council (CESE)

174

hearings of experts and
qualified personalities
from the media sector

100



citizens drawn at random
from among the participants in the
EESC citizen consultation

22



citizen consultations
organized in metropolitan France
and overseas
(Reunion)

1

rapport
final

5

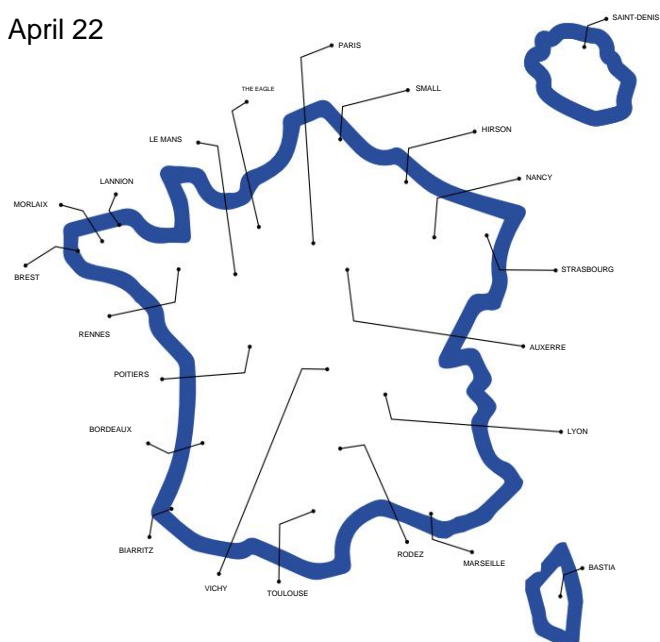
groups
of work

1

committee of
prospective

THE EGI TOUR DE FRANCE

from October 27 to April 22



Chronology

2023

OCTOBER 3, 2023
launch press conference



OCTOBER 3
AS OF NOVEMBER 19, 2023
online citizen consultation in
partnership with the Economic,
Social and
Environmental Council
(CESE)

OCTOBER 19, 2023
installation of
work groups



OCTOBER 27, 2023
start of the EGI
Tour de France



2024

JANUARY 8, 2024
launch of prospective work for EGI with INA



27-28 AND 3-4 FEBRUARY 2024
deliberative days bringing
together 100 citizens drawn at
random as part of the
citizen consultation carried out with
the EESC



APRIL 22, 2024
end of the EGI Tour de France



MAY 31, 2024
restitution webinar between the working groups and
the 100 citizens and submission of the final
reports of the working groups to the steering committee

FROM OCTOBER 2023 TO MAY 2024
work of the EGI (hearings, reception of written contributions made
during the Tour de France, participation in citizens' assemblies and round
tables)



Organization chart

Members of the steering committee



Bruno Patino

President (following Bruno Lasserre chair of the steering committee from October 2023 until January 2024), president of Arte



Christophe Deloire¹

General Delegate,
Secretary General of
Reporters Without Borders



Nathalie Collin

Deputy General Manager of the La Poste Group



Camille Francois

Professor at Columbia University



Anne Perrot

Inspector General of
Finance



**Maxence
Langlois-Berthelot**

General Rapporteur,
Inspector General of
Finance

¹ Christophe Deloire, Secretary General of Reporters Without Borders and General Delegate of the States General of Information, died on June 8, 2024. The EGI report is dedicated to him.

Members of the five working groups



Sébastien Soriano – President of the **Information Space and Technological Innovation** Group
Director General of the National Institute of Geographic and Forest Information

Members:

Alice Antheaume, director of the School of Journalism at Sciences Po, independent administrator of Les Échos, member of the ethics committee of Radio France • **Aurore Domont**, president of Média Figaro • **Marc Faddoul**, director of AI Forensics • **Laurent Frisch**, director of digital and innovation strategy at Radio France • **Rahaf Harfoush**, anthropologist • **Jean Massiet**, columnist • **Corinne Denis**, journalist, former director of digital and content, former president of GESTE • **Célia Zolynski**, professor of law, University of Paris 1 Panthéon-Sorbonne



Pascal Ruffenach – President of the **Citizenship, Information and Democracy** group
President, CEO of the Bayard Group

Members:

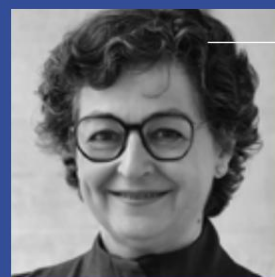
Lucile Berland, journalist • **Constance Bommalaer de Leusse**, executive director of the Project Liberty Institute, member of the scientific committee of the “digital, governance and sovereignty” chair at Sciences Po • **Elsa Da Costa**, general director of Ashoka France, administrator of Ouest-France, CFJ and ESS France • **Laurence De Nervaux**, director of Destin Commun • **François-Xavier Lefranc**, chairman of the board and director of publication of *Ouest France* • **Albert Moukheiber**, neuroscientist • **Kenza Occansey**, chief of staff of the president of the Sorbonne Nouvelle University • **Fabrice Rousselot**, editorial director of *The Conversation France* • **Arnaud Schwartz**, director of the Bordeaux Aquitaine journalism institute



Christopher Baldelli – Chairman of the **Future of News Media and Journalism** Group
Chairman and CEO of Public Sénat

Members:

Philippe Bailly, President of NPA Conseil • **Leila de Commarmond**, journalist, president of the society of journalists of Les Echos • **Sébastien Georges**, editor-in-chief of *l'Est Républicain*, le *Républicain Lorrain*, Vosges *Matin* • **Catherine Nayl**, journalist • **Clara-Doïna Schmelck**, journalist, lecturer at Sciences Po Strasbourg • **Baptiste Thevelein**, co-founder of Médianes



Arancha Gonzalez Laya – President of the **Sovereignty and Fight against Foreign Interference** Group
Dean of the School of International Affairs at Sciences Po Paris

Members:

Bernard Benhamou, Secretary General of the Institute of Digital Sovereignty • **Estelle Cognacq**, Deputy Director of France Info • **David Colon**, Associate Professor of History at the IEP in Paris • **Frédéric Douzet**, professor of geopolitics • **Isabelle Mandraud**, journalist • **Jérôme Morin**, journalist • **Anne Thida Norodom**, professor of public law • **Frédéric Ramel**, university professor of political science, CERI, Sciences Po



Isabelle Falque-Pierrotin – President of the **State and Regulation** group
President of the National Gaming Authority (ANJ)

Members:

Raphaëlle Bacqué, journalist, president of the society of editors of *Le Monde* • **Laurent Bérard-Quelin**, general director, editor-in-chief of the Société Générale de Presse • **Marc Bourreau**, professor of economics • **Eric Brousseau**, professor of economics • **Laurence Franceschini**, State Councilor, president of the CPPAP • **Benoît Huet**, lawyer • **Alain Le Diberder**, analyst • **Marie Mawad**, dean of the journalism school of Sciences Po

THE WORLD INFORMATION IN 2050: SUMMARY YOU REPORT FORESIGHT

A report coordinated and piloted by
the National Audiovisual Institute (INA)

Authors:

Antoine Bayet, journalist, editorial director of the INA;

Antoine Buéno, essayist, futurist, advisor to the Senate;

Agnès Chauveau, media historian, deputy general director of the INA;

François Quinton, journalist, editor-in-chief of the INA Media Review;

Jérôme Ruskin, entrepreneur, founder and CEO of Usbek & Rica;

Nathalie Sonnac, media economist,
professor at the University of Paris Panthéon-
Assas, president of the CLEMI guidance and development council

What will the information world look like in 2050? In all humility: we don't know. And no one could seriously claim otherwise. Who, in 1998, could have described the information landscape in 2024?

To help us explore the future of information, we interviewed around forty people working in the worlds of media, forecasting, research, studies, defense, regulation and science fiction.

The future being open and lacking the ability to describe it with certainty, the ambition of this work – to our knowledge unprecedented on the subject – is to shed light on its determinants and issues. We have chosen to rule out the most extreme scenarios (total collapse; replacement of man by machine), considering that our mandate was limited to considering the future of information in a world not radically different from ours. Undoubtedly a world different from the one we know, but still retaining a link with it.

This bias does not dry up prospective thinking on information. It is still necessary to define the term. Information responds to a human need, that of knowledge. It is a means of understanding the world around us, of learning beyond our direct and personal experience. Essential in our democratic societies, it allows individuals to form an opinion, to debate, to make informed decisions. A public good of general interest to economists, it must be accessible to the greatest number and those who produce it are accountable for its reliability, its independence.

We believe that five major transformations (technological, economic, political, societal and ecological) will shape the world of information by 2050. An impact matrix allows us to project their possible effects on the information ecosystem taken in these five dimensions, and to develop hypotheses on which to build scenarios.

Here we propose three. None of them will probably come to pass as they are. However, these scenarios mainly serve to alert people to critical risks and to identify possible levers for action.

The first scenario promises a golden age of information. The world has become peaceful and democracy has spread to almost the entire planet after the collapse of the Chinese regime. Deeply affected by a major political and information crisis, citizens have become aware of the importance of having reliable information. They participate in its production and financing, and are once again placing their trust in the media.

Thanks to technological advances, they have benefited from productivity gains that allow journalists to focus on analysis, investigation, exploring new themes, media education, etc. Advertising has disappeared from the media's economic model, which is now based on a fee paid by major tech players and on direct financing by consumers. Information has ceased to be an issue of capitalistic predation.

For their part, the public authorities are pursuing an active policy of regulation and education. Education in the media, information and digital citizenship thus continues throughout working life.

More unexpectedly, the environmental crisis has strengthened civic engagement and direct democracy, positively influencing the media landscape.

Technology facilitates the consumption of information that can be both local and international, and personalized via personal assistants that protect users from cognitive bias, information fatigue or misinformation.

The second scenario envisages the death of information. Information independent of economic interests no longer exists. Weakened by the loss of the advertising market, the media have either been integrated, in a logic of horizontal concentration, into the large digital firms, or reduced by them to the role of subcontractors.

Distinguishing truth from falsehood has become impossible. Generative artificial intelligence has caused disinformation to proliferate. Citizens, overwhelmed by the amount of information and helpless in the face of the cost of verifying it, are turning away from information altogether. Journalists are no longer able to guarantee information.

Public service media have been dismantled under budgetary and political pressure. Unable to effectively regulate the information space, the State has delegated this task to large tech companies.

Informational instability has become total. The concept of "liquefied information" has emerged to describe this volatility.

Society is now divided into techno-informational classes. Large technology companies offer low-value information to their users, while offering highly personalized services. A few independent media still exist and are aimed at an elite. Personal assistants, which accompany individuals in all aspects of their lives, reflect social hierarchies.

Neural implants are beginning to be commercialized. They open the way to sensory information. They also offer malicious actors a new lever for destabilization.

Neo-Luddite movements are emerging.

The third scenario presents fragmented information. Technology, particularly generative AI, has not kept all its promises. For ecological and public health reasons, the European Union limits the number of terminals per household. Neurorights are established.

AI, on the other hand, has led to a saturation of the information field. Faced with the difficulty of discerning truth from falsehood, the population has developed a sort of collective immunity. A minority, however, no longer has a direct relationship with information.

The mainstream media have disappeared, unable to compete with the myriad of content producers and affected by declining advertising revenues, growing public distrust, and diminishing public support. The few remaining mainstream media outlets focus on a solvent audience. Automation allows journalists to focus on investigation and analysis. Public media struggle to remain poles of stability. All media are faced with contradictory social dynamics.

The segmentation of the information landscape also stems from a demand for "comfortable information" that does not offend or contradict personal beliefs. This trend favors the emergence of affinity media.

Large companies purchase media subscriptions for their employees because they need a minimum level of common information to cooperate. However, part of the population only has indirect access to information.

The fragmentation of the public space and the information field weakens the "social synchronization" function of the media and destabilizes democratic functioning. Foreign interference has difficulty influencing the national media agenda and targets more affinity media.

REPORT

OF THE COMMITTEE

PILOTING

- A broad consultation whose conclusions are unanimous —
 - For the preservation of French public space
 - For the construction of a European public space

I. A broad consultation whose conclusions are unanimous: the information space, today threatened, must be preserved at all costs in the name of democracy

1.1 Urgent action is needed to prevent a deterioration in the quality of information, as this is a condition for a preserved public space.

a. A risk of information collapse

For the past ten years, all the signals have been red for the media, and particularly for the news media.

Advertising investments are still growing, but the share of revenues going to content-producing media (information and creation) will continue to decline by 2030: it fell from €7.3 billion in 2012 to €6.1 billion in 2022; it is expected to reach €5.3 billion by the end of the decade. This drop is explained by the loss of audience, which varies depending on the media, but is always significant. It is also explained by the increasing capture of advertisers' revenues by digital platforms. However, some media, such as "free" private television, have a high degree of dependence on advertising, which finances a majority share of their business model. On the press side, the drastic drop in single-issue sales and subscriptions are causing the loss of advertising revenue as much as they are adding to it.

For their part, digital platforms, which partly use content produced by the media, received 50% of advertising revenue in 2022. While the media captured 65% of this revenue in 2012, this share fell to 40% in 2022, with the balance mainly ending up in the pockets of digital players.

As for the remuneration of information or creation content by platforms (neighboring rights), it is embryonic. It remains limited for the moment, after slow, difficult and unsatisfactory negotiations with only Google and Meta. At the same time, the production of information is subject to significant costs, which a recent study conducted by the "Future of information media and journalism" group of the États généraux de l'information estimates at €2.4 billion in 2023, an amount mainly made up of journalists' salaries.

So many signs of a collapse, which *The New Yorker* even goes so far as to describe as a risk of "extinction"¹.

¹ Clare Malone, New Yorker edition of February 10, 2024.

A functional public space is a space where the right to be informed is ensured. These are citizens who have access to complete information, based on diversified and reliable sources.

Without restoring a solid economic model to the media, these two aspects of the right to information, which constitute the public space, are under threat. With them, it is the ability of citizens to make informed political and social choices that is in danger.

b. Public intervention is legitimate and necessary To preserve the public space, it is

therefore not only necessary to safeguard the right to information, but it must also be developed. Public authorities have the power and the responsibility to do so. Public policies designed to promote the production and dissemination of quality information must distinguish, on the one hand, the information itself, which is an independent and verified account of reality, and, on the other hand, the media that editorialize and carry it:

the latter are economic actors operating in markets whose competitive nature is more (as in the case of the press or private radio) or less (as for public audiovisual) marked.

Information, and in particular political and general information (PGI), is a public good, that is to say a non-rival and non-exclusive good¹. It is also a common good, the production of which at a high level of quality increases collective well-being and contributes to the life of the city.

Another category of goods has many similarities with public goods: those which generate externalities, positive or negative, such as health or education.

Information also generates many positive externalities: like knowledge, it allows individuals to make informed choices, based on reliable factual elements. It allows us to free ourselves from erroneous beliefs, even if the cognitive biases that all individuals carry hinder both the production of information and its reception methods. It allows individuals to base their judgments on a set of facts that are in principle complete. *Ultimately*, it allows us to make informed political choices and constitutes one of the foundations of democracy. It is therefore an element of the "common good".

The news media, players in economic life, interact in a more or less competitive environment. As such, they deploy strategies to develop their profits: increasing their demand,

rationalizing production processes, seeking advertising revenue. Many elements come into play in the competition they engage in: price (sale by issue or subscription), advertising revenue, elements of differentiation through "variety" (type of content, nature of editorialization, political tendency, etc.) and through quality.

The main element by which the news media differentiate their content, in the competitive process that opposes them, is editorialization: the choice of the information treated, its prioritization and its highlighting, not to mention the platforms of which the journalists or the other participants in the media are the authors.

Profitability objectives, naturally pursued by the news media as economic actors, differ from the search for the social optimum and are also one of the sources of media pluralism: responding to a heterogeneous demand from the audience, the news media position themselves in a space of differentiation of their content. But as producers of a public good, the news media must be subject to optimal incentives in terms of quality. Those given by the market are not always sufficient.

In the current context, an element is added to the chain that goes from the production of informational content to the audience: intermediation by digital platforms.

¹ A non-rival good is a good whose consumption of a unit by one individual does not prevent the consumption of the same unit by another (listening to a radio program). A non-excludable good is a good from which one cannot exclude oneself by the choice of whether or not to pay its price (national defense).

Social networks and other digital platforms (search engines and artificial intelligence players) exploit network externalities. These network effects are "direct" in the case of a social network: a user is all the more satisfied when many other Internet users are present. They are "indirect" when a platform connects several categories of users (buyers and sellers for example).

Network externalities, generating returns to scale, lead digital players to seek large-scale operations because this increases the quality of the service provided. In some cases, these platforms reach quasi-monopolistic positions. For the media, the presence of these players as intermediaries between information content and the audience also contributes to making public intervention necessary to reduce the gap between the situation resulting from market forces and the social optimum.

In summary, at least three mechanisms call for public intervention in the media field: positive externalities that originate in the production of quality information; network externalities, characteristic of both the media and digital platforms; the existence of monopolies resulting from these network effects on the platforms' side. In all these configurations, public authorities have a role to play in bringing the situation that spontaneously emerges from the behavior of economic agents - media and audience or readers - closer to the social optimum. The forms of this intervention are at the heart of the questions that the États généraux de l'information sought to answer.

c. This intervention must address four interdependent issues

The current situation is that of a system that is weakening in all these aspects, a vicious circle that is becoming stronger every day. Four developments, all linked and interdependent, mark this process: impoverishment, marginalization, polarization, discrediting.

Combating impoverishment and restoring media resources is a prerequisite for addressing all other problems: journalists must be able to be financed and their working conditions must be materially secure, just as the conditions in which they carry out their profession must be protected.

The media are also marginalized: while the proportion of people who continue to get their information through traditional media remains high (for example, 66% say they get their information once a day by watching television¹), it is steadily declining. 62% of French people now say they get their information through social networks. However, the use of these networks increases the permeability to conspiracy theories and degrades trust in the news media.

The prevalence of social networks, sometimes not very attentive to the reliability of the content they broadcast, as well as the phenomenon of virality on which the functioning of algorithms is based, result in a polarization of opinions: the most controversial and extreme content attracts a larger audience. It is monetized by the platforms thanks to targeted advertising. There are therefore few self-regulating mechanisms when recommendation algorithms push audiences to concentrate on the most popular content.

The discrediting of information produced by the media is finally the result of these movements: drowned by an overaccumulation of more or less reliable information, citizens, prey to "information fatigue", have difficulty in separating the true from the false and tend to amalgamate the contents, without distinguishing them according to the credibility of their sources. This results in the news media losing their role as a reference point in the mass of information circulation.

¹ The French and information, Arcom study, March 2024.

1.2 Based on hundreds of proposals collected, the steering committee of the States General of Information proposes an action plan in 15 proposals

a. The States General of Information: a collective process based on the association of citizens, professionals and researchers

In July 2023, in accordance with a commitment made in 2022 during the presidential campaign, the President of the Republic announced the launch of the États généraux de l'information. The ambition was " *to establish a diagnosis of all the issues related to information today, to anticipate future developments, to propose concrete actions that can be deployed at the national, European and international levels* ". The mission letter also listed some of the themes to be examined, such as " *the considerable impact of technological innovations, the development of media and information education, the conditions for practicing the profession of journalist, the economic model and regulation of the information sector and the role of the different actors, interference and manipulation* "

information. The mission letter further specifies that " *the Estates General must involve all stakeholders as well as citizens (...) in complete transparency and within the framework of an open and contradictory process* ". The management of the Estates General has been entrusted to an independent steering committee composed of five personalities: Bruno Patino, President of ARTE, Chairman of the Committee¹ ; Christophe Deloire, Secretary General of Reporters Without Borders (RSF), General Delegate; Nathalie Collin, Deputy Director General of the La Poste Group; Anne Perrot, Inspector General of Finance; Camille François, Professor at the University of Columbia. The steering committee also worked in liaison with Maria Ressa, journalist, Nobel Peace Prize 2021, in accordance with the mission letter. The mission of general rapporteur of the EGI was entrusted to Maxence Langlois-Berthelot, Inspector General of Finance.

Five working groups bringing together 44 personalities from different backgrounds (journalists, lawyers, association leaders, academics, independent experts, senior civil servants, etc.) were formed to support the work of this steering committee: • "Information space and technological innovation",

entrusted to Sébastien Soriano,

Director General of the National Institute of Geographic and Forest Information;

- "Citizenship, information and democracy", entrusted to Pascal Ruffenach, president, general manager of the Bayard group;

- "Future of News Media and Journalism," by Christopher Baldelli, President, CEO of Public Sénat; • "Sovereignty and

the fight against foreign interference", entrusted to Arancha Gonzalez Laya, Dean of the School of International Affairs at Sciences Po Paris;

- "The State and regulation", entrusted to Isabelle Falque-Pierrotin, president of the French Authority games.

The working groups began their work on the EGI on October 19, 2023 and met from October 2023 to May 2024. The working groups and the steering committee conducted their discussions based on professional, citizen and academic contributions, as well as a series of hearings. (See list of hearings conducted by the steering committee and members of the working groups in the appendix p. 337).

¹ Replacing Bruno Lasserre who left his post in January 2024. Find the mission letter of the President of the Republic on the website of the États généraux de l'information: [Etats-generaux-information.fr](https://etats-generaux-information.fr).

Professional contributions

In order to collect contributions from stakeholders and experts in the world of information, the EGI installed a form on their website from the outset to allow professionals to submit contributions, which were sent to the steering committee and the working groups concerned. In total, 76 contributions were received (see list of contributions in the appendix p. 337).

Citizen contributions and the "Tour de France"

The right to information belongs to all citizens. As its mission letter invited it to do, the steering committee has thus ensured that citizens are placed at the heart of the États généraux de l'information from their start on October 3, 2024 until April 2024, through:

- an online consultation open between October 3 and November 19, 2023 carried out in partnership with the Economic, Social and Environmental Council (CESE): 80,000 contributions were collected from 4,092 people (find the summary of this consultation on the website of the États généraux de l'information: États-generaux-information.fr);
- deliberative days on 27 and 28 January and 3 and 4 February 2024 at the EESC headquarters in Paris. Over four days, 100 citizens drawn at random from among the participants in the consultation debated a wide range of issues and wrote a five-chapter report proposing around a hundred recommendations integrated into the work of the EGIs (see EGI citizen report p. 335). A webinar was held on 31 May 2024 between representatives of the working groups and the citizens drawn at random in order to discuss their recommendations and the working groups' reflections;
- a "Tour de France of the States General of Information" organized from autumn 2023, which consisted of organizing citizens' assemblies in order to collect the expectations and proposals of citizens and led by members of the EGI in the metropolitan regions and overseas (La Réunion) (see map of the EGI Tour de France p. 16). • All the proposals resulting from these exchanges were forwarded to the steering committee and the working groups. Their full list can be viewed on the website of the States General of Information.

Academic contributions and the report of the prospective committee

A series of researcher hearings were organized throughout the work (see list of hearings in appendix p. 337) and a call for academic contributions was launched in October 2023.

A prospective committee led by the National Audiovisual Institute¹ and entrusted to experts has also produced a report on the world of information in 2050 presenting three scenarios developed from a matrix of hypotheses (see report "The world of information in 2050" p. 312).

Finally, an "innovation laboratory" between Columbia University and Sciences Po has focused in particular on issues related to artificial intelligence and its impacts on the democratic information sphere (see report p. 307).

Hearings of the steering committee and working groups

At the same time, the steering committee and the working groups have organized a series of hearings of 174 personalities starting in the fall of 2023, including: parliamentarians, representatives of professional organizations, professionals, heads of independent administrative authorities (see list in appendix p.337). The recordings of the steering committee hearings can be viewed on the website of the États généraux de l'information.

As a contribution to the General Assembly on Information, the Education, Culture and Communication Committee of the Economic, Social and Environmental Council (CESE) adopted an opinion on 13 March 2024, which can be consulted on the website of the General Assembly on Information and the CESE.

¹ The prospective committee is composed of Antoine Bayet, Antoine Buéno, Agnès Chauveau, by François Quinton, Jérôme Ruskin and Nathalie Sonnac.

A report comprising a set of documents and the steering committee's summary report

At the end of these nine months of work, the steering committee submitted a report to the President of the Republic. This document includes:

- a summary report from the steering committee presenting an action plan made up of 15 proposals as well as their implementation avenues and two recommendations for information professionals¹;
- the reports of the five working groups and the summary of their proposals;
- the report from the “innovation laboratory” of Sciences Po and Columbia University;
- the report of the 100 citizens drawn at random who participated in the deliberative days of the Economic, Social and Environmental Council;
- the report of the foresight committee entitled “The world of information in 2050”;
- the list of all contributions and proposals received as well as the list of hearings conducted over the last 9 months.

b. An action plan that rejects the most pessimistic hypotheses but emphasizes that the restoration of public space requires the strengthening of the triptych formed by citizens, the information media and journalists

To establish its summary report, the steering committee adopted two principles:

- scenarios of total collapse of the information sphere have been ruled out: they condemn us to impotence. This was the recommendation of the prospective group;
- freedom of expression (declaration of the rights of man and of the citizen, preamble to the Constitution, 1881 law on the press) and the defense of pluralism were his compass.

¹ The 15 proposals and 2 recommendations of the steering committee are the result of collective work by its members aimed at proposing a coherent set of measures responding to the mission letter of the President of the Republic. Even if it draws on the reflections and proposals of the other components of the EGI (working groups, citizen consultations, prospective committee), it in no way constitutes a synthesis of them.

c. In light of these principles, guidelines have emerged:

1. the concept of democratic responsibility was created to mark the commitment of economic actors and the State. Democratic responsibility can, like social and environmental responsibility, become an objective of corporate policies. It is applicable to advertisers (those who can finance), in the commitment to transparency, but also to the media (mission-driven company) and public institutions;
2. collective solidarity mechanisms were put forward: preference was given to collective actions and negotiations of information actors, more necessary than ever in the era of Artificial Intelligence;
3. the economic model of the news media has been the subject of particular attention, provided that any improvement in the economic situation of news companies is accompanied by a new social pact with regard to journalists;
4. the activity of the media, as economic actors, has been distinguished from the production of information: the link between the two does not make them synonyms. The actions of economic actors in the field of information must therefore be considered through two distinct prisms: the classical control of economic concentrations, and the risk of harm to the pluralism of the other;
5. Legislative intervention is required to correct the most unfavourable asymmetries to information in the new digital space. France, in this regard, can show the way at the international level;
6. the conviction that the culture of fact, information and discernment and the active engagement of citizens are the ultimate foundations of the restoration of the information space and resistance to disinformation operations carried out against our country;
7. the promotion of mechanisms for restoring confidence in information professionals such as journalists, by reaffirming the necessary alignment between publisher and editorial director, and by extending the protection of the confidentiality of sources.

List of proposals and recommendations

Proposition 1 :

Making critical thinking and media education a priority in schools

Proposition 2 :

Neutralizing disinformation through large-scale preventive awareness raising (*pre-bunking*)

Proposition 3 :

Extending the status of mission-driven company to information companies

Proposition 4 :

Improving news media governance

Proposition 5 :

Strengthen the protection of the confidentiality of sources and legislate against SLAPP procedures

Proposition 6 :

Propose voluntary labeling of “information influencers”

Proposition 7 :

Creating a new responsibility: democratic responsibility

Proposition 8 :

Redistribute part of the wealth captured by digital service providers in favor of information

Proposition 9 :

Ensuring media pluralism in the context of concentration operations

Proposition 10 :

For European recognition of the right to information

Proposition 11 :

Establishing effective pluralism of algorithms

Proposition 12 :

Making the online advertising intermediation market more competitive to enable value sharing

Proposition 13 :

Establish an obligation for very large platforms to display information content

Proposition 14 :

Making the responsibilities of large platforms effective in the fight against disinformation and cyberbullying by preparing an “Act II” of the Digital Services Regulation (DSA)

Proposition 15 :

Consolidating a policy to combat disinformation on a European scale

Two recommendations from the steering committee to information professionals

Recommendation 1:

The profession should engage in a voluntary and plural approach to labeling

Recommendation 2:

The profession should start building a collective management tool for the information media

II. To preserve public space in France, safeguard and develop the right to information

If we want to preserve democracy, then we must preserve the public space. Without it, it is impossible to form an opinion based on the facts. Without it, it is impossible to confront what we think with what others think and want. Without it, it is impossible to formulate, debate, elaborate, give ourselves and evaluate the guidelines for life in the city.

This is why the right to information conditions its existence. Information is a common good: It allows everyone to exercise their responsibility as citizens. The right to information is a right of production as much as a right of access to this common good.

It consists of the freedom to seek and receive reliable information. It is the right of the one who informs and the right of the one who is informed. However, in many places, this already fragile right is increasingly weakened.

Citizens are increasingly distrustful of the information offered to them. They are also exposed to ever more powerful waves of disinformation. And every day, these waves attack everything that allows us to distinguish reliable information from information that is not. To the point of leading a growing proportion of our fellow citizens to favor information that confirms what they believe rather than confronting them with what is. Their defense capabilities must be strengthened.

Those who seek and produce information are also vulnerable, as they have rarely been. Without a viable economic model, without respect for their professional rules, it is impossible for them to fully exercise their role in society.

This is the imperative that must be met. To preserve public space, we must safeguard and develop the right to information.

Proposition 1 :

2.1 Make critical thinking and media education in schools a priority

Information is a condition of existence of the public space: with the other elements of knowledge, it allows everyone to form an opinion. We must therefore work, above all, on the way of apprehending information, that is to say, give each citizen the means to exercise his critical mind.

As it is illusory to think that the information space can be free of erroneous, falsified or biased information, and that furthermore any *a priori* regulation of information would oppose freedom of expression, it is up to education in critical thinking and information to enable everyone to sort between what is reliable and what is not, between what is important and what is incidental.

The most effective remedy against these dangers is therefore to practice critical thinking from a very young age.

It is important, however, to distinguish between critical thinking education and media education. They must be carried out cumulatively. While the former applies to all areas, the latter must take into account the specific nature of the world of information and its constant evolutions. It has been shown that the Internet is disrupting our habits of perceiving and understanding information¹. We must therefore develop a pedagogy adapted to the new uses of information and more generally to the shift in social life online.

The proposal consists first of all in developing education in critical thinking and facts in schools. It involves strengthening the share of these lessons in the school curricula currently being revised, starting with middle and high schools. This objective must be achieved not by increasing the number of teaching hours, nor by substituting specific teaching for existing disciplines, but by integrating the learning of these skills within the framework of existing disciplines and without changing the number of hours.

In addition, media and information education, which requires specialized knowledge, must be generalized within the framework of the time allocated to moral and civic education, on the basis of the compulsory projects planned from the 5th to the 3rd year by the overhaul of this teaching from the start of the 2024 school year. A steering unit for this teaching, equipped with the necessary resources, must be set up within the general directorate of school education. An evaluation of the results of this reform must be conducted no later than 2027.

These lessons must be based on regular consultation of quality news media articles and programs. It is important to get future citizens into the habit of getting their information from a variety of quality sources from school onwards. All future citizens should be able to access a variety of quality professional news media (daily and weekly national and regional press, weekly press, online subscription media) in their personalized workspace (ENT²). This would include political and general news publications (IPG) and youth news press (arts and literature, history and science).

¹ For a summary of the scientific literature up to date in 2021, see in particular the report of the commission chaired by Gérard Bronner.

² Digital workspace.

The ongoing overhaul of the programs for cycles 1 to 4 must make it possible to include education in critical thinking and facts as a cross-cutting component in the different disciplines (literature, languages, history, science, technological and artistic education), whether for cycle 3 of consolidation of fundamental learning (CM1, CM2, 6th grade) or for cycle 4 of in-depth study (5th, 4th, 3rd grade). It is important to explicitly integrate this dimension as an essential building block in preparing students for citizenship in the digital society.

With regard to moral and civic education, media and information education must be explicitly mentioned as one of its components. It is important to focus initially on cycle 4, by integrating EMI into both the teaching and project components. It is the latter component that should be given priority, by encouraging schools to focus on learning through active practice by students (see proposal sheet no. 6 of group no. 2), with the planned teaching hours (up to 18 hours/year each year over the three years of the cycle) to be carried out with the help of professionals.

The teaching material should be developed by a unit dedicated to the general management of school education, responsible for steering this teaching. This unit should provide schools with teaching examples drawn from analyses of recent concrete cases carried out by independent authorities, external to both the profession and the school institution, such as Arcom or Viginum.

An evaluation of these lessons should be carried out in 2027 in order to be able to look back over the three years of cycle 4 and measure the concrete effects of these theoretical and practical lessons on students' information practices.

An "information pass", inspired by the "culture pass" but distinct, would be provided in the form of access for students in cycles 3 and 4 to subscriptions to information publications in their personalized digital workspaces (ENT).

Proposition 2 :

2.2 Neutralize disinformation through large-scale preventive awareness raising (pre-bunking)

Disinformation campaigns are now used systemically in the context of a more general conflict. This proliferation is difficult to stop in real time, and is often only detectable after the *fact*. Moreover, most of this false information is not subject to the law. The challenge is therefore to protect ourselves against its harmful effects once we are exposed to it.

Studies tend to demonstrate the effectiveness of a pedagogy based on exposing subjects upstream, in a preventive manner. Do not wait to be a victim of disinformation, but immunize yourself against its effects: this is what is called *pre -bunking*. To strengthen natural defenses, it is important to favor exercises that are adapted to each audience and inspired by real cases. Research must necessarily be associated with it, both *ex-ante* to design the educational modules, and *ex-post* for their evaluation. An unsuitable approach risks producing effects that could backfire on the intended objective.

It is therefore necessary to plan for large-scale awareness-raising, not only in schools to acquire the right reflexes in the context of citizenship education, but also in universities and businesses, and more generally in places where it is possible to reach certain more exposed audiences. Actions must also be planned for decision-makers, journalists and civil servants to raise their awareness of the risks of manipulation and foreign interference. It is recommended to use Viginum to illustrate the modules using recent concrete cases.

The issues and methods of implementing this action should be specified in the national strategy to combat disinformation, the formalization of which remains to be carried out. This falls under the responsibility of the General Secretariat for Defense and National Security (SGDSN), which will have to specify the role and resources to be deployed by all ministries and their operators. In particular, the responsibilities of each actor, the mechanisms for implementing the actions to be carried out, the legal framework and the doctrines for using resources in all administrations, the role of operators and civil society need to be specified.

Furthermore, while the management of awareness-raising action, which must be able to reach all citizens, is ultimately the responsibility of the State, its preparation and deployment necessarily involve a very large number of actors, including those from civil society (media, associations, businesses, volunteers, etc.). The work of impetus and coordination is important. To supervise it over the long term, the creation of an interministerial delegate position for education in information citizenship and the fight against disinformation is proposed.

Working with the support of the SGDSN, with whom it would define the program to be conducted, the objectives to be achieved both in terms of resources to be deployed and impact, it would rely on an organization, which remains to be defined, to bring together the various stakeholders and ensure the development of a common reference framework on the content to be shared and the tools to achieve this. It would specify the actors authorized to conduct this action.

For details of the examples of actions to be taken, please refer to the recommendations of working groups no. 1 (recommendation no. 5), no. 2 (recommendations no. 6 and 8) and no. 4 (recommendations no. 1 and 8).

Proposition 3 :

2.3 Extending the status of mission-driven company to information companies

Information is a public good: it calls for an economic model specific to the news media. But information is also a common good: it allows everyone to exercise their responsibility as citizens. Without the trust of citizens and those who work to produce it, the public space malfunctions and the life of the city malfunctions with it. To meet this challenge, there is currently a lack of a special status for the news media that takes this dual nature into account. Of course, special rules already apply, whether in terms of publicity of capital, control of foreign investments, control of concentrations, responsibility or even labor law in their relations with journalists. They are all guarantees of trust. But a special, optional status would allow for even greater coherence. It would enhance the role that the news media fulfill for the benefit of democratic life and make it identifiable.

With the PACTE law of May 22, 2019, the legislator allowed commercial companies to define their "raison d'être", by adopting the status of "mission-driven company". In their statutes, they can thus declare the objectives they pursue in the service of society and the protection of the environment in addition to their social interest. The law encourages companies to affirm, recognize and take into account their contribution to the common good.

These commitments are monitored and evaluated. The law could do the same with the media by specifically recognizing their role in the creation of a democratic public space. In the same spirit, we therefore propose to establish a new family of mission-driven companies – the information mission company. This status would make it possible to define rules to be respected in a spirit of going beyond the sole commercial interest to produce quality information and more generally journalism benefiting the common good.

It is not about imposing: it is about encouraging. The status of a company with an information mission must result from a voluntary and optional choice and should not be too restrictive in order to leave each publisher the freedom to adapt the model they wish to implement. It should nevertheless include a certain number of principles, including:

- the participation of citizens, readers or subscribers, and journalists, in the governance of society;
- the use of a minimum threshold of journalists with a press card or having received a qualifying training course from a recognized school;
- the involvement of the editorial staff in the change of management decided by the shareholder. The terms of this involvement, which would be added to the rules of information and consultation applicable to all media (see the recommendation below on the governance of information media), would have to be defined on a case-by-case basis. A non-binding right of veto for the shareholder but leading, in the event of a double negative vote by two-thirds of the editorial staff, to the triggering of the conscience clause, as proposed by one of the working groups, is one example;

- contribution to media education policy, with obligations of means;
- the promotion of an “ethics of discussion”, through the organization of debates and discussions public sions;
- in terms of content, without prejudice to the principle of editorial freedom, commitments to diversity in the subjects covered and points of view, as well as an effort to distinguish editorialization and factual information, including on social networks.

In return, the aid paid by the State to the media concerned would be significantly increased. The status of company with an information mission would thus be intended to become a reference model for the information media. Its implementation must be an opportunity to overhaul the system of direct aid to the press, so that this aid constitutes support for the information media which are most actively committed, through the obligations they set themselves, to the defence of demanding journalism placed at the service of society.

The implementation of the proposal, which involves an amendment to Law No. 2019-486, known as the "PACTE" law, is detailed in Proposal No. 1 of Working Group No. 2's report. It is important that the law specifies the main principles to be respected, as well as the nature of the obligations that companies with an information mission should respect, but that sufficient latitude for adaptation is left so that each company can find in the status a framework adapted to its particular situation.

Proposition 4 :

2.4 Improving news media governance

More than one in two French people are distrustful of the media, and nearly 60% of them believe that the media are not independent of political and shareholder pressures. This distrust should not be confused with the critical distance that everyone must maintain, even with regard to the media, in an over-informed society. On the contrary, it could lead to an undifferentiated discrediting of journalism as a whole, and thus fuel skepticism, even conspiracy theories.

Ensuring citizens' trust in the news media is therefore as much the responsibility of the legislator as that of the shareholder. It requires further increasing the transparency of the news media in terms of governance and internal operations. Furthermore, it is important that these operating and decision-making rules offer the best possible working conditions to their editorial staff. In this regard, the law of 14 November 2016, known as the "Bloche" law, is a reference. We are following in its

footsteps. The aim is to ensure its full application and to extend it where necessary. These changes that we propose to introduce are broken down into several areas: adoption and publicity of ethics charters; generalisation of ethics committees; changes in their method of appointment; appointment of an independent director to the boards of directors of multimedia groups; protection of the presidents of journalists' societies; association of editorial offices and ethics committees with the change of editorial director.

Ensuring compliance with existing rules: adoption and publication of codes of ethics

Article 1 of the Bloche law requires all media to draw up, jointly between management and editorial staff, a code of ethics. As shown in the information report of the National Assembly of 6 March 2024 relating to the evaluation of the same law, this obligation is still not respected. Furthermore, it is not possible to establish a precise inventory of these charters, some of which are not public. It is therefore a question of specifying and ensuring the application of the law, by generalising these charters and making them easily accessible to the public.

This obligation of transparency should also extend to their adoption process, in the spirit of the 2016 law.

The implementation of these proposals is the subject of proposals No. 5, 6 and 7 of the National Assembly's information mission on the evaluation of the law of 14 November 2016, to which reference is made. The implementation of proposal No. 6 requires an amendment to the law that should specify which texts are the reference texts in terms of ethics. The implementation of proposal No. 7 (specifying the authority responsible for monitoring the negotiation of charters) falls within the regulatory domain, but it is recommended that the law specify the conditions for applying the sanction provided for in the event of non-compliance with these obligations. To these proposals, the steering committee proposes adding, in the law, an obligation of transparency on the process of adopting the charter and of publishing the charter in an easily accessible form (for example, the publisher's website).

Establishment of protected employee status for the president of the journalists' society during his term of office

To allow free expression by the society of journalists, it is proposed that the law provide for protected employee status for its president during the duration of his mandate.

These legislative provisions should be included in the labor code: protection against dismissal for the president of the SDJ (articles L. 2411-1 et seq.), penalization of discrimination against the president of the SDJ (articles L. 2146-2 et seq.).

Association of the editorial staff and the ethics committee in the event of the appointment of a new editorial director

Involving editorial staff in the change of editorial director desired by the shareholder must be an obligation for companies with an information mission. On the other hand, we do not propose making it mandatory for all information media. Among the many proposals submitted to the États généraux de l'information, several of which are defended by journalists or their representative organizations, and which inspire certain proposals from some of the working groups, none is an example of drawbacks, none is free of drawbacks and none makes it possible to resolve all situations: these are always specific. Some would raise legal questions. It is also not certain that they will facilitate the resolution of the financing difficulties encountered by information media, particularly regional ones.

However, there are many cases where the shareholder and the editorial staff are not aligned, which can lead to major difficulties. The steering committee therefore proposes to provide for an obligation for the shareholder to inform the editorial staff of its intention to appoint a new editorial director, within a time limit allowing representative organisations to put forward their point of view. This information should be justified and supported. At the same time, the ethics committee, also informed of this intention, should be able to make

The law should also be amended to introduce an obligation for the shareholder to inform the editorial staff of his intention to appoint a new editorial director, and to provide reasons for it, and similarly to introduce an obligation to inform the ethics committee, whose opinion, submitted within a period to be determined, should be made public.

Generalization of ethics committees and modification of their method of designation

The Bloche law also requires audiovisual media¹ to set up ethics committees (committees on the honesty, independence and pluralism of information and programs, sometimes referred to as "CHIPIP"). We propose that they be extended to all news media.

Similarly, their method of appointment should be changed. While today, the law provides that the choice of personalities is the responsibility of management, it is proposed to strengthen their independence by instituting an appointment on an equal basis by management and the editorial staff, with the exception of "independent" members who would be appointed jointly by management and the editorial staff.

Failure to comply with either of these two obligations (adoption of a code of ethics and establishment of an ethics committee in accordance with the method of designation indicated) must result in the application of effective sanctions of a dissuasive amount for the media concerned. The authority responsible for sanctioning publishers who do not comply with their obligations and the amount of the sanctions must be specified in the law.

The extension of ethics committees to all media requires a modification of article 30 of the law of September 30, 1986. The evolution of the method of designating their members also implies a modification of the law.

Appointment of an independent director responsible for ensuring independence and the prevention of conflicts of interest

To encourage the involvement of citizens in the operating and decision-making bodies of the news media, an independent director responsible for ensuring compliance with the charters, independence and prevention of conflicts of interest must be appointed to the board of directors. However, this mechanism would be reserved for multimedia groups and only beyond a certain threshold to be defined, so as not to burden the operation of small publishers.

This obligation should also be provided for in the law. The steering committee proposes to reserve it for multi-media groups and beyond a certain threshold to be defined in the law.

¹ General radio services with a national vocation and television services broadcasting political and general information programmes by terrestrial radio waves.

Proposition 5 :

2.5 Strengthen the protection of the confidentiality of sources and legislate against SLAPP procedures

Without confidentiality of sources, there is no journalistic independence. And without journalistic independence, the public space is hampered and the right to information is no longer guaranteed. This is why the professional charters of the journalistic profession give this principle so much importance.

Certainly, its introduction in 2010 in the law on freedom of the press was progress. But its jurisprudential application is insufficient, because the law does not specify the scope of the "overriding imperative of public interest" which can be invoked to lift this secrecy. Nor does it provide for the mandatory prior authorization of a judge of liberties and detention before any act of investigation or instruction.

However, the European Court of Human Rights (ECHR) has expressed itself several times on the need to provide for the prior intervention of a judge¹. By including this provision in the law, the legislator would only be aligning itself fully with the case law of the ECHR and confirming rights already conventionally recognized by France. Above all, it would allow journalists to assert this right *a priori*, and no longer *a posteriori*, once the secrecy has been lifted, as is the case today. This guarantee could possibly be reinforced by the introduction of criminal sanctions for violation of the secrecy of sources, currently not provided for by law.

SLAPP procedures consist of hindering the work of journalists through intimidation, particularly through the threat of prosecution. Their consequences are also detrimental to freedom of expression and the exercise of the profession of journalist and can therefore reduce the right to information. However, they are not yet legally defined in France. A European directive on this subject has been adopted and must be transposed before 2026. It includes progress but remains limited to cross-border cases only.

We therefore propose to introduce into the law a precise definition of these procedures, also valid for internal matters, as well as provisions allowing the rapid dismissal of unfounded procedures and dissuasive sanctions in the event of abuse, covering and integrating legal costs and moral damage suffered by the journalist or the editorial staff, as already exists in other countries of the European Union.

¹ See, for example, most recently, the judgment in *Big Brother Watch and Others v. United Kingdom*, 25 May 2021, at recitals 444 and 445: "Furthermore, any infringement of the right to protection of journalistic sources must be surrounded by procedural safeguards, defined by law, commensurate with the importance of the principle at stake (...). At the forefront of the required safeguards must be the possibility of having the measure reviewed by a judge or any other independent and impartial decision-making body vested with the power to decide, before the requested material is handed over, whether there is a public interest imperative overriding the principle of protection of journalists' sources and, if not, to prevent any non-essential access to information likely to lead to the disclosure of the identity of the sources."

The proposal relating to the protection of the confidentiality of sources requires an amendment to Article 2 of the law of 29 July 1881. The proposed wording could be:

"The confidentiality of sources may only be infringed if an overriding reason of public interest relating to the prevention or punishment of either a crime or an offence constituting a serious attack on the person or the fundamental interests of the Nation justifies it and if the measures envisaged are strictly necessary and proportionate to the aim pursued.

Any act of investigation or instruction intended to undermine the confidentiality of sources must be previously authorized by a specially motivated order issued by the judge of liberties and detention, seized, as the case may be, by reasoned request from the public prosecutor or by reasoned order from the investigating judge.

Serious harm to the person and the fundamental interests of the Nation are precisely defined concepts, the impact study being able to refer to the articles of the penal code:

- for serious personal injury, Articles R. 221-1 et seq. of the Criminal Code (murder, rape, etc.) ;
- for the "fundamental interests of the Nation", Article R. 410-1 of the Criminal Code ("The fundamental interests of the Nation are understood within the meaning of this title to be its independence, the integrity of its territory, its security, the republican form of its institutions, the means of its defense and its diplomacy, the safeguarding of its population in France and abroad, the balance of its natural environment and its surroundings and the essential elements of its scientific and economic potential and its cultural heritage.").

Proposition 6 :

2.6 Propose voluntary labeling of “information influencers”

In the public space, journalists are not the only producers of information. Influencers, media accounts on social networks, bloggers, etc. also contribute to it. However, only press publishers and audiovisual services are subject to strict obligations, and journalists must comply with ethical obligations.

It is not a question of imposing particular obligations on these new players, even minimal ones: the freedom of expression and freedom to undertake which are recognised to them must be respected.

On the other hand, it is necessary to be able to distinguish those who express an individual opinion from those who aim to offer the public higher quality information attached to the facts.

The activity of these information producers is similar to that of journalism, but is not the same as it. Appropriate labelling would specifically recognise those who undertake to comply with stricter requirements in terms of information processing (quality of sources, honesty in the processing and presentation of information, impossibility of anonymity in particular). This labelling would allow them to benefit from the advantages associated with this recognition. Like any form of labelling, it should be subject to regular validation by an external third party.

Proposition 7 :

2.7 Creating a new responsibility: democratic responsibility

The preservation of public space is a democratic imperative. This mission does not rest solely on the shoulders of the news media. It calls on all stakeholders to participate in safeguarding and developing the right to information. Among them, economic players must play their full part. They have already become aware that they have to combine economic performance with social and environmental responsibility. A certain number of them even claim the title of corporate citizen. To these two responsibilities, we therefore propose adding a third: democratic responsibility. This is a unique responsibility: preserving public space means allowing the fair and peaceful confrontation of points of view, which is essential for the proper functioning of city life. It is therefore not the same as social and environmental responsibility: indeed, it conditions the other two. Without a functional public space, how can we define, debate, assert and report on the social and environmental impact of economic activity? It is also in the interest of companies: just as much as anyone else, they need reliable information to operate. Enshrining the democratic responsibility of economic actors – and by extension of the State as an economic agent – is therefore not a symbolic act: it is a major provision for the life of the city. CSR must therefore be replaced by SRED: the social, environmental and democratic responsibility of companies. This new responsibility of companies is particularly felt in their role as advertisers, an essential support for the economic model of the information media, but it could of course experience a significant extension in the different roles played by economic agents.

As for the advertising sector, the media as a whole have lost both readers and advertising revenue, driven by two phenomena linked to digital technology: free access to certain content and the increasing capture of advertising revenue by platforms. To mention only the first of these phenomena, we can cite the latest Reuters report¹, which indicates that in France, the proportion of people who do not consider paying anything to access information is 67%. Deprived of these traditional sources of revenue, the media, particularly the news media, are suffering a very significant deterioration in their economic model, which jeopardizes the production of reliable and quality information.

Revenues from advertising therefore play a key role. However, a large part of advertisers' investments are appropriated by the large platforms due to the presence on these platforms of an attractive audience for targeted advertising and a capture of value made possible by the market power of these digital players.

It is therefore a question of influencing the sharing of value between platforms, advertisers and information media, in favour of the latter.

The creation of a new "democratic responsibility" would therefore make it possible to recognize the role of advertisers in democratic functioning by encouraging them to invest in the news media. This would involve making transparent the allocation of their advertising investments to the news media, in proportion to the investments made to other media (digital platforms in particular).

In this way, these investments would appear as a commitment to the whole of society and its democratic functioning². This incentive measure would therefore have an impact through "*name and praise*".

This transparency should obviously apply to the State, but in this case in a mandatory manner. Public operators and other public authorities should be encouraged to follow this direction.

This innovation introduced into French law could, at a later stage, be taken by France to the European level.

The feasibility of this proposal is detailed in proposal no. 6 of working group no. 1 to which it is referred.

¹ Reuters 2024 Report: Established media and journalists increasingly facing competition.

² From a technical point of view, this obligation of transparency on the share of investments made in favour of information media by advertisers assumes that the measurement and invoicing of these investments by advertising intermediaries is also established, which requires a revision of the law (Sapin 1 law).

Proposition 8 :

2.8 Redistribute part of the wealth captured by digital service providers in favor of information

However, the establishment of social, environmental and democratic responsibility will not be enough, on its own, to rebalance the economic model of the information media.

However, this situation, far from reflecting only a natural evolution of economic balances resulting from technological changes, generates numerous negative externalities for society. The loss of revenue for information producers threatens their very existence. It also leads to a loss of quality of information for readers. It threatens pluralism and the proper functioning of the information space. It contributes to creating "information deserts" such as those appearing, for example, in the United States. It leads to a lasting loss of human capital due to the reduction in editorial staff, among other things. Faced with imbalances of this magnitude, incentive measures will therefore not be sufficient.

This is why, without going as far as the strict application of a polluter-payer principle, which would require precisely measuring the effects of these negative externalities on society, it is a question of redistributing, through taxes, part of the wealth that has moved to digital platforms, for the benefit of information producers, so that, according to the expression of Ethan Zuckerman, former director of the Center for Civic Media at MIT¹, "what divides" (targeted advertising) finances "what unites" (the public space, fueled by information produced by professional journalists). This contribution should therefore be based on the revenues captured by the new digital players on digital advertising, to the detriment of the information media.

As a first step, before taxation is implemented, the State should devote part of its budgetary resources to finance actions supporting the positive externalities that the production of information generates for the community. Among them, two axes seem to us to be priorities. The training of citizens in critical thinking, in the culture of the fact and in the fight against disinformation (see proposals no. 1 and 2), on the one hand, and the safeguarding of the employment of journalists in editorial offices, on the other hand. The cost of producing information carried out by humans according to the rules of the profession, continues to increase.

Artificial Intelligence tools, including generative ones, are developing. Ensuring that these new tools, far from competing with humans, on the contrary allow an improvement in the quality of journalistic work, and therefore an increased social benefit, would certainly constitute a goal of public interest. We therefore propose that the State finance, on this basis, a reduction in social charges paid by the news media for the employment of journalists on a permanent basis (and not in the form of precarious employment).

¹ Massachusetts Institute of Technology.

For taxation itself, the example of the bill currently under consideration in California¹, itself inspired by a Canadian law, establishing a mandatory contribution on digital advertising, would call for a more in-depth examination.

The current digital services tax does not have all the characteristics that meet the intended objective. In particular, its tax base is not calculated solely on digital advertising revenues. However, this tax partly affects digital platforms that are intended to be subject to the future tax on digital advertising. To prevent these platforms from being taxed twice, and to take into account the planned extinction of the digital services tax, which is intended to be replaced by a new international tax discussed within the OECD, the design of the mandatory contribution on digital advertising must be carried out quickly, the aim being that it is implemented as soon as the digital services tax is abolished.

The proposal consists of allocating part of the budgetary resource to two priority actions:

- a mechanism for reducing charges for the employment of permanent journalists in the editorial offices of news media;
- the implementation of the national strategy to combat disinformation.

With regard to the burden reduction mechanism, which aims to support publishers employing journalists, the law should define the scope of companies eligible for the scheme, the jobs concerned, the methods for calculating the aid and the conditions to be met to benefit from it and, where appropriate, put an end to it if these conditions cease to be met.

¹ Senate Bill No. 1327 proposed on February 16, 2024, analyzed in the file presented below.

Proposition 9 :

2.9 Ensuring media pluralism in the context of concentration operations

For democracy to function, every citizen must be able to fully exercise their right to information. This means ensuring the existence of a public space in which everyone has the power to receive, search for and access a plurality of reliable sources. There is no doubt that an excessive degree of concentration of the news media is detrimental to the expression of pluralism.

It is in the name of this principle and based on this observation that the legislator set about regulating the power of influence of the media in 1986, in particular by controlling concentrations. But since then, the public space has evolved. This evolution poses new risks to pluralism. The regulation of concentrations is no longer appropriate. To safeguard the right to information, regulation must therefore imperatively evolve in turn.

Today, the pluralism control carried out by Arcom when examining a concentration operation does not take into account the digital presence of the media and their convergence between media of different natures. Furthermore, the algorithms proposed by the platforms polarize opinions and harm the variety of content displayed. The real power of influence is no longer adequately taken into account. We propose to adapt the current regulation to this new environment.

Current regulation is based on a dual control: a control of economic concentration, handled by the Competition Authority; and a control of pluralism, handled by Arcom. The latter is based on thresholds limited to traditional media: these thresholds do not allow for taking into account the evolution of uses on digital media or the convergence of media distribution methods enabled by digital technology. Nor do they allow for taking into account the amplification effects that constitute the power of influence of the media on opinion, beyond their audience share.

The system we are proposing applies only to media offering information content, but to all of these media. It leaves unchanged the control of economic concentration carried out by the Competition Authority, but gradually evolves the control of pluralism carried out by Arcom.

Initially, the proposed system maintains a maximum threshold for media ownership by a single actor, but now defined in a unique and multi-media manner. Two options are possible for defining this threshold:

- A first option, inspired by the German system, is based on measuring the "power of influence" of the news media. This power is assessed according to their ability to reach readers, listeners and viewers (in other words their "*reach*"). This assesses the strength of the power of "suggestion" of each of these media (such as the combination of sound, image and text, by weighting the weight of each in the information), their penetration (increased by accessibility on the internet or by social networks), and their degree of topicality. There are already methods of measuring this kind. They are already in use. In this context, the single and multi-media threshold that limits the ownership of news media for the same actor is defined in terms of share of influence.

- A second option consists of assigning each information medium a number of points according to its information content, whether this medium is audiovisual, digital, text, etc. (for example 2 for a news channel, 1 for a general media, etc.).
It is this total of points for the parties to a concentration which is subject to a threshold.

In both options, a specific threshold can be defined when one of the parties to the concentration is a non-European player. Similarly, the regulation of foreign investments in France, currently applicable only to the press sector, could be extended to all information media.

Secondly, once Arcom has published its guidelines indicating the methodology it adopts, the control of pluralism must free itself from a threshold logic. It will involve implementing a "360°" examination of pluralism, on a case-by-case basis. This examination will be based on a multi-factor analysis, both quantitative (audience, economic viability, attention share, etc.) and qualitative (diversity of content, honesty, etc.). Such an analysis, like that conducted by Ofcom in the United Kingdom for its "public interest test", takes into account the digital environment in which the media operate.

It takes into account all the factors that affect the power held by a media or media group after a merger. It would thus allow an assessment of pluralism and its evolution before and after a merger.

The proposal relies crucially on compelling cross-media audience metrics, which means encompassing media audience data across platforms.

This knowledge of the data will be even more important in an assessment of 360° pluralism that the steering committee recommends in a second phase. On the occasion of the next revision of the European Regulation on Freedom of the Media (*RELM*)/*European Media Freedom Act* (EMFA), we therefore propose to make it mandatory for platforms to provide audience data for the media content they rebroadcast, according to a method specified by the regulation. Today, audience data for media content broadcast on platforms is only known through "proprietary audience" measurements. Unlike most national media, which open all their audience data to trusted third parties in order to have both a comparable measurement and a certification or label, platforms do not submit to this type of control of their audience. They choose the data they communicate. However, since the extraction methods are not harmonised, they are not directly comparable:

for example, they are delivered on a monthly basis, while the media provide daily figures, or the nature of the traffic behind this data is not specified (territorially, depending on whether it is generated by a robot or a natural person). Netflix also offers its own type of indicators, in millions of hours of viewing, while other platforms provide information in terms of the number of subscribers. Article 24 of the draft RELM/EMFA establishes an initial framework for harmonisation in terms of transparency on the methodology used for this measurement. It establishes that, without prejudice to the protection of companies' business secrets as defined in Article 2, point 1), of Directive (EU) 2016/943, platforms using proprietary audience measurement systems provide accurate, detailed, complete, intelligible and up-to-date information on the method used to carry out these measurements. However, this provision does not provide a harmonised measurement of the audience of media content on these platforms. To address this observation, Médiamétrie plans to develop specific tools for measuring the viewing audience on audiovisual on-demand service platforms, such as the Netflix platform, by 2025. However, in this case, the lack of direct provision of audience data by the platforms forces the regulator to go through private services to establish the data necessary for their calculation. This constraint subjects it to several uncertainties regarding the availability of the data (replicability of the measurement tool on other platforms and on different types of content, availability of funding for other developments, etc.).

¹ Massachusetts Institute of Technology.

² Senate Bill No. 1327 proposed on February 16, 2024, analyzed in the file presented below.

However, at least some of the data required to measure the audience of media content on platforms is not covered by business law, and could be used by the regulator to establish the digital audience of media on this platform. This is the case, for example, of the number of impressions¹ and the number of clicks², which the Competition Authority has ordered Google to communicate to press publishers and press agencies under Article L. 218-4 of the Intellectual Property Code³. This data should be distinguished from additional information that has only been shared with the agent and its experts to protect business secrets, such as the advertising revenue generated by this content. Pending access to this data, the use of audience measurements on platforms developed by IPSOS (MediaCell for Cross-Platform solution - MXP) or by Nielsen (Nielsen Audience Segments), could make it possible to deploy this renovated merger control system by including an approximation of the audience of media content enabled by the relay of platforms. Knowledge of this data could also make it possible to take into account the degree of influence of a media or media group on specific audience categories, such as young people, or inhabitants of a particular territory.

¹ Clicks: Number of times a user clicked on a link provided by Google to a site.

² Decision 20-MC-01 of April 9, 2020.

³ But not the big platforms Google, Amazon or Meta.

III. For the construction of a European public space

Safeguarding the French information space is a priority. However, information circulates freely across national borders. Furthermore, most of the actors on whom access to information depends are foreign. It is therefore at the international level, and first and foremost at the European level, that action must be taken. If European citizenship exists, it cannot be complete without a European public space, which implies, as we recommend for France, preserving, safeguarding and developing the right to information at the European level.

Proposition 10 :

3.1 For a European recognition of the right to information

Information is a public good and the news media are economic actors. It is primarily in this capacity that the European Union intervened to regulate the information space.

The latest step has just been taken by the regulation adopted in March 2024 on freedom of the media. This regulation ensures that freedom of expression and freedom of opinion are guaranteed. But it is first and foremost on the basis of Article 114 of the Treaty on European Union (TEU), relating to the approximation of national laws with a view to eliminating obstacles to the internal market, that the European Union justified its intervention. For one simple reason: the right to information, i.e. the freedom to seek, receive and access a plurality of reliable information, is not currently enshrined in European primary law. Media independence, freedom of the press and pluralism are not yet fully guaranteed. This is what we need to remedy. We therefore propose that the right to reliable information be included in Article 3 of the Treaty on European Union, as a cross-cutting objective that must be pursued across all its policies, regardless of their field of action. This is a necessary condition for safeguarding public space.

In this case, it is necessary to examine whether it would be possible and useful to envisage a principle of "informational exception" to safeguard information as a public good, on the model of the cultural exception. On this basis, arrangements derogating from the rules of the internal market could be authorised to the extent that they are necessary and proportionate in order to guarantee citizens of each country of the Union access to reliable information.

Proposition 11 :

3.2 Establishing effective pluralism of algorithms

Algorithms have taken power and it must be taken back from them. Just as in 1881 freedom of the press was guaranteed, just as in 1947 all newspapers were guaranteed the right to be present on newsstands, it is urgent to establish guarantees of the same order in the digital sphere. The formation of ideas and ultimately democracy are at stake. Algorithms have replaced newsstands and are moving into newsrooms. It is therefore at their level that the only possible rule in a democracy must prevail: pluralism. Not only that algorithms display information content fairly; but that there is real diversity between algorithms, to restore sovereignty to the reader-citizen.

The platforms' algorithms offer readers, in complete opacity, a prioritization of their content that modulates its visibility. This is a "de facto editorialization" of this content. This leads to a polarization that often occurs in favor of extreme opinions. It is favorable to the monetization of content through advertising, to the benefit of the platforms, but unfavorable to the visibility of diversified information and opinions and less extreme messages.

For traditional methods of disseminating information (press, radio, television), the defense of pluralism is based on a set of rules. For digital, this principle has yet to be invented. However, there is urgency: the audience of some online content creators exceeds the audiences measured on other media.

Work has already begun on the transparency and fairness of algorithms. These two principles are central to the regulations on digital markets (RMN/DMA) and on digital services (RSN/DSA). They are necessary conditions, both essential and prerequisite, for the requirement of pluralism. Based on these regulations, which are a first step in this direction, we propose to promote a right to "pluralism of algorithms". It would make it possible to no longer consider the algorithmic functionalities (recommendation, moderation) offered by the main platforms and social networks (access controllers for RMN/DMA and very large platforms and very large search engines for RSN/DSA) as inseparable from each other, "take it or leave it" for the user, but as sums of distinct functionalities, likely to be chosen between different providers. In this spirit, for these functionalities, proposals from other players could be offered, allowing the consumer to exercise an informed choice between the different products available.

Existing initiatives demonstrate both the technical feasibility and the opportunity of this opening. However, these third-party functionalities often face the reluctance of dominant players who constrain their deployment. Until now, the success of these decentralized networks, which nevertheless exist, has remained limited. Users have remained on the major social networks. To move forward, it is therefore necessary that within these dominant networks, choice be possible.

This principle implies that regulatory authorities intervene to ensure effective access for users. The legal and regulatory environment shaped in recent years provides the relevant framework for providing these new options to users. This openness could also constitute an additional means of ensuring the proper execution of the obligations imposed on very large platforms.

Allowing the provision of third-party features would also provide the opportunity to capitalize on the wealth of French and European initiatives and companies, by giving them the possibility of offering their services in ecosystems that are currently closed and monopolistic. It would even be possible to imagine that traditional media could offer a proposal for ranking and highlighting content on major social networks, following their editorial line and relying on partnerships with French and European AI players. New solutions would also be possible for young people, through parental control algorithms and with an educational dimension.

It is therefore both an economic and democratic opportunity in the face of dominant structures which limit innovation and which sometimes infringe European values. However, for these objectives to be achievable, it is essential to reduce the barriers to entry to these digital services markets. To do this, making certain technological building blocks accessible would be a promising avenue. The idea is even making progress among some platforms. During the Munich Security Conference in 2024, they committed to open-sourcing *certain* technological building blocks for moderation and combating deceptive content. This initiative must be supervised and accelerated so that its potential can be realized. Establishing true pluralism of algorithms would therefore also constitute an opportunity for the media, and more generally for French players offering digital services and AI, in order to enable them to position themselves at the forefront of innovation in terms of regulation and digital security.

By fostering an *open source* AI ecosystem and transparent moderation, France, and more broadly Europe, could become leaders in the development of responsible and ethical technologies. On an increasingly ambitious scale of settings, which could go as far as complete unbundling, several levels are possible:

- in line with the RMN/DMA and RSN/DSA, it may involve requiring the platforms concerned to offer users more choice in recommendation and moderation among native features. For social networks, the RSN/DSA is a first step in this direction with the obligation to offer a non-profiled content feed.
- However, the majority of platforms seem to comply with this obligation

by offering a chronological feed without content curation, which does not constitute a satisfactory alternative in terms of user experience and which will probably be very little adopted.

To go further, this setting could be extended to moderation, for example, or by giving the user even more room for maneuver in their choices. The Bluesky platform demonstrates the feasibility of this setting: this social network offers users the ability to build their own recommendation algorithms using an interface that is both intuitive and very flexible, and to share these content feeds *with* other users;

- in the absence of native developments on digital platforms, it is possible to adopt an "adversarial" approach, by encouraging and supervising the deployment of " *plug-ins* " for browsers and applications, allowing users to configure these services individually. For example, the Tournesol " *plug-in* " offers a community recommendation system: users can rate the content they view and recommend it or not, these evaluations are then shared with the rest of the community. Even if this does not require any development of existing texts, it would be advisable to avoid user interfaces or general conditions of use (CGU) making these adaptations more difficult for the user to access;
- to achieve true interoperability, it would be necessary to go further, and guarantee the possibility of installing intermediate software layers ("*middlewares*") between platforms and users, not operated by the former, as some allow (such as Mastodon), or, better, authorize by means of public APIs the consultation of entire services from different infrastructures (also possible on Mastodon). On a technical level, this requires that platforms open their data to each other, which would suppose an evolution of the RMN/DMA.

The principle of pluralism of algorithms could be implemented in two phases:

- in the short term, France should ask the Commission to clarify the interpretation of the RMN/DMA and the RSN/DSA in the sense indicated, in particular in line with the resolution of 12 December 2023 of the European Parliament on the prohibition of addictive interfaces calling on the Commission to explore as a remedial measure for this systemic risk (art. 34 of the RSN/DSA) the opportunity to open up the network infrastructure with the aim of offering the user the possibility of configuring their experience:
 - thus, the configurable nature of social networks could constitute a measure of remediation of systemic risks referred to in Article 35 of the RSN/DSA;
 - with regard to the use of “plug-ins” for browsers and applications, if they do not require changes to the texts, it will be necessary to avoid user interfaces or general conditions of use (GCU) making these adaptations more difficult.

The European Commission should therefore provide clarification in this regard in its interpretation of the texts (delegated acts or guidelines);

- in parallel, France could set itself the objective of moving forward with the mandatory opening of access controller APIs for the next revision of the RMN/DMA scheduled for May 2026:
 - to allow the installation of intermediate software layers between the platform and the user (“*middlewares*”) or authorize the consultation of entire services from different infrastructures by means of public APIs, which would imply that the platforms open their data to each other, an evolution of the RMN/DMA would be necessary: Article 6 should include, in particular, social networks in the list of services concerned by the interoperability obligation;
 - the regulation would provide an appropriate legal basis if one wanted to extend the logic and go so far as to enshrine a genuine principle of unbundling allowing any third-party operator to have access to certain essential resources of the large access control platforms. In this case, the principle should be explicitly enshrined in the RMN/DMA;
 - the technical modalities of this opening of APIs remain to be specified. By 2026, it would be appropriate in particular to work on the portability of user data and the determination of the conditions to be met so that access can be opened to a social network for the benefit of a third party.

Consideration should also be given to anticipating how to design and concretely implement pluralism within information access services, such as voice assistants and immersive interfaces.

Proposition 12 :

3.3 Making the online advertising intermediation market more competitive to enable balanced value sharing

One of the causes of the loss of advertising revenues in the media (around 50% in ten years) is the establishment of dominant positions by digital platforms on the advertising services markets ("adtechs"), key players in targeted advertising: between the advertiser who places an advertising message on an inventory and the Internet user to whom it is delivered, various intermediary functions gather the messages on ad servers, collect destination inventories, organize real-time auctions (RTB) to select the advertising that will be presented to the Internet user who consults a site, etc. However, all these functions have been progressively monopolized by Google and Facebook, each of which in their logged-in environment, are in an ultra-dominant position on all of these services. A key aspect of the recent digital transformation of advertising lies in the inability of advertisers and inventory holders to put advertising intermediation services in competition: competing services have been progressively ousted from the market. This situation leads to an increase in the price of advertising and, above all, to the capture of an increasing share of revenue by platforms, to the detriment of inventory owners, the media.

The RMN/DMA requires large platforms not to favour their own services to the detriment of competing services in certain market segments. It also requires interoperability with competing services. However, these restrictive measures only apply to virtual assistants and operating services, not adtechs. The proposal therefore consists of opening up adtech services to competition by adding them to the list of services provided for by the RMN/DMA, for which self-preference is prohibited for large platforms, as well as mandatory interoperability, in order to encourage the development of competing services.

The RMN/DMA currently has two limitations to allow the emergence of a more competitive advertising intermediation market:

- the prohibition of self-preference is limited to search engines and ranking services (article 6.5), even though this is a crucial issue for all players in the sector whose referencing in the digital space depends on sometimes truncated algorithms of certain *gatekeepers* ;
- the interoperability obligation does not apply to advertising intermediation services online (article 6.7), even though it is an essential tool for reducing barriers to market entry to enable the development of competing services available to the entire ecosystem, including for the financing of online press and media publishers.

The revision of the RMN/DMA scheduled for 3 May 2026 (Article 53) presents an opportunity to revisit these two limits of European regulation. This involves amending Articles 6.5 and 6.7 of the text by adding advertising intermediation services so that they are covered by the ban on self-preferencing and the obligation of interoperability. This would be the fastest and most effective way at European level to integrate these measures.

To achieve this and obtain significant political leverage for negotiation, it might be interesting to explore, as a first step, the idea of incorporating into French law a general principle of interoperability of advertising intermediation systems under the supervision of Arcep, similar to the government's initiative for Cloud providers. This would ensure clear and uniform political support from the French authorities for the preparation of the revision of the RMN/DMA and, in the event of failure, to have *at least* a functional system on French soil.

However, the integration into French law of a general principle of interoperability suffers from two limits:

- the first is that the companies concerned, which are entirely foreign, would be reluctant to initiate technical changes that are significant for a single country and would probably redouble their measures to circumvent them or resort to recourse to delay them. It would therefore be insufficient and legally exposed;
- the second is that it would be a complex provision to implement due to the CJEU ruling of 9 November. This ruling considers that a Member State that imposes "general and abstract" measures on a company established in another country infringes the principle of the country of origin arising from the e-commerce directive. In this context, a procedure requiring the publication of an order after the opinion of Arcep for each of the actors concerned should be put in place, complicating the mechanism.

Proposition 13 :

3.4 Establish an obligation for very large platforms to display information content

If the very large platforms are the kiosks of the 21st century, then we must ensure that they cannot make news sites invisible or dereference them. Today, the platforms are disengaging from them. And nothing in the regulations can address this.

To counter this risk of marginalization, or even total disappearance of Internet users' exposure to quality information from professional sources, we propose to prohibit the invisibility or dereferencing of information sites by very large platforms. This is a matter of acting in the digital domain in the spirit of the Bichet law of 1947 in France. This obligation would guarantee that users of these platforms will continue to have access to quality information. This measure is all the more essential since a growing proportion of our fellow citizens obtain their information through them; 49% of French people do so *via* search engines and 47% *via* social networks.

This obligation would not make platforms responsible for content. However, they would be held responsible for the non-discriminatory display of informational content in relation to other content.

This proposal is part of the logic of asymmetric regulation of the RSN/DSA.

It would be imposed only on very large platforms and very large search engines with the aim of remediating systemic risks (art. 34 and 35 of the regulation).

From a legal perspective, the European Commission could specify, in its delegated acts, that this "ban on invisibility" of news media must be included among the measures to address systemic risks referred to in Article 35. Only news media identified by a recognised label and having declared themselves to the Commission, as provided for by the regulation on freedom of the media, would be concerned.

To ensure the effectiveness of this obligation, the Commission and the national regulatory authorities should be able to verify its implementation:

- in the short term, by implementing Articles 65 and 66 of the DSA, which give the Commission the power to conduct an investigation into the data made available by platforms and, where appropriate, to sanction illegal practices;
- in the medium term, by implementing genuine "data-based regulation" by the regulatory

authorities based on algorithmic tests and comparison tools (*scoring, name and shame, etc.*) in conjunction with civil society and the world of research, and if necessary by expanding and clarifying Article 40 of the RSN/DSA concerning access to platform data.

Proposition 14 :

3.5 Make effective the responsibilities of large platforms in the fight against disinformation and cyberbullying by preparing an “Act II” of the Digital Services Regulation (DSA)

There is no doubt that the operating methods of digital platforms, and in particular their curation and recommendation algorithms, are being exploited by the propagators of false, misleading or manipulative information. In the absence of extremely strong and effective corrective measures, this trend is set to accelerate due to the ability of these actors to have increasingly powerful and easily accessible tools for producing and propagating their messages.

We must be fully aware of the revolution that the entry into the era of generative AI represents in this regard. Indeed, it makes it possible to create, with an ease unknown before, falsified or manipulative content in the form of texts, images, videos or audio files that are extremely realistic, even indistinguishable from reality. Thus, these “deepfakes”, which make it possible to affix the image and voice of people who are made to do or say things that they have never actually done or said, can have extremely harmful consequences (remember that the vast majority of deepfakes consist of non-consensual pornographic content, most of the time representing women).

It is therefore imperative to strengthen legal means to combat disinformation campaigns propagated and amplified on platforms and to deal with harassment initiatives targeting journalists and information influencers, whether propagated by influencers with a large audience or algorithmically amplified by platforms.

But if this fight against online disinformation and cyberbullying is an absolute priority, the necessary legal framework is complex to develop, because it must take into account several necessities, first and foremost respect for freedom of opinion and freedom of expression. The dissemination of partially or totally false information and misleading messages cannot constitute an offence in itself, only certain strictly defined speeches constitute reprehensible acts. Furthermore, as regards broadcasters, account must be taken of their relative lack of liability with regard to the messages they disseminate, by virtue of the status of host defined by the 2000 Directive on electronic commerce. Their contribution to the fight against disinformation, as essential as it may be, must therefore be based on a liability regime that can only be partial and by way of derogation from the rules accompanying this status of host. If this status does not facilitate the fight against the circulation of falsified or misleading messages and cyberbullying, establishing a system of liability for broadcasters that is closely or distantly similar to that of a publisher, even if it is sometimes proposed, is not recommended. Indeed, it would raise many problems, probably inextricable.

It is in this context, and taking into account these numerous constraints, that the Digital Services Regulation (DSA) is included, which came into force on 17 February 2024. For the Member States, even if its application does not exclude the enactment of national standards governing the liability of broadcasters, as in France with the law (prior to the Regulation) of 22 December 2018 on the fight against the manipulation of information, the priority is therefore to ensure the full operability of the Regulation.

To this end, the development by the authorities responsible for its application, first and foremost the European Commission, of operational guidelines and definitions provided for in the legislation, would allow for better application of the text and appears necessary at different levels: on the transparency reports that platforms must transmit; on the conditions of access to the latter's data by researchers; on the protection of minors; on the legal definitions applicable in terms of human rights or international law, since these tend to disappear from the general conditions of use in favour of criteria defined internally by companies; on the prohibition of online robots from concealing their identity to pass themselves off as a user. These are just a few examples.

At the same time, in order to prepare for the update of the RSN/DSA which is planned for after 2026, an assessment of its implementation of the RSN/DSA must now be considered and brought to the Commission. This review will have to determine whether the text is sufficient to force very large platforms and very large digital services to assume their responsibilities. This applies in particular to their obligations to remediate systemic risks and to specifically supervise accounts generating widely distributed content. This review will make it possible to determine whether or not the requirements for these actors should be specified and strengthened for the fight against disinformation. It will also be an important opportunity to strengthen national resources for the implementation of the DSA. Finally, it will be necessary to question the scope of these texts with regard to the potential impact of mega-influencers beyond just very large platforms.

Similarly, the involvement of civil society in the effective implementation of the RSN/DSA is fundamental. It is essential that associations representing media and journalists can be supported to play a key role in combating harassment of online news media, for example by constituting themselves as trusted flaggers under the RSN/DSA. It is also fundamental that the Commission ensures strict compliance and effectiveness in making data available from platforms to researchers.

Proposition 15 :

3.6 Consolidate a policy to combat disinformation on a European scale

Disinformation crosses borders – perhaps even more than information.

Disinformation and foreign interference actions are carried out at both the European Union and Member State levels. However, no permanent unit exists at European level. Furthermore, the weakness of the resources deployed by certain States weakens risk reduction at Union level.

In view of the benefits of the experience acquired in France with the creation of Viginum, we propose to create a mechanism for coordinating and pooling the fight against disinformation at the European level. An agency already exists at the European level in the field of cybersecurity: ENISA (European Union Agency for Cybersecurity). However, extending its mandate to disinformation does not seem appropriate given the differences in expertise in the field of information systems security and the characterisation and analysis of information content. A new coordination structure could therefore be created. Member States could thus pool the detection work of their disinformation experts and strengthen their strike force in the identification of malicious actors on a large scale¹. For example, a Member State could call on the resources of one or more other Member States to detect and take measures concerning a disinformation campaign of which it is the target. An ethics and scientific committee placed with the coordination structure would help it to apply its doctrine of action.

Furthermore, the functions related to the fight against disinformation are currently scattered across different Directorates-General of the European Commission. They should be brought together under the functional authority of a single Commissioner who would cover defence and the fight against disinformation. Analysing the realities of distortion of information or disinformation would also help the Commission in the implementation of recent legislation (RSN/DSA in particular).

Finally, a European network of research centres of excellence in the fight against foreign interference could be structured at European level, with sufficient funding. This network would bring together researchers and state actors, but also civil society, including journalists and OSINTers (Open Source Intelligence). It would make it possible to share and develop findings and solutions, to contribute to raising awareness of the threat and to the dissemination of good practices. It would be part of a cross-cutting strategy to combat manipulation aimed at all citizens, also including the education system, businesses, the media and institutions. It is also essential that the mechanisms for accessing platform data for research be strengthened and developed, as provided for in Article 40 of the RSN/DSA.

¹ In terms of organisation, this structure could be inspired by the EU Satellite Centre based in Torrejón de Ardoz in Spain.

REPORTS OF THE FIVE GROUPS WORKING

— Synthèse des propositions des groupes de travail —
Espace informationnel et innovation technologique
Citoyenneté, information et démocratie
L'avenir des médias d'information et du journalisme
Souveraineté et lutte contre les ingérences étrangères
L'État et la régulation

SYNTHESIS PROPOSALS GROUPS WORKING

List of proposals

Working group - Information space and technological innovation

- Bringing to life a pluralism of algorithms by guaranteeing a right to configuration based on term on a principle of unbundling;
- Add mandatory distribution of information content to the obligations of the very large digital platforms;
- Encourage content publishers to come together to protect and monetize their rights against digital platforms and AI companies;
- Devote a specific status to large audience influencers to better supervise super-spreaders of false information;
- Support knowledge of the information space, by guaranteeing access to useful data as well as the auditability of algorithmic systems;
- Impose transparency obligations on advertisers and purchasing managers on their behalf;
- Entrust an independent regulator with the mission of implementing these measures over time.

Working group - Citizenship, information and democracy

- Create a “company with an information mission” status in the Pacte law of May 22, 2018 to recognize information as a common good;
- Strengthen measures to protect editorial staff against potential interventionism shareholder editorial;
- Rethink the criteria for allocating press aid to consolidate a pluralist information landscape;
- Generalize the process of external certification of information production like the JTI promoted by the *Media Freedom Act* ;
- Promote and support better representation of citizens in media governance structures, including regulatory bodies;
- Promote, through any appropriate approach or incentive, bridges between journalism training and economic and/or scientific training;

- Reform the protection of the confidentiality of sources;
- Reform business confidentiality by repealing the law of July 30, 2018, which is the source of too many attacks on freedom of the press;
- Develop a charter of good practices regarding the use of “expert” speakers particularly on the sets of continuous news channels;
- Deploy a national plan to improve the “well-being” of journalists at work;
- Deploy an ambitious and unified public policy of information culture to all ages of life by building a common frame of reference;
- Integrate information culture into school programs with 1 hour/week from CM1;
- Establish 1% funding for information literacy at all ages of life
- GAMAMs evading their national tax obligations;
- Involve citizens in decision-making by coordination, assistance and support bodies media regulation (CESE);
- Promote the financing of user associations within national regulatory bodies such as Arcom;
- Deploy the “Info pass” to combat citizens’ information insecurity;
- Support research to effectively measure the impact of critical thinking training at all ages;
- In the pre-election period, strengthen the prevention of disinformation;
- Establish a genuine public policy aimed at limiting the impacts of information on health at all ages of life, but will pay particular attention to childhood and youth;
- Create a media coalition to launch and adapt the “*My country talks*” initiative in France.

Working Group - The Future of News Media and Journalism

- Set up an annual study on the cost of information managed by public authorities and/or the interprofessional organization;
- Set up a tripartite charter between media, advertisers and agencies allowing remove the brakes on advertising investment in the news media;
- Formalize a commitment by advertisers to support news media through their advertising spending. To do this, create an obligation to declare in CSR reports the advertising amounts allocated to news media;
- Combat fake news by promoting quality information (using the system provided for in the SMA directive);
- Make it mandatory for platforms to use independent *fact-checking* tools;
- Ensure their full application to publishers' remuneration obligations under related rights by creating the conditions for effectively balanced negotiations between publishers and digital platforms;
- Establish a tax on GAFAM, the proceeds of which would aim to strengthen the economic model of media that contribute significantly to the production of reliable, quality information; • Guarantee public audiovisual media sufficient, sustainable and predictable funding through a reform of the LOLF;
- Move up the hierarchy of objectives of the COMs of public audiovisual companies information objectives;
- Reiterate the provisions of Article 12 of the proposed law relating to the overhaul of public audiovisual media, voted on in 2023 in the Senate;
- Create new assistance to support the digital subscription;
- Implement support for the IPG press, indexed to the number of newspapers lists, in rural areas;
- Give greater space to information media in the Culture Pass; • Amend the 1986 law to further strengthen the “exemplary” nature of public audiovisual companies in terms of information processing when they produce and broadcast information;
- Ensure in a more visible and readable manner the transparency of the shareholding and the guarantees of independence of the information media through a mandatory identifiable presence on the home page of the sites;
- The buyer of a media outlet must adopt its existing code of ethics for the duration in progress ;

- Extend to all news media, including the press, the obligation to create ethics committees provided for by the Bloche law, and change the terms of their composition; • Protect by law the president of the SDJ or his designated representative; • Encourage the transparent use of AI in editorial offices; • Extend the period of validity of the press card to take into account appeals; • Ask France Travail to appoint reference advisors to whom journalists can refer gistes can contact;
- Allow direct attachment to the French social security system for French resident journalists going abroad for French media;
- Provide for increased penalties for crimes and offences committed against journalists due to sound of their profession;
- Strengthen the protection of the right to information in relation to business secrets. Also strengthen the protection of the confidentiality of relations between journalists and their internal sources within companies;
- Make the so-called “*conscience clause*” more effective by adjusting the burden of proof.

Working Group - Sovereignty and the fight against foreign interference

- Large-scale *pre-bunking* by placing Viginum at the heart of a network of awareness-raising actions;
- Clarify the scope of Community legislation (development of guidelines guidelines and definitions that clarify the scope of Community legislation; formulate measures on sanctions relating to the AI Act, the DSA and the DMA);
- Strengthen the responsibility of actors who contribute to the dissemination of false information;
- Promote responsible advertising investment by companies; • Impose transparency of capital for content publishers; • Force each media to establish and respect a code of ethics and encourage a voluntary labelling approach, in particular to limit possible foreign interference;
- Encourage the structuring of the OSINTeurs community;
- Create a national strategy to combat information manipulation;
- Perfect/complete the transparency rules in France and throughout the EU relating to interest representatives acting on behalf of a foreign principal;
- Create a working group for the creation of common minimum standards applicable by all platforms within the OECD;
- Consolidate the European Union’s modes of action and create a European Viginum.

Working group - The state and regulation

- Simplify the sectoral merger control system by retaining a single maximum threshold for multi-media ownership, the level of which would be set by the legislator;
- On the occasion of the next revision of the EMFA regulation, make it mandatory for platforms to provide digital audience data for the media content they rebroadcast, according to a method specified by the regulation;
- Introduce into the renovated merger control system a criterion allowing for the media audience to be taken into account by certain specific groups;
- In the short term, initiate a discussion on the possibility of including in the law a more precise definition of information channels or programmes which contribute to information, in order to avoid the proliferation of opinion channels labelled as information channels;
- In the long term, remove the obligation of internal pluralism resulting from the 1986 law as interpreted by the recent decision of the Council of State;
- Strengthen the requirement for honesty of information and develop Arcom's sanctioning practices to strengthen the effectiveness of the implementation of its prerogatives in this area;
- Support initiatives to certify journalistic production methods and the way information is developed to improve the quality of information, particularly online;
- Establish specific media governance to guarantee the independence of journalists (journalists' right of veto over the choice of editorial director);
- Develop the right of opposition, the assignment clause and the conscience clause of journalists;
- Structure a self-regulatory body that unites the sector's players in terms of ethics, shares good practices and provides transparency; • Guarantee the effectiveness of the Bloche law by reviewing the operation of the committees of ethics;
- Create a minimum base of obligations applicable to all information media (influencer media, blogs, etc.), attached to the notion of information;
- Strengthen the responsibility of platforms hosting information content disseminated by information producers whose publications are particularly viral;
- Take a position at European level in order to provide for an exception to the application of the country of origin principle for general and regulatory obligations issued by Member States against platforms (see judgment of the CJEU of 9 November 2023);
- Continue the political support of the partnership for information and democracy;
- Require interoperability of intermediation of online advertising services;
- Redirect advertisers' advertising revenues thus reconstituted towards the media sector through CSR incentives;
- Support press publishers in the negotiation of neighboring rights.

———— RAPPORT DU GROUPE DE TRAVAIL N°1 ————

INNOVATION TECHNOLOGICAL AND SPACE INFORMATIONAL

———— Président du groupe de travail : Sébastien Soriano ————

Membres : Alice Antheaume, Aurore Domont, Marc Faddoul, Laurent Frisch,
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Preamble

As part of the General States of Information, working group no. 1 was tasked with studying **the influences of technological innovations on the information space**.

The digital revolution is reshaping the information space. It is opening up a composite abundance of content and is seeing the emergence of real "sorting yards", platforms, to navigate it. The emergence of these new players and intermediaries is enabling new forms of interaction, which are giving **algorithms a central role in the user experience**. The personalization of this content, fueled by economic models based on capturing users' attention, is profitable but not without risks. These same economic models are fueling the spread of false information, or content generated by artificial intelligence, which is changing the ethics of discussion in the information space and questioning the very notion of a common public space.

With regard to the media specifically, technology has led players to innovate both in the creation and dissemination of information, at the cost, however, of an **unfavourable distribution of value**, to the benefit of the dominant players.

In this context, how can we propose a framework that allows users to benefit from technological innovation to inform themselves, while protecting them from its excesses? How can we think of a sharing of value that allows a sustainable economic model for producers of quality information? How can we collectively rethink our relationship with information?

Composed of seven qualified individuals under the aegis of its president, and assisted by three rapporteurs, the WG conducted and participated in 25 hearings with researchers, lawyers, journalists, representatives of digital platforms, media groups, press distributors and unions in the sector. It held a contributory workshop bringing together 60 professionals from the sector on the subject of value sharing in the era of artificial intelligence, as well as a trip to the National Audiovisual Institute. The group developed 8 thematic notes, supporting the drafting of this summary report and the 7 proposals.

In its work, the group has taken care to project itself into the medium term. Without neglecting the emergencies of the day or the very current and worrying weakening of media economic models, it has also been a question of drawing the contours of a **desirable future of the information landscape** taking advantage of technological developments. A horizon that calls for mobilization now to avoid information dystopia.

Key messages

Each of the proposals (dedicated document) is carried by a key message. In a transversal way, three main messages carry these proposals: – Moving towards

a pluralism of algorithms;

– Empowering the sector, major digital players and advertisers;

– Consider the "last mile" of regulation to ensure proper compliance with obligations while animating the sector and relying on reliable data to inform decisions.

I. Findings of the working group

1.1 The new digital situation brings informational benefits and risks

Thanks to the digital revolution, individuals' access to information has become considerably more democratic : digital technology has made it possible to access a very large amount of content simply and often for free, but also to produce content, leading to profound changes in the information space. In terms of access, **the development of infrastructure** has made it possible to expand internet coverage of the world's population and intensify the transmission of information: the proportion of the world's population using the internet has increased from 8% in 2001, 31% in 2011 and 63% in 2021. In 2022, 5.3 billion human beings have access to the internet compared to only 4.4 billion in 2019, before the Covid pandemic, which played a catalytic role in the development of internet access. New technologies are enabling the deployment of Internet access in hard-to-reach areas, particularly satellite Internet access. **The development of the software layer** of the digital space is marked by three developments: the emergence of platforms – new intermediary information players that occupy a central place in the digital environment –, the acceleration of software performance, in particular the artificial intelligence (AI) revolution, and finally the development of new interfaces enabling access to information in an increasingly personalized way. Among them, *“voice assistants now represent the interface that is developing to allow users to access the web, connected devices and IoT services in a more natural way, in particular thanks to recent advances in machine learning and natural language processing methods”*¹. Finally, **the semantic layer** itself has been profoundly enriched: the use of digital technology in growing areas of daily life has multiplied the quantity of data exchanged and the data captured by online service providers.

The accessibility of information thanks to digital technologies is a considerable asset, allowing the sharing of information, the dissemination of knowledge, access to education and culture for the greatest number of people. The figures from the studies converge: approximately 2 out of 3 French people get their information from social networks or search engines. On the other hand, this is very rarely an exclusive mode of information, it is often complementary to other more traditional media, first and foremost television. **The production of information is also disrupted:** whereas it was previously concentrated in the hands of a few players, the web, *and even more so web 2.0*, have horizontalized this sharing of content, sometimes to the point of disgust: information has become overabundant and is sometimes synonymous with anxiety. The Arcom barometer dedicated to the relationship that the French have with information shows this: 61% indicate that they regularly choose to voluntarily avoid getting information.

The technological turning point of artificial intelligence also represents progress in many sectors. Artificial intelligence technology is not new, and already has many applications: industrial robotics, self-driving vehicles, assistance with medical diagnosis, targeted advertising, and the fight against fraud. These technologies have been marked over the past year by the democratization of generative AI tools, which make it possible to very simply generate new, particularly high-quality content (texts, images, videos). According to the Commission on Artificial Intelligence, generative AI has 4 characteristics: simplicity for the user, speed of use, realistic content, and significant skills in carrying out complex human tasks. **This tool is also a factor in ambivalent transformations** that revive rather than create old questions: reliability of content, sharing of the value created, modification of the public space, etc.

¹ Higher Council for Literary and Artistic Property, Voice assistants and other conversational agents, December 2022.

1.2 Algorithms play a decisive role in the experience users

Platform algorithms are not neutral and their operation is opaque

In order to organize the gigantic mass of content published every day on social networks (texts, images, videos), **digital platform operators use two types of algorithms.**

Moderation algorithms aim to identify illegal content or content that violates the platform's general terms of use, **in order to remove it or make it less visible** (obfuscation or *shadow-banning*). Content detection can be entirely managed by algorithm or limited to simple pre-detection, subsequently refined by human moderators. Moderation can take place even before publication, for the most serious content, such as child pornography. Classifying informational content is particularly difficult and involves ensuring a balance with freedom of expression. Moderation processes are enriched by community moderation, such as the X platform (formerly Twitter), which offers users the opportunity to write *community notes*, attached to the content to be moderated.

Recommendation algorithms, on the other hand, aim to amplify the visibility of content: they determine which content will emerge from the mass of millions of daily publications. Recommendation algorithms play a crucial role in the orientation and personalization of information. They feed on the traces left by users (comments, likes, shares, videos or articles read, etc.) to personalize the information presented on the content feed of each of them, ignoring the chronological order of the publications. Because recommendation algorithms feed on our past interactions on the platform, some studies warn of the risk of forming a self-feeding loop, locking the user into filter bubbles, or echo chambers. These bubbles would tend to polarize the public space, more markedly online than offline. This polarization was visible during the Covid pandemic – with anti-vax and pro-vax users locked in separate bubbles reinforcing their opinions – or during the US presidential elections. However, the role of algorithms in the creation of filter bubbles tends to be nuanced: several studies highlight exposure to a diversity of points of view and indicate that polarization only occurs secondarily, due to user choices. **If the public debate has focused primarily on moderation, algorithmic recommendation or invisibility plays a central role: the question is no longer so much being able to publish content, but that this content is visible.**

However, platform algorithms are not neutral in their content recommendations. The content presented is not based solely on the user's tastes and previous searches, but also on other factors that research has not yet finished studying, given the complexity of the mechanisms. Amplification begins at the query results stage and the auto-completion of search bars without users necessarily being informed. Some studies identify a greater amplification of conservative political opinions and more radical opinions in several European countries. Conversely, the media point out the regular invisibility of their content on social networks and search engines, particularly since the entry into force of European regulations on related rights.

The functioning of platform algorithms is opaque: the criteria used in the functioning of both moderation and recommendation algorithms. This lack of transparency is regularly denounced by Arcom, in its annual reports on the manipulation of information on online platforms and, since 2019, requesting ¹ platforms to *"provide clear, sufficiently precise and easily accessible information on the criteria that led to the ordering of the content offered to the user and the ranking of these criteria according to their weight in the algorithm"*. While the platforms have started to provide information on how their algorithms work, Arcom considers them insufficient to understand the conditions for prioritizing information by their algorithms.

The European regulation on digital services (RSN or *Digital Services Act*, DSA) will provide a new tool, by requiring very large platforms and very large search engines to establish in their general conditions, in simple and understandable language, the main parameters used in their recommendation systems, as well as the options available to recipients of the service to modify or influence these main parameters.

This opacity is accompanied by great difficulty in auditing these models by independent third parties.

The NSR provides for audits applying only to "very large platforms", but not for the publication of audit results. The NSR also provides for the opening of application programming interfaces (APIs) giving researchers access to their data, but the conditions of access could be made technically restrictive to hamper the auditability of algorithms. In this respect, the delegated acts pending from the European Commission will be decisive.

¹ Higher Audiovisual Council, Recommendation no. 2019-03 of May 15, 2019.

1.3 These algorithms serve the economic model of social media platforms

The business model of platforms is based on capturing users' attention for the purpose of monetary valuation. Platforms are "two-sided" markets, which act as intermediaries between two actors, users on one side and advertisers on the other. These markets are characterized by their network effects: each user brings value to the entire network and the value of the service for a group of actors depends on the number of participants on the other side of the market. This leads advertisers to favor platforms with a large number of users to broadcast their ads, while users are attracted to platforms where the majority of their peers are located.

The growing and exponential availability of content makes it more difficult for platforms to capture the user's attention and promote it to advertisers. Platforms therefore have an interest in offering content that is likely to appeal to users based on their past usage. The attention economy can thus be defined as *"a set of devices implemented in order to extract market value from capturing users' attention"*.

The business model of capturing attention tends to value toxic content: research shows that the more moderate the content, the less the user interacts with it and therefore the less they see the associated ads. False information is particularly present among this toxic content, because it generates much higher engagement than information considered reliable. However, it should be remembered that false information remains, in absolute value, a minority online, and that the sites of reliable sources remain the most consulted for information. **The business model, based on capturing the attention of users, has transformed platforms into accelerators of toxic content.**

In addition, to maximize engagement, platforms use designs that **exploit users' cognitive mechanisms** to influence or even modify their behavior, without them necessarily being aware of it. Called *"dark patterns"*, these particularly misleading user interfaces are *"carefully designed to encourage users to do things they would not otherwise do"*. While *dark patterns* are now prohibited by the Digital Services Regulation, the European Parliament has also adopted a resolution on the addictive interfaces of very large platforms, inviting the European Commission to take into account this factor in the propagation of systemic risks in the implementation of the Digital Services Regulation.

Information manipulation is also a significant financial windfall for content creators via advertising revenue. The production of online content is extremely concentrated, and the same goes for false information: 69% of climate-sceptic content on Facebook comes from 10 accounts, 65% of covid-sceptic content comes from 12 accounts. The production of false information is concentrated in the hands of a few super-propagators, mainly motivated by financial interest, but also – to a lesser extent – by political interest. Indeed, content spreading false information online is notably financed directly or indirectly by advertising: directly in the case of sponsored content where the content creator is paid to share information, recommend a product or service, and indirectly when the content is placed next to generic advertisements.

In short, through the rules of hierarchy at work in algorithmic amplification, based on the attention economy, **platform algorithms play an increasing role in editorializing content, to the detriment of the quality of information and the well-being of users. If algorithms are the problem, they will also be the solution. This is why the working group wanted to give algorithms a major place in the proposals.**

1.4 Generative artificial intelligence systems compete with the media in information production

The media have lost the prerogative of creating information, which calls into question the common information space

Generative artificial intelligence tools that have become massively and rapidly democratized in recent times have allowed the emergence of content generators distinct from media. Generative AI is defined as a technology that allows content to be generated in response to a user query (or *prompt*). These tools are backed by large "foundation" models, trained on a vast amount of unlabeled data and can thus adapt to a wide range of tasks, including content creation. This content can be textual and produced by conversational assistants in the form of *chatbots*, audio, images or even videos.

Texts generated by conversational agents based on large language models do not produce reasoning but are probabilistic systems. Regularly, the conversational agent proposes a response containing invented information without specifying it. Generative AI gives the impression of reproducing human reasoning but cannot grasp the meaning of the content it uses, nor spontaneously qualify the accuracy of the information it contains. Because these systems are trained on data accessible online, they can also propagate false narratives that pre-exist on the internet, or even be the source of false information propagated online.

However, maintaining a distance and a critical eye towards the content offered by generative AI is difficult: **there is a paradox between the apparent accuracy of the information offered by its services in an easily understandable natural language, and the often inaccurate or even false content.** The academic literature on artificial textual content highlights these biases: it is difficult for humans to spot artificially created content, there is a preference for automatically generated writing, and a credibility premium for artificially generated content. Finally, there is a phenomenon of "latent persuasion": the accumulation of biases in the content produced by generative AI can gradually discolor users' productions, or even in the longer term their opinions, beyond the texts produced. Thus, the creation of artificial content profoundly changes both the reception of information and its distribution, questioning the notion of a common public information space.

The extension of generative AIs can induce two distinct phenomena on the information space. On the one hand, the growing share taken by robots, conversational agents and control algorithms in the production of information and in online interactions which would tend for some towards **the advent of a "synthetic Web"** (expression of Olivier Ertzscheid), in which the information used by AIs has itself been produced *"by the synthesis of equally artificial algorithms and agents"*. These tools can in particular be instrumentalized by malicious actors of disinformation. On the other hand, **the information dissemination model is evolving from a "one-to-many" model in which a transmitter reaches a multiplicity of individuals, to a "one-to-one" model in which the content is only offered to one individual:** the information is hyper-personalized and it is impossible to see what other individuals have been exposed to. This model carries the risks of polarization and fragmentation of the information space. In addition, the information dissemination model is no longer part of the logic of an editorial contract, which risks making it lose its value. A message disseminated cannot really have information value outside the framework of an editorial contract: reading contract for a newspaper, listening contract for a radio station, editorial contract more generally for any media or any individual-media.

These new tools blur the notions of traceability and responsibility for information.

New tools for producing and accessing information raise the issue of traceability, because generative AIs and virtual assistants do not clearly cite their sources. Three sets of solutions could improve the traceability of information. First, **automated detection tools** are progressing at the same pace as improvements in *machine learning* tools .

and *deep learning* and allow the identification of content generated or manipulated with AI tools.

Research into these automated detection tools would benefit from being continued and supported to become more effective and more robust. On the other hand, it is also important to emphasize that the medium of a content cannot imply an inherent character of truthfulness or suspicion: it is not because content is generated by AI that it is necessarily false or misleading and *vice versa*. The detection of this content is therefore an interesting element in terms of properly informing the public but remains to be put into perspective in the context of the fight against disinformation. Secondly, the **labeling** of content generated by AI could be mobilized and is contained in the regulation on artificial intelligence adopted on May 21, 2024 by the European Union, with a gradual implementation. While this tool is very effective in reducing adherence to erroneous content and its sharing, it has limitations, such as the risk of creating a presumption of truthfulness on unlabeled content or that of drawing unnecessary attention to false information. Finally, **watermarking** consists of affixing a watermark by default on automatically generated content in order to be able to detect it at any time.

This information is unique and identifiable, invisible to humans but detectable by machines, making it possible to identify the content as having been generated using AI and to trace it back to the initial model. This solution also has its limitations: it is much easier to watermark an image or video than a text, and these techniques can also be used to mark content created by a human as having been artificially generated. However, the reliability of these detection methods varies depending on the content, and is much more difficult – if not impossible – for text than for videos. In the context of the media, detection cannot be done without complementary and rigorous human *fact-checking work*.

New tools also question the responsibility of information, now produced, generated , modified and amplified according to a complex process. The role taken by the platforms calls for taking into account their specific responsibility, distinct from that of the publisher as well as that of the host.

Platforms and social networks defend the status of host that has been recognized since 2000 by the e-commerce directive and affirmed by the regulation on digital services: the recognition of their role in the editorialization of content is made difficult by the fact that platforms and social networks do not have instant knowledge of the content that they host. In addition, the obligations that weigh on them in terms of moderation of illegal content for example cannot be assimilated to an editorial function with regard to the Good Samaritan clause¹ . The regulation on digital services, however, brings initial nuances to the liability regime of hosts, by defining a regime of administrative liability with specific obligations with regard to content displayed on very large platforms and very large search engines. Very large platforms are now required to report and remove illegal content, but also to carry out an analysis of the systemic risks they present, such as the dissemination of illegal content, content that could undermine the exercise of EU fundamental rights, disinformation content and content with negative effects on health. They must implement measures to mitigate these risks, which they report on annually.

¹ This clause stipulates that regulated actors – in this case the very large platforms – cannot be blamed for measures put in place within the framework of the obligations incumbent on them under regulation, for example an act of moderation with regard to systemic risks.

1.5 As they develop, technologies do not allow a sustainable economic model for the m

Digital technologies are disrupting value chains, particularly in the distribution between traditional media and digital platforms, in several ways. Search engines and social networks have established themselves as access points to information for citizens and constitute crucial advertising environments for the online activity of media. Thus, the online press market is based on an unbalanced relationship between platforms and media in which the latter have almost no negotiating power, while their content generates advertising revenues mainly captured by the platforms. These distribution issues were then answered with the consecration of a **neighboring right** for publishers and press agencies in 2019. However, it is difficult to consider that this framework has provided the expected answers. In addition, generative AI tools have revived the subject of capturing the value generated by a few very large companies. Traditional media as well as new media (web media, influencers) are sources of value for digital platforms. For social networks and search engines, they are audience vectors. For artificial intelligence systems (*chatbots*, virtual assistants, etc.), they are sources of quality data, essential for training their systems. Today, AIs train on this data, and most often without compensation.

Technology players are disrupting value chains and competing with media for audience and advertising share

The emergence of web 2.0, i.e. interpersonal communication services, has revolutionized the information space and our relationship with information. Search engines have played a crucial role in this upheaval, particularly that of Google, which holds more than 90% of the market share. Search engines have become crucial access points for citizens to news and press articles. Indeed, 62% of French people get their information daily *via* social networks. More generally, as digital has entered everyday life, the media have had to invest massively to develop their digital audiences: new media, new technologies, new professions, new writing and *ultimately* new economic models.

They have then become dependent for their audiences on the platforms that are the main gateways for citizens looking for information. This omnipresence of platforms in users' practices weakens the sector, in that they create a dependency on their services while monopolizing a large part of the value of the traffic generated. While they take over part of the journalistic content in their results pages or news feeds, they capture the bulk of online advertising revenue to the detriment of publishers. **Algorithms are then at the heart of the problem, since they can determine whether or not press content is made visible, and therefore the revenue it generates, but publishers have no control or even knowledge of how they work.** This was also highlighted when Facebook's recommendation algorithm was modified to favor messages published by families and friends after the controversies linked to disinformation campaigns during the 2016 American elections, which caused a drop in traffic generated to press sites.

In addition, **this dependence also extends to advertising intermediation services** offered in particular by the industry *leader* Google, such as Google Ad Manager and Google Analytics, which have become essential tools for any online activity of publishers. These upheavals have made the economic models of press publishers ill-suited to survive and expose them to the choices of platforms in their algorithmic modifications and advertising policies. This is why many have invoked the need to devote a neighboring right to publishers so that they can claim remuneration in the use of press content by platforms.

To redress this situation, the European Union has thus enshrined a new neighbouring right for the benefit of publishers and press agencies through the 2019 directive on copyright and neighbouring rights. This directive has the explicit objective of rebalancing the economic relationship between the press world and digital platforms, by allowing press publishers to benefit from part of the revenue generated by the platforms. **In France, this directive was quickly transposed in 2019, but has only been followed by rare agreements and its implementation remains the subject of numerous disputes by the platforms.** After five years, the results are quite disappointing for the media, which note that the objectives of sharing value and rebalancing relations with the platforms are far from being achieved, leading to several legal actions. The cause is in particular the lack of transparency in the assessment of the basis of related rights, which remains in the hands of the dominant platforms, and the questioning of the scope of application of the text by certain platforms that do not consider themselves covered. GESTE also raises concerns about the impossibility for publishers to carry out their own assessment of the rights to be licensed, and about a lack of transparency on the parameters used by Google services, making it impossible to know the overall value generated by their content. Abroad, too, discussions are not without their difficulties, as illustrated by the Canadian situation with the decision by Google and Meta to no longer distribute press articles on their services. The Australian model, often cited as an example, also reveals flaws. While it appears that overall payments to media of all sizes have increased with 200 million Australian dollars (around 120 million euros) paid by platforms to media in the context of more than thirty agreements between Google and Meta and Australian media, the Meta group announced at the beginning of March 2024 that it would stop paying Australian media for their news and that it would remove news content from its Facebook News tab in Australia. Similar announcements had already been made for the United States, Great Britain, France and Germany. Finally, the current framework of neighboring rights is limited to the online press, but not to online news. Thus, video media (television news) are excluded, but also audio media (France Culture, France Inter, etc.).

These various news items thus highlight the limits of neighboring rights in providing a satisfactory response to the challenges of value distribution. This difficulty is compounded by an apparent strategy of circumvention of this new framework by the very large platforms which have reflected the entry into force of neighboring rights by a reduction in the visibility of media content.

Generative AI systems mark a new threat to the media economic model and call into question the pre-existing framework of rights sharing.

The question of the applicability of related rights is also becoming increasingly complicated with the arrival of generative AI tools that reuse and transform publishers' content, making it difficult to trace, and call into question the qualification of original work required for the attribution of these rights. Beyond the use of data without compensation, these technologies also compete with the media in terms of audience, whether due to referencing by major platforms or, tomorrow, through access to information *via* generative AI tools without going through the media interface. Feeding the training bases of generative AI can lead to potential violations of copyright and related rights, due to the possible use of data without the authorization of the rights holders. While text and data mining is a legal exception to the use of data without prior consent of rights holders, its framework has not been considered in light of the major language models and their consequences.

Faced with these new tools, the players have adopted different attitudes. Some groups, such as Alex Springer, have chosen to **negotiate and contract** with AI companies. Others have chosen **to go on the offensive by filing a complaint** against AI companies, such as the *New York Times* or Getty Images, with great difficulty in assessing the damage suffered. Finally, **some structures prefer to close the access to them by asserting their right to opt-out** enshrined in the exception for text and data mining, while waiting for satisfactory conditions in the use of this data in terms of transparency of data use, compensation and copyright protection. This closure strategy is not new; some media have already used it to avoid appearing on Google News and several social networks have erected constraints, particularly pricing constraints, on access to their APIs.

However, **this reflex of closure ultimately questions "the possibility of benefiting from services based on French or European data, and therefore our culture"** with the risk of being competed with by foreign tools and content, particularly American, further reducing cultural and informational diversity to the detriment of all. Bilateral agreements present risks in terms of pluralism, discoverability, sovereignty and representativeness of information sources and content offered to the user that would be determined unilaterally by generative AI providers. Another harmful effect for the digital information space of these bilateral agreements is that they will mechanically lead to **a promotion of the content of the media with which they have signed agreements, therefore the largest groups, and make the smaller ones invisible**. In addition, the effectiveness of these strategies is also called into question. Alexandra Bensamoun, a law professor, highlights the challenges of implementing *the opt-out* in a context where there is a total lack of transparency regarding the data used by training bases. She also questions the technical feasibility of applying this right on the scale of the entire Internet.

The overall recovery of the situation requires not limiting ourselves to individual approaches, but integrating the collective scope of the project. What is crucial is then to give ourselves the capacity to understand and evaluate the value of the information used in the training bases of generative AI tools and in the results they produce, by identifying the metrics on which to base their evaluation. To be complete, this analysis must bring together all the players in the value chain (publishers, platforms, generative AI players, etc.) but also researchers, around a trusted platform, to set up a peaceful and informed dialogue around the sharing of value.

1.6 Technological innovations are changing our very relationship with information

Technological innovations offer new ways to access information

Technological innovations have emerged as new gateways to information. According to the Arcom barometer, 49% of French people use search engines daily to get information and 47% use social networks. Technological innovations have multiplied the channels for disseminating information and transformed the media infrastructure. New information players have emerged, such as media websites or creators of online information content, but also new media, such as popular videos or discussion threads (*threads* on X for example). However, this democratization of information is not accompanied by a strengthening of information control. The consequences of disinformation are widely documented and represent a major challenge in the digital information space. However, paradoxically, the French believe that they are aware of how social networks work on the content they are confronted with. But this impression of understanding based on knowledge of the existence of algorithmic processing does not mean that there is a detailed understanding of their concrete effects, such as their propensity to push toxic content, or even the preponderant factors in their functioning.

Beyond social networks, other access channels have emerged, increasingly shaping our relationship with reality by directing the information available and affecting freedom of choice and access to a multitude of online content. On the one hand, access to information is increasingly done through **conversational agents**. These tools are profoundly transforming our perception of reality, particularly with regard to their impact on the discoverability of content and pluralism. With regard to voice assistants, the Higher Council for Literary and Artistic Property (CSPLA) emphasizes that these new intermediaries have *"significant consequences for the dissemination and diversity of cultural content."* This is due in particular to the single response mechanism: the machine provides the user with a single response *"deemed the most relevant among the possible responses identified by the algorithm."* In fact, in the same way that recommendation algorithms on social networks raise fears of the risk of being trapped in a filter bubble, voice assistants can keep the user in their ecosystem and restrict their freedom of choice and access to a diversity of cultural and informational content. These issues are revived by new **conversational agent interfaces, in particular text-generating AI systems**. Unlike social networks or search engines, generative AI systems and voice assistants do not allow *scrolling* and consulting different links, accounts, *hashtags*, etc. The challenge is therefore **to ensure access to information that reflects the diversity of points of view and the pluralism of sources to prevent the single response mechanism from distorting users' relationship to reality by locking them into a hyper-personalized prism.**

More prospectively, **access to information may be possible tomorrow through virtual reality tools.** In any case, it is important to anticipate the effects of such a deployment, particularly in terms of access to information and the relationship to information and reality that this mode of access generates.

Augmented and virtual reality can mark a real change by offering immersive access to the news: the user can now be like "teleported" into the content, living an almost sensitive experience of what he is viewing, embodying the report in the first person and marking the transition to an active position of content actor. This brings several changes in the relationship to the information of the information broadcast: risk of distraction from the heart of the information, distortion of the credibility of the information according to its mode of presentation... If augmented and virtual reality were to be instrumentalized by malicious actors to create manipulative, misleading or erroneous content, these could gain credibility and impact on their audience, at a level perhaps even higher than what emerges with the hyper-realistic images and videos generated by artificial intelligence systems.

Technological innovations also provide support for thinking about a new information factory

Digital tools offer the opportunity to move from a vertical and top-down view of information , transmitted in particular by the media, to a shared and collective generation of it. Thus, mechanisms where information is provided in a one-way manner from a transmitter to a number of people are subject to particular distrust. Therefore, it is now a question of adapting the production, understanding and circulation of information to bring these mechanisms into line with the current architecture of information networks. Thus, **rather than opposing true and false, it is more a question of turning towards a collective construction of our relationship with information** by taking note of the biases and qualities of each person in the process of construction and circulation of information.

Technological developments in the information space are therefore contributing to a reflection on our relationship to facts, information and even reality. **In this reconfiguration of our informational links, experts and journalists must continue to be providers of content and trust, but by creating new links with the entire population and organized civil society.** In this sense, many collective processes of information development have been able to constitute as many experiments or stabilized approaches to observe. The information spaces that are now Twitch channels or Discord rooms (like those of the *What the Fake Academy*), the community notes proposed on X, the approaches like those carried out by Bellingcat, Lighthouse Reports Index and so many others herald a new era for journalism with a role that is still decisive, but new, for media professionals. Among the citizen mechanisms we can also think of media and information education through the production of information by students. Thus, the circular encouraging the creation of a web radio per college is a notable initiative among many other existing systems in the world of education that should also be encouraged. In short, it is about showing and understanding how information is constructed and what journalistic work involves in order to restore confidence in quality sources that are collectively shared. In this regard, the work carried out by the AFP *fact-checking* unit is particularly interesting: it is not just about saying whether the information is true or false, it is also about telling *how* the information was verified.

PROPOSITIONS PROPOSITIONS

This document presents the proposals of EGI Working Group No. 1. While presented in order of priority, **the seven recommendations presented below are complementary to each other.**

They have two main objectives: ÿ

Promote choice and algorithmic auditability to reduce the prevalence of toxic content – first and foremost false information – on digital platforms.

This objective is reflected in proposals 1, 4 and 5. In these three cases, the aim is to move away from regulation that entrusts platforms with the task of resolving the problem posed by their own algorithms by giving users the power to choose and configure their recommendation and moderation algorithms, by tightening the supervision of online influencers to better combat super-propagators and by strengthening and guaranteeing access to data for researchers, allowing them to audit the platforms' algorithms.

ÿ **Ensuring a sustainable economic model for the media in the digital age**, a major challenge for these players but also for society as a whole in light of the fundamental democratic importance of reliable, quality and pluralistic information. Proposals 2, 3 and 6 underpin this objective in order to make media content more visible among the uninterrupted flow of online content, to ensure that media content is traceable, protected and duly remunerated in the era of generative AI and that online advertising is no longer invested mainly on digital platforms to the detriment of the media.

Finally, without a regulator (proposal 7), these proposals risk being nothing more than self-regulatory measures, harming their effectiveness. **It is therefore essential to support these proposals with a clearly identified regulator, with sufficient human and financial resources, with clearly defined skills and with means of sanctions.**

Overall, the group has carried out in-depth work to include all of these proposals in French and European legal and regulatory provisions and thus maximize their operational feasibility.

Proposition no 11

Bringing to life a pluralism of algorithms by guaranteeing a right to configuration based ultimately on a principle of unbundling

By creating for the benefit of users a **right to configure** the major digital platforms that structure the information space (including social networks, virtual assistants and generative AI tools), based on a **principle of unbundling**

open to third-party actors to offer alternative features and algorithms to users.

Stake

Key message

Platform algorithms are polarizing factors that exploit users' cognitive biases and attention, and harm pluralism, diversity and reliability of information. Since algorithms are the problem, they will also be the solution. This requires allowing a diversity of algorithms to emerge on the major platforms.

Details

The recommendation algorithms of the major digital platforms play an increasing role in the editorialization of content: the question is no longer to be able to publish content, but that this content is visible. In fact, if the creation of content has become horizontalized, this content is published on a limited number of services and the visibility of this content is entirely determined by private actors in a dominant position in their markets.

However, many of these players – particularly social networks – have **a business model based on capturing users' attention, which has transformed them into accelerators of toxic content**, first and foremost false information. One in two users has already come across false or unreliable information online¹. 45% of French people feel that they are confronted several times a week on social networks with information that distorts reality or is false, including 26% every day or almost every day². **These algorithms are also exploited by malicious actors who use this virality** – sometimes accentuated by the use of fake accounts or bots – to amplify their content.

The current regulation of very large digital platforms and very large online search engines under the Digital Services Regulation is structured around the identification and remediation of systemic risks that these services would present (Articles 34 and 35). However, **this regulation only partially resolves the dynamics of confinement maintained by these tools.**

which restrict their users into a closed ecosystem with a limited number of features and a low degree of competition.

Questioning this confinement of users is all the more pressing in the context of the rapid generalization of generative AI.

¹ VIARD-GUILLOT Louise, "82% of Internet users protect their personal data online", Insee Focus no. 27, July 21, 2022.

² kantarpublic.com

These technologies offer a new way of accessing information and perhaps, tomorrow, our social networks. This is already emerging with the marketing of the Rabbit r1, a mobile intended to serve as an agent based solely on a generative AI capable of learning how the user uses their applications to replicate this behavior and switch to use *via* a single interface configured by the user. In other words, **it is likely that we will move from uses *via* different applications for our different social networks and media, to unique personalized interfaces** that will centralize content, information, etc. This change can be synonymous with gains for the user who will be able to further personalize their online experience, for example by choosing their moderation methods, content synthesis, origin, etc. However, **this evolution can also lead to more closure**: the companies already established and dominant are also those on the verge of becoming the leaders in the most used AI models.

If the consumption of content – including informational content – online is now mainly done on the very large social network platforms and the very large search engines¹ tomorrow, this consultation could take place *via* voice and conversational assistants. However, the Higher Council for Literary and Artistic Property (CSPLA) emphasizes that **these new intermediaries have "significant consequences for the dissemination and diversity of cultural content"**². This is due in particular to the single response mechanism: the machine provides the user with a single response *"deemed the most relevant among the possible responses identified by the algorithm"*³. To achieve this, the voice assistant collects massive amounts of data allowing it to constantly adapt to its user. In fact, in the same way that recommendation algorithms on social networks raise fears of the risk of being trapped in a filter bubble, **voice assistants can keep the user in their ecosystem and restrict their freedom of choice and access to diverse cultural and informational content**. However, the CSPLA points out that *"the Constitutional Council and the ECHR make pluralism a condition of democracy, centered on the confrontation of ideas and opinions. [...]"* Furthermore, *democracy cannot be limited to its political conception; it encompasses the cultural, religious and social debate without which the appreciation of pluralism would be incomplete"*⁴. **This risk of confinement is redoubled by the self-preference often at work** and by which the operators of these assistants privilege their own services in the response provided to the user.

This self-preferential treatment is covered by Article 6.3 of the **Digital Markets Regulation which requires gatekeepers to authorise and technically enable the easy uninstallation** by end users of any software application in its operating system as well as **the easy modification by end users of the default settings** of its operating system, virtual assistant and internet browser that direct or steer end users towards products and services offered by the gatekeeper.

Even more prospectively, **access to information could be done tomorrow through virtual reality tools**. Some international media already offer virtual reality applications, such as the Swedish newspaper *Dagens Nyheter*, the *New York Times* or *ABC News*.

¹ Arcom, *The French and information*, March 2024.

² Higher Council for Literary and Artistic Property (CSPLA), *Mission report on voice assistants and other conversational agents*, March 10, 2023.

³ FAVRO Karine, VILLATA Serena, and ZOLYNSKI Célia, From voice assistants to conversational agents. Towards a framework for human-machine voice interfaces, *Dalloz IP/IT: intellectual property and digital law*, 2023, no. 09, p. 459.

⁴ CSPLA, *Mission report on voice assistants and other conversational agents*.

However, scientific studies tend to show that experiencing information can **affect the credibility of the information depending on how it is presented**: *"in an ultra-realistic 'mimetic environment', users tend to confuse the virtual world with reality and believe that 'seeing is believing'. If the content producer has a clear subjective intention, users tend to lose their objectivity and the ability to understand the information presented"*¹.

It should therefore be noted that, prospectively, **if augmented and virtual reality were to be used by malicious actors to create manipulative, misleading or erroneous content, these could gain credibility and impact** on their audience, to a level perhaps even higher than what emerges with the hyper-realistic images and videos generated by artificial intelligence systems.

Implementation modalities

In these different cases, we therefore observe a situation of confinement both for users who suffer from a limited number of functionalities imposed unilaterally, and for competitors who struggle to enter these extremely closed markets and to innovate for the benefit of consumers.

A pluralism of algorithms must be established. It would therefore be a question of **no longer considering these services as a monolithic whole, but as a sum of distinct functionalities** constituting as many potential markets on which social networks today exercise a de facto monopoly and between which users would have the **choice**. As summarized by the National Digital Council: *"By considering each functionality as being able to be provided by a third party entity to the proprietary social network, each of these functionalities becomes the ground for multiple innovations for the benefit of the user and possibly the social network itself."*²

This opening up of the functionalities of major digital platforms to third parties has been considered by several NGOs, researchers, public bodies and social networks (European Parliament, Bluesky, Mastodon, Cory Doctorow³, Daphné Keller⁴, Francis Fukuyama⁵, Maria Luisa Stasi⁶, Célia Zolynski, Marc Faddoul⁷, Panoptykon⁸, National Digital Council⁹, CSPLA¹⁰, CNCDH¹¹, Forum Information & Démocratie¹², etc.).

¹ WU, Huiyue, CAI, Tong, LUO, Dan, et al. Immersive virtual reality news: A study of user experience and media effects. *International Journal of Human-Computer Studies*, 2021, vol. 147, p. 102576.

² National Digital Council, *Cultivating the wealth of networks*, February 7, 2024.

³ DOCTOROW Cory, «Adversarial Interoperability», *Electronic Frontier Foundation*, October 2, 2019.

⁴ KELLER Daphné, «Platform Content regulation – some models and their problems», *Center for Internet and Society, Stanford Law School*, 6 mai 2019.

⁵ FUKUYAMA Francis, RICHMAN Barak, GOEL Ashish, SCHAAKE Marietje, KATZ Roberta R., and MELAMED Douglas, «Report of the Working Group on Platform Scale», *Stanford Cyber Policy Center*, 17 novembre 2020.

⁶ National Digital Council, «Social networks: exploring the opportunity of unbundling. An exchange with Maria Luisa Stasi», November 27, 2023.

⁷ <https://youchoose.ai/>

⁸ Panoptykon Foundation and People vs BIGTECH, *Prototyping User Empowerment. Towards DSA-compliant recommender systems*, novembre 2023.

⁹ National Digital Council, *Cultivating the wealth of networks*, February 7, 2024.

¹⁰ CSPLA, *Mission report on voice assistants and other conversational agents*, March 10, 2023.

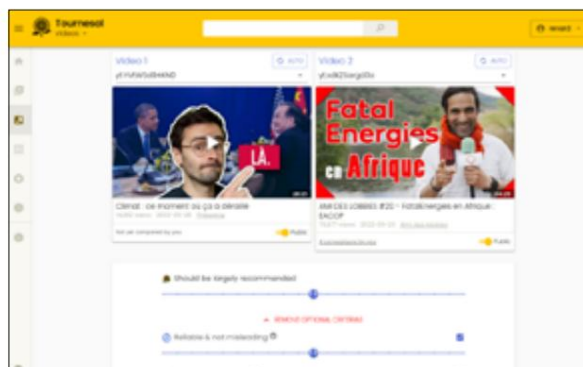
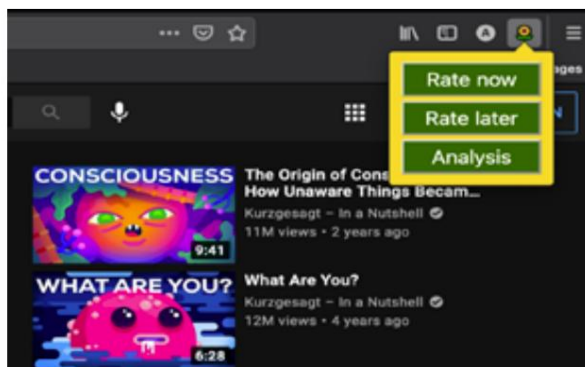
¹¹ National Consultative Commission on Human Rights (CNCDH), *Opinion on the fight against online hatred (A – 2021 – 9)*, July 7, 2021.

¹² Information & Democracy Forum, *Pluralism of information in algorithms. curation and indexing*, February 2023.

Concretely, with regard to social networks, the National Digital Council explains that **this opening to third-party functionalities and this configurability of social networks can be considered in three ways:**

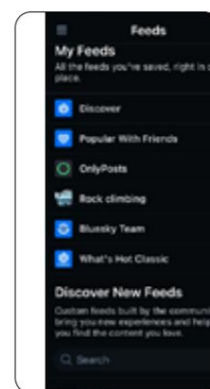
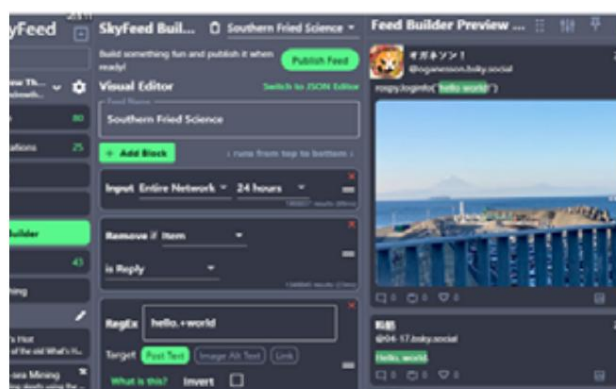
First, in the absence of native developments on digital platforms, it is possible to adopt an **adversarial approach by encouraging and supervising the deployment of plug - ins for browsers and applications**, allowing users to further configure their experiences. These initiatives already exist *via plug -ins* on browsers, but remain limited in number and functionality due to the general conditions of use of the platforms. This therefore requires supervising the latter and **preventing this limitation in the T&Cs** to leave more room for the development of these *plug-ins*. In addition, these *plug-ins*

are difficult to apply to mobile terminals, which are nevertheless the primary media of use.

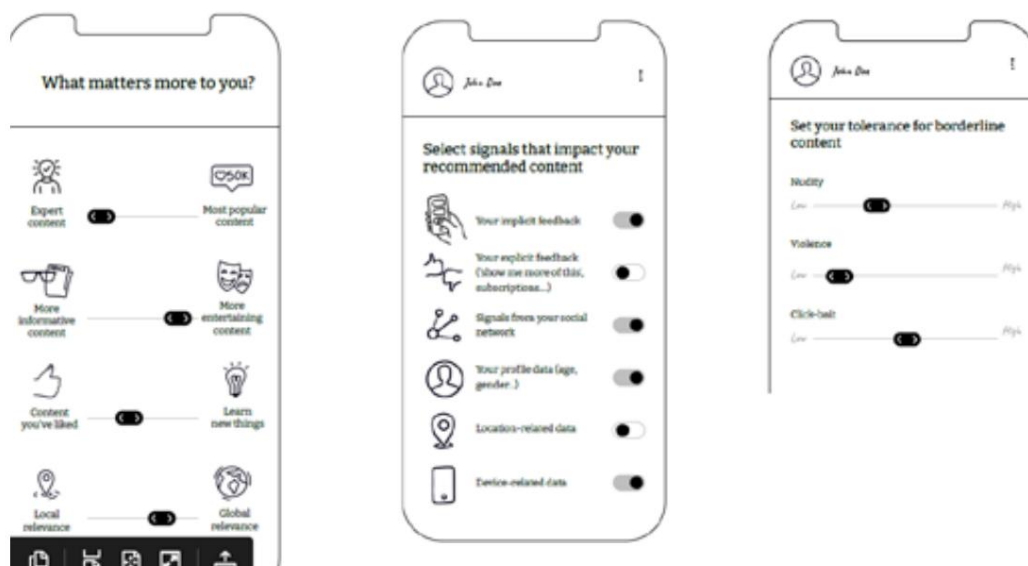


Source: Screenshot of the *Tournesol* plugin offering a community recommendation system.

Secondly, in line with the regulations on digital services and markets, it may also involve requiring these services **to offer users more choice in the recommendation and moderation of the platform's native features**. For social networks, the RSN is a first step in this direction with the obligation to offer a non-profiled content feed. However, the majority of platforms seem to comply with this obligation by offering a chronological feed without content curation, which is not a satisfactory alternative in terms of user experience and will probably be very little adopted. To go further, this setting could be extended, for example, to moderation or by giving the user even more room for maneuver in their choices. For example, the Bluesky platform offers users the opportunity to build their own recommendation algorithms using an interface that is both intuitive and very flexible, and to share these "feeds" (content feeds) with other users. Everyone is thus free to configure the content they wish to see on this social network, or to choose a trusted third party to whom they can delegate this task. More recently, the platform announced the opening of its content moderation system, even indicating that there was nothing to prevent community moderation services from offering their services for a paid subscription.



Source: Screenshots of the computer interface for building your personality feed and the mobile interface for accessing feeds on Bluesky.



Source: Modeling of social network configuration options proposed by Panoptykon Foundation and People vs BIGTECH, *Prototyping user empowerment*, 2023.

The first two modalities allow for customization and adaptation of the user experience, but maintain platforms as closed vessels with fully centralized governance. To achieve real plurality, and minimize the network effects that restrict competition in this market, it is necessary **to require the giants of the sector to make their services interoperable, through common protocols**. This interoperability can concern, on the one hand, access to content.

Thus, **the choice can for example be given to the user of the application environment that he wishes to use**, as is the case for example with Mastodon: the public API of the social network allows a rich ecosystem of third-party applications to exist, each offering its functionalities and allowing the user to choose the application that suits him best according to his needs, the interface that suits him, etc.



Source: Screenshots of various iOS apps that allow access to Mastodon (Toot!, Amaroq, iMast, Tootle) ¹

This is made possible by already well-established protocols such as ActivityPub (Mastodon) or AT (Bluesky), which could be imposed on platforms to make them more permeable and interoperable.

Public authorities can play a supporting role in the deployment of these infrastructures, this support being able to go as far as the creation of digital public infrastructures as advocated by several voices at the European level, notably [Open Future](#) which is campaigning for the creation of a European Fund for Public Digital Infrastructures ¹

This is also the vision defended by France during its presidency of the EU in the report *“Towards a sovereign digital infrastructure of commons”* published in June 2022.

This interoperability could also concern the functionalities of the platforms. In this case, we could go as far as consecrating a principle of unbundling, i.e. access to certain essential resources that the social network has to allow their exploitation by a third party entity (for example, access to the content library and their metadata, to an interface to access a user's preferences, etc.). This proposal had already been formulated within the framework of the *Etats généraux des nouvelles régulations du numérique* ³ and has since been developed further by various entities and individuals, including Maria Luisa Stasi ⁴.

This latest method of opening up social networks can also provide an answer to the design challenges of social network interfaces, which are currently characterized by the proliferation of misleading interfaces, or even *dark patterns*. While the latter will be prohibited by Article 25 of the Digital Services Regulation, many questions remain as to the precise way to characterize these interfaces.

In fact, *middleware*, third-party applications and unbundling can allow the user to turn to other environments that allow them to access content that does not use design for attention-grabbing purposes and highlighting toxic content. **These three modalities also involve ensuring the interoperability of services and the portability of user data.**

¹ « [The State of Mastodon iOS Apps](#) », *The Psalms*, 18 juillet 2021.

² KELLER Paul, « [European Public Digital Infrastructure Fund White Paper](#) », *Open Future*, December 16, 2022.

³ Digital Assembly, [Towards a sovereign digital infrastructure of commons. Report of the European working group on digital commons](#), juin 2022.

⁴ National Digital Council, [Digital States General. Summary of the “Competition” consultation](#), May 2020.

⁵ National Digital Council, « [Social networks: exploring the opportunity of unbundling. An exchange with Maria Luisa Stasi](#) », November 27, 2023.

Furthermore, as the National Digital Council points out: *"Among many other conditions linked to the protection of privacy or the legal framework for third-party devices, **the opening of social networks is only conceivable on the condition of having economic regulation that makes it possible to determine under what conditions access can or must be opened to a social network for the benefit of a third-party actor.**"*¹

In the perspective that social networks and search engines will no longer be the only ways of consulting online content tomorrow, it is important to also think prospectively about pluralism within new access tools. Concerning **voice assistants**, to avoid locking users in and guarantee the diversity of information transmitted to them, the CSPLA insists on the need **to ensure the diversity of content by demand** by giving the user *"the means to be informed but also to act on access to content, in particular by **giving them a right to configuration to broaden their choice of content in the ecosystem, but also to choose this ecosystem by removing the barriers to exit**, which implies facilitating their conditions for unsubscribing from the service and guaranteeing them a right to portability, and therefore interoperability"*.

Finally, in view of the possible emergence of **virtual immersive worlds** as modes of access to information, the National Pilot Committee for Digital Ethics (CNPEN) recommends *"**developing a configuration system that is easily understandable and accessible, at any time**, so that the user can express their choice among different options:*

• no adaptation of the immersive environment (all users who made this choice "see" the same);

• adaptation of the immersive environment taking into account its explicit declared interests

ment ;

*• adaptation of the immersive environment including modifications based on the exploitation of user data by the operator of the metaverse or by third-party companies developing an activity in this metaverse."*²

In any case, **the pluralism of algorithms will only be effective by supporting users' choices so that they are not simply instrumentalized**. The work carried out by the CSPLA on voice assistants, and that of People vs BIGTECH and Panoptikon on the configuration of social networks, insist on **the design of this configuration** to ensure that it is effectively understood and used by users. Work will certainly need to be carried out with designers to design a desirable, intuitive and comfortable configuration to use. In fact, **this openness must also be coupled with a sanction for misleading designs**: a list of settings that is too long, interfaces that are too complex, etc. can ultimately discourage choice and push people to accept the default configuration (the configuration of consent to the collection of personal data is a telling example).

The Digital Services Regulation sets milestones in this direction with the prohibition of *dark patterns*. in Article 25, recently supplemented by the European Parliament resolution on addictive interfaces. **It would therefore be appropriate to examine whether these provisions are sufficient or not**. If necessary, guidelines or delegated acts of the European Commission could be considered to clarify this framework.

¹ National Digital Council, *Cultivating the wealth of networks*, February 7, 2024.

² National Pilot Committee for Digital Ethics (CNPEN), *Opinion 9 of the CNPEN Metaverse: ethical issues*, February 29, 2024.

In addition, to increase the activation of these settings by users, **the arrival of this new right must be accompanied by an awareness-raising action or even training for them.** Indeed, if the latest study on the French and information conducted by Arcom shows that 86% of French people say they know that the information they receive on social networks depends on what they have previously viewed or liked, 85% that social networks choose to send them certain information rather than others and 63% that the information received depends on the preferences of other users, the research also shows that users are rather satisfied with the algorithmic curation of content and value receiving information that suits them or even reinforces their preferences and beliefs ¹

It therefore seems essential to make the issues surrounding the configuration of social networks more transparent, to make people understand the negative effects of current settings and to promote other options for users to navigate in a healthier environment.

Feasibility

Legal feasibility

Two regulatory vehicles can be mobilized:

• **Article 35 of the Digital Services Regulation** provides a non-exhaustive list of remedial measures for the systemic risks presented by very large online platforms and very large search engines. This could be enhanced by opening up the service's functionalities to third parties. On this subject, **the European Parliament voted on 12 December 2023 for a resolution on the addictive interfaces of very large platforms.** In this text, Parliament notably invites the Commission to explore, as a remedial measure for this systemic risk, the opportunity **to open up the network infrastructure in order to offer the user the possibility of configuring their experience.**

• **Article 6(4) of the Digital Markets Regulation** provides that *"the gatekeeper shall authorise and technically enable the installation and effective use of third-party software applications or software application stores using or interoperating with its operating system, and shall allow access to such software applications or software application stores by means other than the relevant core platform services of the gatekeeper."* Social networks could be added to this article.

In any case, the opening up of algorithms necessarily calls for **thinking about a legal framework providing for the conditions of access to the infrastructure of social networks and the financial compensation.** A public authority could be responsible for defining the technical and pricing conditions for access: imposing the opening of APIs, defining the technical parameters, regulating the prices for access to these APIs, etc. This framework deserves to be established at European level. It should also be noted that Article 20 of the European Regulation on Freedom of the Media (*Media Freedom Act – EMFA*) enshrines a right to personalisation of the media offering by providing that:

"Users have the right to easily change the configuration, including default settings, of any device or user interface controlling or managing access to and use of media services providing programmes, in order to personalise the media offering according to their interests or preferences in compliance with Union law."

This setting must be systematically and clearly visible. This provision also provides an additional building block allowing us to consider a wider setting and opening of social networks towards a pluralism of algorithms.

Technical feasibility

Examples of pre-existing *plug-ins*, customization parameters offered by Bluesky or the application universe allowing access to Mastodon demonstrate the technical feasibility of these different methods towards a pluralism of algorithms. If necessary, the Digital Regulation Expertise Center (PEReN) could be mobilized to clarify certain more specific technical aspects.

¹ See in particular LUMEAU Marianne, PELTIER Stéphanie, DEJEAN Sylvain and TARROUX Benoît, "A preference for filter bubbles?", *Intervention at the Arcom study day, November 16, 2023.*

Proposition no 2

Strengthen the specific obligations of very large digital platforms by adding mandatory distribution of information content published by the information media.

Stake

Key message

The regulation on digital services marks the latest step in a series of texts regulating digital platforms, particularly the largest ones, establishing the status of very large online platforms and very large search engines whose obligations are reinforced.

However, platform algorithms tend to reduce the visibility of media content, a dimension that is not very present in the text. This leads to a weakening of their economic model but also calls into question the pluralism and quality of democratic and collective debate, in a context of increasing use of digital services to access information and the editorialization of content by these platforms.

Details

Framed by the status of host, as defined by the e-commerce directive establishing the duality between publisher and host, platforms are subject to only a small number of obligations concerning the way in which they treat the content that is published on their services. The unsatisfactory nature of this duality for grasping the reality of platforms has long been identified¹. Indeed, despite this categorization, **the platforms have gradually developed "a form of editorialization in fact and not in law"**². This hierarchization of content is carried out algorithmically, on the basis of numerous criteria, opaque to the user and the regulator and variable according to the purpose of the service ("supposed interest of the content, identity of the author, existence of remuneration, preferences and uses of the user, etc."). **In a sense, this content management is necessary:** the arrival of Elon Musk at the head of the social network X and the marked decline in moderation on it has shown to what extent the abandonment of this function has deleterious effects. **But this situation is not without posing problems with regard to democratic life,** as the Council of State points out: *"The appearance of social networks in the information sphere has further reinforced the polarization of the debate since the latter, which are not media in the strict sense, claim their status as hosts and are not subject to the principle of pluralism"*³. Faced with this observation, several institutions and organizations have proposed the consecration of an intermediate status making it possible to strengthen the obligations of the platforms without qualifying them as publishers:

¹ Council of State, Annual study 2022. Social networks: issues and opportunities for public authorities, 2022.

² Mission "Regulation of social networks – Facebook experiment", *Creating a French framework for accountability of social networks: acting in France with a European ambition*, May 2019.

³ Council of State, *Annual Study 2022. Social networks: issues and opportunities for public authorities*, 2022, citing MISSIKA Jean-Louis and VERDIER Henri, *The Business of Hate. Internet, democracy and social networks*, Calmann-Lévy, 2022.

Ÿ **The 2014 annual study of the Council of State** on digital technology and fundamental rights proposed to eliminate the dual legal regime opposing publishers and hosts, so that **an intermediate status of "platform" could be established**, in order to strengthen the civil and criminal liability of online services that are not simple hosts;

Ÿ **The Senate's 2018 resolution proposal** on the partial liability of hosts proposes the creation of a third **status of "publisher of online services"** and calls for the revision of the e-commerce directive;

Ÿ In 2016, **the association La Quadrature du Net** proposed creating a **"displayer" status**, which implies an obligation of loyalty towards the consumer, covering: transparency on the platform's priorities, the right to configuration, data portability, the freedom to choose applications, etc.

These three proposals are essentially reflected in the regulation on digital services, which has strengthened the obligations of platforms in the sense proposed by these actors. **This text establishes a strengthened, harmonised and asymmetrical liability regime** by supplementing the limited civil and criminal liability regime with a specific administrative liability regime, in particular for very large digital platforms and very large search engines. This regulation adopts a risk-based approach: very large platforms must annually assess the systemic risks they present – for example with regard to the protection of fundamental rights or civil discourse – and implement measures to mitigate these risks – for example by modifying their recommendation or moderation systems. On the other hand, this text does not directly address a major issue: **for several months** (more or less 18 months, in particular since the entry into force of regulations on related rights) the platforms have been operating **a marked disengagement with regard to information sites, thus weakening the distribution of information**, which is observed at the global level .

This observation is true for most of the actors concerned by the regulations on digital services and markets:

Ÿ **Facebook** is taking responsibility for the drastic (or complete, as in Canada) reduction in content from news sites. For years, Meta has modified its algorithms to reduce the weight of media content on the news feed to favor content from Facebook friends, but also from pages sharing entertainment or groups. According to Reuters figures, traffic to media sites from Facebook fell by 35% over one year in July and by 74% compared to 2020. Ÿ **Google** is continuing its "zero click" strategy of keeping Internet users on its page by reducing outgoing links to news sites. To compensate for this drastic drop in traffic from *search*, Google is encouraging content publishers to publish

articles on "Discover", a tool that favors the lowest quality formats.

Ÿ **Twitter**, now X, has been facing a resurgence of false information since its acquisition by Elon Musk, in parallel with the reduction of moderation teams.

PEReN is currently conducting a study of the influence of user profiling on the recommendation and visibility of press content which could contribute to a deeper understanding of current developments.

Thus, as mentioned in proposal no. 1, platforms pose a double problem for the consumption of information: a reduced selection and a limited quality of the information made available to Internet users. At the same time, general interest digital information media are read less and less, **penalized by an increasingly reduced exposure (or even deletion) of these platforms which now concentrate the consumption of information**.

However, in the fields of the press and audiovisual, French and European regulators have always ensured and secured **the distribution of information content to the greatest number**.

For the press, the Bichet law of 1947 established a solidarity mechanism for press distribution, requiring cooperatives to accept all publishers wishing to be distributed. For the audiovisual sector, the regulator imposes universal distribution (distribution obligation) for essential information content. This "essential" content is characterized by the importance given to satisfying the general interest of the channels: the "must carry" principle .

In addition, the Arcom study "The French and information" shows that 49% of French people get their information daily from search engines and 47% from social networks and respectively 65% and 56% on a weekly basis¹ . **Given the growing trend of these tools as a means of accessing information, it is therefore important to ensure that users find quality information there.**

To date, in digital media, there is no regulation to secure the distribution of professional information content, leaving the field open to platforms that often display low-quality content using opaque and complex algorithms.

Implementation modalities

In line with the Digital Services Regulation, very large online platforms and very large search engines could be subject to an additional "*must carry*" obligation : like kiosks, these platforms must offer non-discriminatory access to information media. **This obligation would therefore not make them responsible for the content but for the display of the latter.** Beyond the simple obligation not to discriminate against the content of information media, it could be envisaged that this status would be accompanied by **an obligation to recommend this content**. This proposal is in line with that formulated by the Syndicat des éditeurs de la presse magazine (SEPM), which suggests "*initiating a study on the referencing and presence of press titles on platforms and search engines in a dominant position*" and "*depending on the results, considering imposing a "must offer" obligation on platforms and search engines in a dominant position which would make it possible to reflect, online as well as at newsagents, the general press offer based on the CPPAP certificate*". 2.

It should be noted that **this obligation to promote media content would be imposed only on the algorithms that very large platforms and very large search engines provide and without prejudice to the ability of third parties to propose algorithms** (in the perspective of the opening of these services as proposed in proposal no. 1).

¹ Arcom, The French and information, March 14, 2024.
² Contribution of SEPM to EGI.

Feasibility

On the legal vehicle:

• The recently passed European regulation on media freedom (RLM or *Media Freedom Act*, MFA) contains similar provisions. These are grouped together in section 4 of the compromise agreement of 19 January 2024. These provisions take up the asymmetrical approach of the regulations on digital services and markets and only concern very large online platforms. Particularly notable is Article 17, detailed in particular in recitals 31 to 35:

- Article 17 establishes a **distinction between media and other content producers in terms of moderation by platforms**. It provides that very large digital platforms must justify and inform media providers when they wish to **suspend or restrict the visibility of the latter** and give them 24 hours before acting. In the event of disagreement, the platforms engage in a constructive mediation dialogue within a reasonable timeframe. To do this, media companies must register with the platform, which allows the latter to act on accounts and not on content in order to comply with the general ban on monitoring the content of very large platforms provided for by the Digital Services Regulation. Platforms will have to report annually on this subject.

• The Digital Services Regulation (DSR) that has just come into force lists a number of enhanced obligations applied to a new category of actors: very large online platforms and very large search engines (VLOPs): • **Article 34** provides for **the assessment** by these actors **of systemic risks**

related to the design or operation of their services and related systems, including algorithmic systems, or the use made of their services. These risks include in particular the fight against the spread of false information in the context of the update of the European Code against Disinformation.

- In addition, **Article 35** provides that these actors implement **reasonable, proportionate and effective mitigation measures**, adapted to the specific systemic risks identified, including tests and adaptations of their algorithmic systems, including their recommendation and moderation systems.

At the crossroads of these two texts, the *must-carry* obligation could be added to the toolbox of remedial measures provided for in Article 35 of the RSN. This would allow, on the one hand, to be inserted in the extension of this asymmetrical regulation. On the other hand, the VLOPs will be able to rely on Article 17 of the RLM to determine the actors towards whom they exercise particularly cautious moderation, or even a highlighting of their content as a remedial measure for the systemic risks they present.

On the media concerned: a question remains as to the publishers whose content will necessarily be offered by the platforms. A consensus emerges as to the obsolescence of the criteria of the Joint Commission for Publications and Press Agencies (CPPAP) for defining press sites and general information press sites. Other ways of qualifying these publishers can be considered, such as certification by a standard like the *"Journalism Trust Initiative"* supported by Reporters Without Borders. In general, **it is important to continue the work and reflection on the certification of general interest media.** In particular, we must think beyond the criteria retained by the neighboring rights of the press, to include the arrival of actors who go beyond the traditional criteria while providing quality information and meeting journalistic ethical requirements - for example, creators of online informational content.

This obligation must be associated with data feedback, algorithmic tests, etc., to ensure that the *must carry* principle is actually respected.

Proposition no 3

Pushing content publishers to come together to protect and monetize their rights

vis-à-vis digital platforms and AI companies, where appropriate *through* the collective management of these rights and ensuring the traceability of content generated by AI. **Promote the establishment of a French-language content and data offering for AGI models.**

Stake

Key message

The technologies as they are currently developing do not allow a sustainable economic model for the media and present a significant risk for the funding of journalists. The media have an interest in presenting, if not a united front, at least in grouping together against the major players in AI.

To do this, they must be equipped with objective observations on the state of the market.

Details

Digital technologies are disrupting value chains, including the distribution of market shares between traditional media and digital platforms. Generative AI tools have revived this topic of **capturing the value generated by a very large number by a few very large companies**. **The media in particular** (both traditional and newer, such as Wikipedia) **are sources of value for digital platforms**. For social networks and search engines, they are **audience vectors**. For artificial intelligence systems (*chatbots*, virtual assistants, etc.), they are **sources of high-quality data**, essential for training their systems, most often without compensation.

Faced with this situation, different strategies have been adopted by content publishers. With regard to social media platforms and search engines, the most popular route is that of **neighboring rights** (in line with transposition law no. 2019-775), **not without difficulty in terms of their effectiveness and efficiency**. GESTE emphasizes that *"the results are very disappointing, the objective of sharing value with platforms and rebalancing relations between publishers and platforms are far from being achieved."*¹ This is due in particular to **the lack of transparency in the assessment of the basis of neighboring rights**, which remains in the hands of the dominant platforms, and the questioning of the scope of application of the text by certain platforms that do not consider themselves covered. Similarly, **neighboring rights maintain a bilateral approach**, which prevents the media from presenting a united front against large digital companies in negotiations. X (Twitter) has for its part always refused to negotiate with publishers on the grounds of neighboring rights, whose case was brought before the Paris judicial court. On May 24, the judges ordered X to provide a series of commercial data allowing them to evaluate the income it derives from press content.

¹ GESTE contribution to EGI, "State of play of the implementation of neighboring rights of publishers and press agencies and possible solutions".

Among other things, the social network must communicate the number of views and click-through rates on its publications, the number of engagement channels (retweets, quotes, replies, likes, shares, etc.), as well as "advertising revenue generated in France on X" in connection with these publications, according to the judgment. **Abroad, too, discussions are not without their difficulties**, as the Canadian situation illustrates¹. However, **other states seem to have found a more peaceful path, such as Australia**, which has built its framework on competition law and requires major platforms (Google and Meta) to negotiate with the media on the prices of their information. After a period of two months, if no agreement is reached, the competition regulator will arbitrate in favor of the offer deemed most reasonable to rectify the asymmetries of power. While the law was initially controversial, with some worrying that it would favour large media groups, it has emerged that overall payments to media of all sizes have increased. In total, AUD 200 million (around €120 million) have been paid by platforms to media outlets in more than thirty deals between Google or Meta and Australian media outlets. However, Meta announced in early March 2024 that it would stop paying Australian media outlets for their news and would remove news content from its Facebook News tab in Australia. Similar announcements have already been made for the United States, Great Britain, France and Germany. California, for its part, voted in June 2023 the *California Journalism Preservation Act* (CJPA) which requires large platforms to pay a "journalism usage fee" to publishers of content defined in the law. At the federal level, the *Journalism Competition and Preservation Act* (JCPA) was proposed in 2023 to authorize eligible publishers, particularly small structures with limited means, to form a joint entity with other eligible publishers in order to negotiate together the prices and conditions by which online platforms (the text being limited to the largest players) use their content. This text was ultimately rejected by the American Congress.

The question of the applicability of related rights is also becoming increasingly complicated with the arrival of generative AI tools that reuse and transform publishers' content, making it difficult to trace, and calling into question the qualification of original work necessary for the attribution of these rights. Beyond the use of data without compensation, **these technologies also compete with the media in terms of audience**, whether due to referencing by major platforms or, tomorrow, through access to information via generative AI tools without going through the media interface. For example, the American media outlet *The Atlantic* estimates that the use of Google's AI-enriched search engine "SGE" (*Search Generative Experience*) - currently deployed only in the United States - will lead to a 70% drop in traffic from the engine³. For its part, Google claims that this service will complement the traditional search engine by making it possible to answer complex questions for which the search engine is not necessarily efficient⁴.

Faced with these new tools, the players have also adopted different attitudes. Some groups, such as Alex Springer or *Le Monde*, have chosen to **negotiate and contract** with AI companies. This is also the choice of certain social networks such as Reddit, whose data is particularly used by AI companies since they cover a wide range of subjects in familiar human language. This involves sharing data with the company, in this case OpenAI, both for training or refining the language models that form the basis of AI tools (LLM) and to enrich them by allowing them to draw hot content from the media concerned during user requests. This system is called the "RAG system". Thus, the responses are supplemented with sources and links to the signatory publishers. Others have chosen agreements to sell cold content, such as the AFP archives.

¹ "Meta officially begins blocking Canadian media on Facebook and Instagram." *Le Monde*, August 2, 2023.

² "News/Media Alliance applauds California State Assembly for passing California Journalism Preservation Act." *Editor & Publisher*, 2 juin 2023.

³ GESTE contribution to EGI, "GENERATIVE AI Analysis of issues and perspectives for online media".

⁴ Google hearing by the EGI.

However, these agreements present risks in terms of pluralism, discoverability, sovereignty and representativeness of information sources and content offered to users that would be unilaterally determined by generative AI providers¹. These agreements are also concluded in a hurry and raise questions about their long-term efficiency and their truly fair and balanced nature. Finally, once the largest media players have contracted with AI companies, the latter will have little need of the smaller players in the sector, which risks increasing asymmetries between media. In return for this access to media content, the media parties to the agreement benefit from access to OpenAI technologies to improve the functioning of their editorial offices.

Others have **chosen the offensive by filing a complaint** against AI companies, such as the *New York Times* or Getty Images, with great difficulty in assessing the damage suffered. Finally, **some structures prefer to close access to their data by asserting their right to opt-out** enshrined in the so-called *"text and data mining"* directive, while waiting for satisfactory conditions in the use of this data in terms of transparency, compensation and copyright protection. This closure strategy is not new, some media have already used it to avoid appearing on Google News and several social networks have erected constraints, particularly pricing, on access to their APIs.

However, **this reflex of closure ultimately calls into question "the possibility of benefiting from services based on French or European data, and therefore our culture"** ² with the risk of being competed with by foreign tools and content, particularly American, further reducing cultural and informational diversity to the detriment of all.

For the National Digital Council, *"this situation is due in particular to the fact that it remains in reality very difficult to establish the value of the information used by artificial intelligence services and in particular by large language models"*. This vagueness concerns both the characteristics of the data used for training but also the value of these for the quality of the models, during training or refinement and for the results proposed to users. Data transparency alone therefore seems insufficient to respond to this problem: while it can provide an answer to the issues of traceability and possible copyright, it does nothing to resolve the issue of the evaluation and valorization of this data. Furthermore, defining a harmonized method of remuneration today, without visibility and in-depth understanding of these issues and of the emerging economic models, risks favoring the largest players.

¹ GESTE contribution to EGI, "GENERATIVE AI. Analysis of issues and perspectives for online media".

² National Digital Council, *Cultivating the wealth of networks*, February 7, 2024. —

Implementation modalities

Faced with this situation, several stakeholders, such as GESTE and the National Digital Council, recommend supporting content publishers to protect and monetize their rights by allowing them to rely on **"impartial economic and societal sectoral analyses, enforceable against solution providers and validated to a certain extent by public authorities so that they are made difficult for generative AI providers to challenge".¹** This involves having statistical or market information and bringing together the state of scientific and administrative knowledge to inform economic regulation and move away from the current situation where data most often comes from the stakeholders themselves, placing them in a position of strength in negotiations and the definition of rules.

For GESTE, these analyses may have the following objectives:

- *"Better understand the importance of professional media content on quality and reliability results from Generative AI engines;*
- *Analyze the impact and highlight violations of intellectual property rights; • Develop precise modalities for the transparency of the sources that feed generative AI, encompassing both crawled corpora and content uploaded by users;*
- *Analyze how qualified and quality content can be used to improve the reliability and performance of generative AI models and avoid hallucinations or the generation of false information;*
- *Anticipate changes in uses of access to information and analyze the economic impacts which result from it;*
- *Determine the impact of these technologies on the very foundations of freedom of the press (in particular on pluralism) by evaluating the impact of a massive opt-out of professional news sites, leaving generative AI providers to train themselves against false information and re-ingesting their own results, with the risk of intoxication for generative AI providers and that for the media of not being part of this new deviant public information sphere.*

For the National Digital Council, this role could be taken on by a "trusted platform": *"This platform will have to be able to rely on the sources of information and research available on language models, and probably above all commission and guide studies and research that can be opposed in order to have elements that allow us to understand and evaluate the relative importance of the information, its quality and variety, to develop tools, implement metrics, etc."*

2

For its part, the French Centre for the Exploitation of Copyright (CFC) recommends *"reaffirming the usefulness of collective management, which can serve as a one-stop shop for collecting copyright and related rights from platforms, alongside the possibility of concluding individual licenses"* and *"imposing the transmission by BtoB platforms of data enabling the assessment and distribution of royalties due under related rights and copyright: the Bill "aimed at strengthening the effectiveness of related rights in the press" tabled by Mr. Laurent ESQUENET-GOXES and other parliamentarians in the majority proposes to determine by decree the list of information that must necessarily be transmitted to rights holders by platforms in order to allow a transparent assessment of the amounts due under related rights and their distribution. As an extension, it is proposed that this obligation be applicable to BtoB platforms and also cover copyright"*³.

¹ GESTE contribution to EGI, "GENERATIVE AI. Analysis of issues and perspectives for online media".

² National Digital Council, *Cultivating the wealth of networks*, February 7, 2024.

³ CFC contributions to EGI.

Based on these proposals, **it would be a question of considering the creation of an independent institution responsible for both carrying out and publishing objective statistical studies on the media economy in the era of generative AI and the sources of value creation**, making it possible to shed light on regulation and the sharing of value; and of **maintaining a *data safe*, i.e. a third-party actor responsible for controlling access to data that would serve as an intermediary between publishers and generative AI providers in the negotiation of remuneration for the use of data**. These conditions of remuneration will be informed by the data and elements of understanding and analysis established by the study mission of this body, for example the volume and weighting of content protected by copyright in the training data and in the results of queries, or the development of metrics evaluating the semantic proximity between content protected by copyright and the responses produced by the model.

Having this single intermediary actor would also make it possible to avoid the multiplication of bilateral agreements between digital companies and media players that could lead to asymmetrical remuneration conditions between the players and would keep publishers in a situation of dependence on digital companies that would remain the only ones to hold the essential data to understand how and to what extent the media contribute to the creation of value on their services. Finally, a questioning could be conducted to define the data accessible *via* this *data safe*, for example if it is necessary to define a news reserve period to exclude the hottest content and thus get out of the time of excitement or even manipulation. These elements must be decided collectively.

Such an actor would have **five advantages**:

- Inform the sector with quantified and reliable statistical information;
- Give rights holders collective bargaining power to weigh together against major digital players;
- Plot the datasets that were used in training and inference as well as in the RAG systems framework;
- Save resources by preventing each actor from *scraping* the same data each time his side;
- Have better traceability of data usage to then decide on remuneration.
tion of the actors.

In the audiovisual sector, a public service such as the National Audiovisual Institute (INA) saves and hosts content under the legal deposit system. It therefore has the data and tools to develop a *data safe type offer*. In particular, it has developed *fingerprinting* technology as well as the Signature software for tracking rights holders' content. These tools could constitute the first building blocks of the *data safe*. The National Library of France could assume this role with regard to the written press. In both cases, the feasibility of these projects would deserve to be studied with full respect for rights holders.

Although not mandatory for publishers, this infrastructure currently presents the only viable means of developing a way of valorizing media data in the AI era while guaranteeing respect for copyright and the integrity and traceability of content. **It is about inviting the sector to come together and form a common front to have more weight in the negotiations.** In fact, the effectiveness of such a system will depend greatly on the involvement of publishers in it. Several elements can promote this, in particular the establishment of a **process of support from the public authorities** to encourage data sharing by guaranteeing protective conditions. In addition, adherence to this system will depend on the **trust** that media players place in it, so it is essential **to ensure the impartiality of this trusted third party and to conduct solid discussions on its governance in order to guarantee a shared interest.**

Feasibility

For the National Digital Council: *"The legal forms that such a platform could take are varied, but in any case, it should ideally involve the various stakeholders or a trusted intermediary. This could rely on institutions dedicated to research such as Inria and/or other academic structures and be as much as possible part of a European dimension."* For GESTE: *"Collaborations with public research, for example via PEReN or INRIA, should be considered from now on in order to better understand the technical functioning, and to assess its potential and risks."*

Concretely, **initially, this body could be created at the national level**, drawing on the work already produced in this area by the CSPLA, the Competition Authority, Arcep or even the results of the European public consultation on competition in the generative AI sector.

This mission could be entrusted to a new entity or to a pre-existing body. It could, for example, rely on the **national network for the coordination of the regulation of digital services.**

established by the law aimed at securing and regulating the digital space, which is made up of all the competent administrative authorities (Arcom, CNIL, Arcep, etc.) and the main government departments (DGC- CRF, Pharos, etc.) involved in the field of digital regulations. If a new structure were to be created, it could take many forms: research center, observatory or national institute, attached or not to an existing structure. The system must be co-constructed with the stakeholders concerned.

But **this project must necessarily be part of the perspective of cooperation between national institutions and European institutions from the outset**, given the size of the digital companies concerned, the regulatory framework in force and the increasingly transnational nature of media groups. National work could feed into that of the **AI Office** created by the European **regulation on AI**. This text encourages cooperation on exploration topics between national institutions and the European institutions designated in the regulation to explore topics, including those on the margins of the regulation but falling within the competence of the institutions. This approach is also part of the principle of loyal cooperation between the Member States and the Union. The AI Office will be fed by several bodies: the Advisory Forum (bringing together stakeholders from the sector from academia, civil society and academia), the Scientific Group of Independent Experts (responsible for advising the Office on the assessment and classification of general-purpose AI models in particular), the AI Committee (responsible for supporting national authorities in setting up regulatory sandboxes), the European Data Protection Centre or national regulatory authorities. **These bodies could be fed by national analyses and brought together in a joint mission to study the sharing of value between media and digital platforms and AI companies at European level.** In the medium term, **the data safe mission, also articulated between the national levels** (for example with the INA and the BNF in France) **and the European levels, could be considered within the framework of the revision of the AI regulation by 2027**, leaving time to reflect and co-construct with the rights holders the most appropriate system and to feed this project with the in-depth studies produced by the bodies previously proposed.

Proposition no 4

Establish a specific status for influencers with a large audience to better regulate the super-propagators of false information.

Impose specific supervision on digital platforms with reinforced requirements to combat disinformation.

Stake

Key message

The production of fake news online is concentrated in the hands of a small number of players with a very large online strike force. These super-influencers use the algorithms of digital platforms to propagate toxic content on a large scale, from which they derive substantial income.

Details

The algorithms of digital platforms are being exploited by “super-propagators”, disinformation influencers who share false, manipulative and misleading content en masse. For example, the studies of the *Center for Countering Digital Hate* on this subject are extremely enlightening. In November 2021, the center published a first study devoted to climate-skeptic influence on Facebook¹.

It turns out that **10 accounts are responsible for 69% of climate-sceptic content on the social network, totaling 186 million subscribers.** In May 2022, a new study dedicated this time to disinformation on the Covid-19 pandemic and vaccination on Facebook and Twitter reveals that **65% of false information on the subject comes from 12 accounts, totaling 59 million subscribers**².

However, mathematical models show that **from the moment when only 10% of network participants are committed to disinformation, all the rest**³. For these actors, information manipulation represents

The network will in turn be on

board with a significant financial windfall. To take just the example of the 10 accounts sharing the majority of climate-sceptic content on Facebook, these accounts generated **\$5.3 million in advertising revenue** on Google over the last six months *via* 1.1 billion visits to their websites over the six months preceding the publication of the study, including \$1.7 million for the benefit of Google.

However, **the creation of fake news online cannot be explained solely by economic interest.** Mehdi Moussaïd, a cognitive science researcher at the Max-Planck Institute in Berlin, distinguishes three main profiles of creators of fake news: scammers whose motivations are purely financial as we have just mentioned, but also creators of fake news who respond to **political motivations**, in order to advance a particular camp or candidate and, finally, those who create fake news to **make humor**, making the line between satire and *fake news* sometimes blurred⁴.

¹ Center for Countering Digital Hate (CCDH), *The Toxic Ten*, 2 novembre 2021.

² Center for Countering Digital Hate (CCDH), *The Disinformation Dozen*, mai 2022.

³ BUTTS David J., BOLLMAN Sam A. et MURILLO Michael S., Mathematical modeling of disinformation and effectiveness of mitigation policies, *Scientific Reports*, 2023, vol. 13, no 1, p. 18735.

⁴ Quoted by PAULIC Manon, “Journey to the land of faked images: Fake news, lies and videos”, *Le Un hebdo*, June 2, 2021.

These actors now have new tools at their disposal to propagate their false information, including generative AI tools that allow them to create extremely realistic false or manipulative text, image or video content. For example, *NewsGuard* reports having identified **17 TikTok accounts** using “**text-to-speech**” software, i.e. **converting text into synthesized speech, to propagate conspiracy theories** ¹

By September 2023, one such account created in June of that year had already posted 5,000 videos, most of them featuring AI-generated voices, with 336 million views and 14.5 million likes. More recently, **a network of 30 YouTube channels with 730,000 subscribers and 120 million views sharing pro-China and anti-US content was revealed by the Australian Strategic Policy Institute**. ² Several of these videos were generated with AI tools. The number of these sites powered by AI-generated content has also exploded in recent years. While *NewsGuard* counted 61 “untrustworthy AI-generated news sites” in 2021, the organization counted 651 in January 2024, in 15 different languages. **Generative AI tools also mark a new advance in deepfakes**, that is, “a ‘hyper-real’ falsification of images, videos or audio files, carried out using algorithms, affixing the image and/or voice of a person on another person in order to make them do or say things that they have never actually done or said” ³. Again, this content is not new. However, it is now accessible to everyone easily and free of charge.

While they are frequently used for humorous purposes, they can also have particularly harmful consequences for individuals and democracies. At the individual level, *deepfakes* are particularly used to create pornographic content: 96% of *deepfakes* are non-consensual pornographic content, almost exclusively depicting women ⁴. At the political level, the Slovak legislative elections held in the fall of 2023 were the target of these hyper-realistic tricks: Michal Simecka, leader of the Progressive Slovakia party and leading the polls, was the victim of a deep audio trick in which he was heard discussing with a journalist how to rig elections by buying votes from the country's Roma minority and making humor about child pornography ⁵. Finally, AI tools not only have an impact on the creation of content that may be erroneous, misleading or manipulative, but also on its dissemination. **These technologies make it possible to create fake accounts on social networks to massively relay this content.** Auditioned by Working Group No. 1, Lê Nguyễn Hoàng reported, for example, that since 2018, each year, Facebook has removed 6 billion fake accounts from its platform. These uses should be compared with the results of academic research tending to show a **preference of users for content generated automatically or co-produced with the machine compared to writing produced by a human** ⁶.

It is possible to hypothesize that this preference comes from the fact that content produced or co-produced by the machine is easier to process. The use of AI tools for the purpose of manipulating information therefore presents the risk of being simpler, less expensive but also more credible ⁷.

¹ PALMER Coalter, « [AI Voice Technology Used to Create Conspiracy Videos on TikTok at Scale](#) », *NewsGuard*, September 28, 2023.

² HSU Tiffany, and LEE MYERS Steven, « [Pro-China YouTube Network Used A.I. to Malign U.S., Report Finds](#) », *The New York Times*, 14 décembre 2023.

³ National Digital Council, [Stories and counter-stories. Route of false information online](#), June 2021.

⁴ “[AI: Self-regulation of foundation models would endanger human rights](#),” *Le Club de Mediapart*, December 4, 2023.

⁵ ZUIDIJK Daniel, « [Deepfakes in Slovakia Preview How AI Will Change the Face of Elections](#) », *Bloomberg*, October 4, 2023.

⁶ ZHANG Yunhao et GOSLINE Renée, Human favoritism, not AI aversion: People's perceptions (and bias) toward generative AI, human experts, and human-GAI collaboration in persuasive content generation, *Judgment and Decision Making*, 2023, vol. 18, p. 41.

⁷ SPITALE, Giovanni, BILLER-ANDORNO, Nikola, et GERMANI, Federico. AI model GPT-3 (dis) informs us better than humans. *Science Advances*, 2023, vol. 9, no 26, p. 1850 ; WILLIAMS Rhannon, « [Humans may be more likely to believe disinformation generated by AI](#) », *MIT Technology Review*, 28 juin 2023.

Implementation modalities

A status of "wide audience influencers" could be considered to regulate, in particular, the super-propagators who are at the origin of the majority of false information online. This status would be accompanied by obligations for content creators and platforms:

- **For digital platforms**, it may be considered to impose **specific supervision of influencers with a large audience, by imposing reinforced requirements to combat disinformation**. These procedures must be transparent (for example through an annual publication reporting on the accounts and content targeted in this context over the past year) and contestable by the accounts targeted. This mission must be coordinated with the fight against systemic risks within the framework of the regulation on digital services, article 34 of which notably includes the **risks to civic discourse** which may apply here and within the framework of the European Code on disinformation.
- **For the holders of these accounts, they will have to be made more responsible for the content they share**, particularly concerning two types of content:
 - False information likely to disturb public order;
 - Deepfakes .

In particular, the qualification of influencer with a large audience could constitute an **aggravating circumstance at the criminal level** in view of their audience and the societal and democratic consequences that their statements can generate.

Feasibility

Several texts in France and in the Union must be examined in the light of this objective:

- **The law of 22 December 2018 on combating the manipulation of information**. It requires transparency regarding the identity of the natural person or the company name, registered office and corporate purpose of legal entities paying them remuneration in return for promoting information content relating to a debate of general interest.
- **The law of June 9, 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks**. This text establishes a legal definition of influencers. These are people who, for remuneration or benefits in kind, *"mobilize their notoriety with their audience to communicate"* online *"content aimed at promoting, directly or indirectly, goods, services or any cause"*. This is therefore an essentially commercial definition of an influencer. However, the "any cause" mentioned in the text could be interpreted to regulate the remuneration of influencers in the context of partnerships inviting them to promote ideologies and political causes, including in the context of information manipulation campaigns.

This definition is accompanied by transparency obligations towards consumers according to a defined matrix to explicitly specify whether the product or service highlighted was offered or whether the influencer was paid to talk about it. In the event of failure to comply with these obligations, influencers are liable to a fine of up to 300,000 euros, which may be accompanied by a prison sentence and/or a ban on practicing.

It should be noted that this text was rejected by the European Union on the grounds that some of its provisions would contradict several European texts: the e-commerce directive and the regulation on digital services ¹. To remedy this, the law containing various provisions for adaptation to European Union law of 22 April 2024 authorises the government to adapt these provisions by order, within a period of nine months. These adaptations will concern Articles 1 (definition of influence), 2 (occupation of influencer agent), 4 (sectors prohibited from promotion), 5 (mention of the advertising nature), 8 (contracts between influencers and agents) and 9 (insurance of non-European influencers) and will make it possible to take into account the comments expressed by the European Commission as part of the notification procedure of the law. In addition, 5 articles of the law falling within the scope of the RSN are repealed: Articles 10, 11 and 12 (reporting, moderation and removal of illegal content), 15 (cooperation between platforms and regulators) and 18 (notification to the European Commission).

¹ PELOIS Joséphine, "The law on influencers could be revised: but why?", *Capital*, October 10, 2023.

• **The law aimed at strengthening the fight against sectarian excesses and improving support for victims.** Chapter III of this text promulgated on May 10, 2024 aims to protect the health of consumers against sectarian excesses, particularly on social networks, by creating two offenses of incitement to abandon or abstain from therapeutic or prophylactic medical treatment, on the one hand, and the adoption of practices presented as having a therapeutic or prophylactic purpose and as beneficial for health, on the other hand, when it is clear that this incitement exposes the person concerned to serious consequences for their health. In the event of a breach, the penalty may be up to 3 years' imprisonment and a fine of 45,000 euros.

• **The European Code on Disinformation updated in 2022.** Initially signed in 2018, the Code was revised in 2022 in anticipation of the entry into force of the Digital Services Regulation (DSR). Signed by 44 platforms, online advertising players, associations and specialist players, **this text is mainly intended to dry up the financing of disinformation, slow its dissemination, help users protect themselves from it and support researchers and fact-checkers.** Anticipating the DSR, this text is binding on very large platforms with more than 45 million users in the European Union. However, Apple and Amazon are not among the signatories of this Code and X (at the time still Twitter) withdrew from the Code in spring 2023 following the acquisition by Elon Musk. The Code's provisions on **demonetisation** are particularly interesting: *"The strengthened Code aims to ensure that providers of disinformation do not benefit from advertising revenues. Signatories commit to take stronger measures to prevent the placement of advertisements alongside disinformation, as well as the dissemination of advertisements containing disinformation. The Code also establishes more effective cooperation between advertising industry players, thereby strengthening joint action."*¹ The Code also imposes increased transparency in **political advertising** through clear labelling, clearly displaying the sponsor, associated expenditure and the display period. These political advertisements will be classified in easily searchable ad libraries.

For **users**, the Code aims to better protect them through tools to recognize, understand and report disinformation, by flagging authoritative sources and by implementing media and information literacy initiatives.

The Code requires signatories to provide increased support for **research and fact checkers** on disinformation, including through broader access to data.

¹ Code of good practice against disinformation 2022.

ÿ Concerning **deepfakes**, the French legal framework has long remained vague and incomplete.

It was enriched by the law aimed at securing and regulating the digital space (SREN) of May 21, 2024, which contains measures to this effect provided for by article 21 amending article 226-8 of the Penal Code:

"Bringing to the attention of the public or a third party, by any means whatsoever, a montage of a sexual nature made with the words or image of a person, without their consent, shall be punished by two years' imprisonment and a fine of €60,000. Bringing to the attention of the public or a third party, by any means whatsoever, a visual or audio content of a sexual nature generated by algorithmic processing and reproducing the image or words of a person, without their consent, shall be considered to be the offence referred to in this paragraph and punishable by the same penalties. [...] The penalties provided for in the same first paragraph shall be increased to three years' imprisonment and a fine of €75,000 when the publication of the montage or content generated by algorithmic processing was carried out using an online public communication service." The text also introduces an aggravating circumstance concerning dissemination by means of an *"online public communication service"*, which aims to address the issues of virality of these montages (Article 15 of the SREN law). It should be noted that this text only concerns hyper-fakes of a sexual nature, a major part of the problem but which does not resolve hyper-realistic montages that are misleading in terms of information or that undermine public discourse. The European regulation on AI provides for two measures to be noted in terms of hyper-fakes: the obligation to mark content generated by AI in a machine-readable format and identifiable as having been generated or manipulated by an AI (Article 50.2) and the obligation to inform users about the "hyper-fake" nature of the content (Article 50.4). In this regard, Article 50.5 specifies that this information is *"provided to the natural persons concerned in a clear and recognizable manner at the latest at the time of the first interaction or exposure. The information complies with applicable accessibility requirements."*

What legal vehicle?

ÿ **In February 2024, the European Commission announced that it was considering a text to harmonize the status of influencers in Europe.** This text could be an opportunity to enshrine this status of super-influencers, drawing in particular on Article 11 of the French law on combating the manipulation of information, which states that *"platform operators [...] implement measures to combat the dissemination of false information likely to disturb public order"*. This article includes among the additional measures ***"the fight against accounts massively propagating false information"***.

ÿ **These provisions will have to question the platforms concerned**, taking into consideration in particular that many of these super-influencers of disinformation operate on private messaging platforms, notably Telegram, which currently escape the European framework for digital services.

Proposition no 55

Supporting knowledge of the information space

Through research, *think tanks*, users, media, comparators and rating organizations... **by guaranteeing their access to useful data as well as the auditability of the algorithmic systems** of very large platforms, very large online search engines and AI models.

Stake

Key message

The algorithms of very large online platforms have major consequences for the media and users, especially young audiences, while remaining particularly opaque. Understanding these models is a challenge not only for public authorities, but more broadly for a community of actors capable of raising the general level of knowledge on this topic of general interest.

Details

Every day, several tens or even hundreds of millions of contents (texts, videos, photos, etc.) are published on social networks. To order and sort this gigantic mass, digital platform operators use moderation and recommendation algorithms. **These algorithms have major consequences for the media and users. For the former, they affect their referencing**, the visibility of the content they offer and, in fact, the advertising revenue they derive from this display. Thus, some media complain of seeing themselves poorly referenced or even dereferenced: their content is then almost no longer offered to users. **For the latter, they promote toxic content** because it is particularly viral, with individual and collective consequences¹. At the individual level, they push content that is harmful to mental health, particularly for young audiences¹.

At the collective level, they highlight content that spreads false information with underlying fundamental societal and democratic issues².

Despite these harmful effects, these algorithms remain particularly opaque. Many questions remain unanswered: are these algorithms the source of filter bubbles or echo chambers? Are these algorithms politically oriented? How is the content highlighted chosen? How is derecommendation carried out and on what criteria? These are all questions that require more in-depth research to better understand these tools and their effects on the information space and the exposure of users to harmful content or, on the contrary, the obfuscation of quality content.

In this context, research plays a major role in monitoring and independent auditing of these systems. However, the mission of researchers is increasingly complex in the face of increasingly discretionary or even limited access to data. There are many examples: while Twitter had been offering a data access API for researchers since 2006, it was closed in 2023 when the social network became X with the arrival of Elon Musk at its head. Reddit made the same choice by making access to its API chargeable beyond 100 requests per minute. Meta, for its part, announced the end of CrowdTangle in August 2024, replaced by Meta Content Library under Article 40 of the RSN, which will be limited to researchers and closed to civil society and journalists. YouTube, for its part, removed data relating to recommendations from those accessible by researchers.

¹ Center for Countering Digital Hate, *Deadly by Design*, 15 décembre 2022; Center for Countering Digital Hate, *Hidden Hate*, 6 avril 2022; Center for Countering Digital Hate, *Digital Hate*, 10 août 2022.

² Center for Countering Digital Hate, *Malgorithm – Fix Instagram*, 9 mars 2021.

Implementation modalities

The European texts that have recently entered into force are initiating a change towards greater openness of these algorithms to stakeholders, particularly researchers. **Article 27 of the Digital Services Regulation** requires providers of online platforms using recommendation systems **to establish in their general terms and conditions**, in simple and understandable language, **the main parameters used in their recommendation systems**, as well as the options available to recipients of the service to modify or influence these main parameters. However, this transparency may remain fragmentary and does not necessarily say everything about the side effects of these self-learning systems that evolve over the course of the content they have to process. **Article 34** provides for **the assessment of systemic risks** by providers of very large online platforms and very large online search engines linked to the design or operation of their services and their related systems, including algorithmic systems, or the use made of their services.

In addition, **Article 35 provides that these actors shall implement reasonable, proportionate and effective mitigation measures**, adapted to the specific systemic risks identified, including testing and adaptations of their algorithmic systems, including their recommendation systems. **Article 37** requires an **annual independent audit** of providers of very large online platforms and very large online search engines, at their own expense. **However, the burden of selecting the auditor falls on them and the audit reports will not necessarily be public**, limiting the scope of this obligation.

Article 40 requires providers of very large online platforms and very large online search engines **to provide the Digital Services Coordinator of the Member State of establishment or the Commission with access to information specifying the design, logic, operation and testing procedure of their algorithmic systems**, including their recommendation systems. Similarly, **these actors will have to facilitate and provide access to their data to accredited researchers for the purposes of research** contributing to the detection, identification and understanding of systemic risks in the Union and the assessment of risk mitigation measures. Again, some platforms have already set up such a mechanism, but often with significant limitations. In particular, **the data shared is often fragmentary and does not provide information on algorithmic promotion and responsibility for amplification**. **Data on advertising** is also frequently lacking : what is offered and to whom, on what basis? What verification is there of the information contained in advertisements? Similarly, a database on the moderation practices of platforms has been opened by the European Commission but it concerns the removal of content and not **invisibility**. The question of the **definition of " approved researchers"** is also highlighted by many stakeholders, some arguing for extending it beyond academic research organisations and those covered by the 2019 European directive on copyright, for example to include journalists ¹

. The format of the data is also not specified, leaving the platforms free to transmit files in formats that are difficult to use. The procedure for requesting access to data involves a **temporality**

(request to the digital services coordinator, presentation of the use case, study of the request, granting access, receiving data, etc.) may be longer than that of research projects, particularly those relating to hot news events, as is frequently the case with information manipulation, for example. There is also the question of **the possible embellishment of the data transmitted** in the context of this article: is the data exhaustive or will it have been refined by the platforms to minimize certain indicators, for example?

This last point, as well as the constraints previously mentioned outside of Article 40, require researchers to consider other audit methods, in particular adversarial audits, i.e. those carried out unofficially, without official and cooperative integration of the platform. This can, for example, involve the creation by researchers of automated accounts, but which nevertheless come up against the platforms' anti-robot barriers. Researchers can also ask users to provide their consumption data, giving a view that is closer to reality, but less generalizable and less exhaustive. This is, for example, the operating mode of CheckFirst, which analyzes the propagation of messages from foreign influence disinformation campaigns. Here too, adversarial audits can be particularly useful for verifying the data transmitted by the platforms and protecting against the risk of embellishment of these data.

¹ KILLEEN Molly, "DSA: Access to platform data is a priority, says Nobel Peace Prize winner", *Euractiv*, February 1, 2022.

In this context, it is therefore important to **guarantee access to data by researchers, according to terms determined by the regulator and not at the discretion of dominant private actors**, and to question the actors who can have access to this data, beyond the "approved researchers" as currently defined. In addition, it is necessary to ensure the possibility of **conducting adversarial audits** to control the effects of platform policies, beyond the data to which they give access (and over which they therefore have control). These audits must be governed by a rigorous legal framework to protect business confidentiality, user data and audit operators. On the other hand, it could be considered to better protect researchers in these audit activities by creating, for example, legal protection for *scraping* when it comes to public interest research to protect them from intimidation measures by platforms such as *Cease and Desist*. In addition to the internal audits provided for by the RSN, **mandatory independent audits should be conducted** to avoid any concealment on the part of the platforms. To respect business confidentiality, the results of these audits would not be public and would only be known to the regulator in the event of a breach of obligations.

Finally, **it is important to ensure that the data transmitted is useful and usable**. The database already set up by the European Commission under the RSN¹ already contains more than 14 billion transparency reports, which makes it very difficult to process, even with the right tools.

Feasibility

Legal risk: As this proposal is an extension of the European texts that have recently entered into force, it is important to ensure their compatibility with recent case law ² in which the Court reaffirmed that the latitude given to Member States under the CJEU Directive and cannot on e-commerce to impose additional measures on specific services only applies to a particular service, as an exception, be the rule imposed on an entire category of service such as online platforms. This proposal should therefore be considered at the European level, particularly with a view to the next term of office in June 2024.

Legal feasibility

• Article 40 of the Digital Services Regulation applies here. The delegated acts of the European Commission are still awaited to this day. These could address the concerns presented above. Otherwise, this article could be clarified or even revised as part of the revision of the NSR planned within three years.

• In addition, Articles 65 and 66 give the European Commission powers of investigation against very large platforms suspected of failing to meet their obligations. This article could be used to investigate the actors granting effective and reasonable access to their data by researchers referred to in Article 40.

Technical feasibility

This opening of platform data via API to the world of research is entirely feasible.

For example, it was used until recently on Twitter ³, which, once it became X, decided to close this functionality.

The INA, under the legal deposit of the Web, could also play a role of trusted third party and operator for researchers in the implementation of the RSN.

¹ <https://transparency.dsa.ec.europa.eu/>

² Judgment of 9 November 2023, *Google Ireland and others*, C-376/22, EU:C:2023:835.

³ BOUCHAUD Paul, CHAVALARIAS David, and PANAHİ Maziya. Crowdsourced audit of Twitter's recommender systems. *Scientific Reports*, 2023, vol. 13, no 1, p. 16815.

Proposition n°6

Impose transparency obligations on advertisers and those responsible for purchasing on their behalf to make them accountable for the attention economy models they are likely to promote and the media they are likely to disadvantage through their choices.

Stake

Key message

Advertising has become a key pillar of the media business model. However, advertising investments tend to be directed more towards digital platform interfaces than directly to media interfaces, calling into question the economic sustainability of these players.

Details

The communications industry is a driver of economic growth, worth 33.5 billion euros in 2023 and contributing to the employment of more than 400,000 people. Advertising contributes to 10% of GDP growth in France. Within advertising, the online advertising sector totals 9.3 billion euros in turnover in 2023. In ten years, it has become the leading advertising investment sector ahead of all media. This shift to digital has been to the detriment of the media and to the benefit of digital platforms (social networks and search engines): while in 2012, 25% of global advertising revenue was captured by digital players, in 2022 this figure rose to 52%, reducing the share of traditional media to 48% (part of which is online). **This market is however characterized by a strong concentration around a few players**, in particular Google and Meta which account for 75% of the sector's turnover and 90% of its annual growth in France¹. This situation places the other players in the online advertising value chain (advertisers, agencies, media, etc.) in a **situation of dependence** on these few dominant companies: *"This situation has significant consequences in terms of sovereignty: weakening of the advertising model, particularly for information producers, obstacle to fair competition from French and European technology players and the role of "private regulator" that these large platforms have acquired, which allows them to unilaterally impose their decisions on the market."*²

The leading investment sector, **online advertising has become a major issue for the media's economic model**, representing 81% of the digital revenues of European newspapers and magazines³, 82% of the financing of private TV players and 95% of private radio players sufficient competition, a significant part of the value is captured by certain technological intermediaries that in France⁴. due to a lack of dominate the market (notably Google): for 10 euros invested by an advertiser in online advertising, the media will ultimately only receive 4 euros.

¹ Contribution of the Digital Alliance to the EGI, "The States General of Information, an opportunity to strengthen the independence of the media in the face of the anti-competitive practices of the leaders of online advertising".

² Ibid.

³ Ibid.

⁴ Arcom and Ministry of Culture, *Evolution of the communications market and impact on media financing through advertising*, 2024.

Recently, the study on the evolution of the advertising market, presented on Tuesday January 30, 2024 by the DGMIC and Arcom, forecasts an average annual growth of 2.4% by 2030, leading to a total turnover of 18.3 billion euros at that date ¹. The media that finance information (press, *pure players*, radio and television) will not benefit from this dynamic. The market growth is driven solely by digital advertising, which will grow by 50% between 2022 and 2030, representing an average annual growth of 5.3% per year. At constant law, none of the three media (press and *pure players*, radio and television) would escape a drop in revenue over the period, and their total market share would drop from 40% in 2022 to 27% in 2030. The share of advertising revenue collected by media investing in content, whether on historical media or on digital media, including digital *pure players*, has dropped from 65% in 2012 to 40% in 2022. By the same date, Alphabet, Amazon, Meta and TikTok could accumulate a 45% market share. In total, press, radio and television will see their market share reduced, but should also suffer a drop in their advertising revenues, expressed in current euros: -8% for radio between 2022 and 2030, -11% for television, and -33% for press. **Ultimately, the loss could be more than one billion euros between 2022 and 2030 for these players who invest in information and creation content, while at the same time, the platforms concerned by the Digital Markets Regulation (DMR) will see their share increase by 2.8 billion euros.**

Advertising is an essential lever of the media's economic model: the traditional ones who have invested massively in their digital media and continue on the different formats of writing and production (video, podcast, social, etc.) and the newcomers who for the majority will need this resource to finance themselves. It is the quality of the information produced and broadcast and the guarantee of pluralism in our democratic model that are threatened. In fact, **for the first time, advertising investments do not follow audiences and favor international players.**

At the same time, **the economic model of online media is also weakened by the gradual end of third-party cookies** ². This change follows the guidelines issued by the CNIL in 2020 relating to the use of cookies and other trackers in order to give Internet users more control over the use of their data for advertising purposes ³. Google was also fined 100 million euros by the CNIL the same year for using third-party cookies without the explicit permission of its users. Following this sanction, the company, followed by others, announced that it was moving towards the complete elimination of third-party cookies in 2024. **With this elimination, the identification of users becomes fundamental: interfaces allowing users to create an account with an *opt-in* system concerning the collection of their data are now favored** ⁴. This system should allow both a better analysis of paths and needs and better respect for user consent. The CNIL also invites the sector to consider developing other forms of advertising that are more respectful of people's privacy, such as contextual advertising. Economic studies are underway to shed light on the sustainability of these alternative advertising models ⁵.

However, the increased protection of users remains questionable: being logged into a space does not necessarily imply having a full understanding of the data collected by the company or the purposes of this collection. In addition, **this change also risks increasing the control of very large platforms over user data**, as they are best placed to offer an efficient and large-scale customer account identification system. On the media, using an account is most often synonymous with subscribing to the service, which is only the case for a minority of users. Finally, contextual advertising is strongly criticized by publishers who point out its lesser effectiveness compared to targeted advertising. The European Commission has launched the voluntary cookie *pledge* initiative with the aim of enabling users to better understand economic models and the role of their data in this regard. In any case, **these changes require publishers to make significant investments** to equip themselves with technological tools and teams dedicated to the analysis of transactional data and semantic data.

¹ Ibid.

² On this subject, see in particular the contribution of GESTE to the EGI: "FOCUS PRIVACY Rethinking or adapting regulations on the protection of personal data in order to allow publishers to fully integrate into the digital economy".

³ CNIL, "The rules to follow for cookies".

⁴ CNIL, "Alternatives to third-party cookies: what are the consequences in terms of consent?", October 13, 2021.

⁵ Hearing of the CNIL by the EGI.

⁶ European Commission, "Cookie Pledge", 19 December 2023.

On the advertisers' side, **media planning is increasingly dictated by the rules of the very large online platforms** rather than by ethical or responsible choices, in order to maximize the effectiveness of campaigns carried out in an ultra-competitive sector where users' attention is particularly difficult to capture.

At the same time, disinformation is growing on digital platforms, which must deal with a surge in manipulated content created through the development of generative artificial intelligence, propaganda and network interference devices, misleading commercial practices by influencers, and even illicit content ¹. **These contents are notably financed directly or**

indirectly by advertising. Directly in the case of sponsored content where the content creator is paid to share information, recommend a product or service, and indirectly when the content is placed next to generic advertisements, such as before and during YouTube videos, next to posts on Facebook or X or even on websites. For example, in October 2021, Google announced that it would stop monetizing content denying the scientific consensus on the existence of climate change and its causes on its platforms (including YouTube).

Yet a study conducted by *Climate Action Against Disinformation* in partnership with the *Center for Countering Digital Hate* and published in May 2023 shows that climate skepticism continues to be extremely profitable on the platform. The study identifies **100 videos violating this policy, totaling 18.8 million views in April 2023**. Beyond YouTube, the study reveals that **63% of popular online articles denying climate change include Google ads**. These programmatic ads are distributed through algorithms targeting users. In fact, **brands generally do not choose where their ads are displayed and are unaware of where they are ultimately displayed**. The NGO *Media Matters for America* revealed in November 2023 that ads from major brands were placed next to extremist content, such as content promoting Nazism, anti-Semitism, LGBT-phobia or white supremacy. **Inviting advertisers and agencies to finance the media directly rather than the platforms could therefore also be a way of protecting against this display alongside toxic content and indirectly financing disinformation and hateful and illicit content.**

¹ HANANOKI Eric, «X is placing ads for Amazon, NBA Mexico, NBCUniversal, and others next to content with white nationalist hashtags», *Media Matters for America*, 17 novembre 2023.

Implementation modalities

It being previously admitted that:

- The advertising market is today regulated by the regulator through numerous laws (Evin, automobile advertising, advertising for food products, financial services, etc.) and that many players ensure compliance with these regulations (ARPP, DGCCRF, CNIL);
- Companies with more than 250 employees have a transparency obligation provided for by the Sapin 2 laws, the GDPR and in particular the CSRD which will come into force on January 1, 2025 and whose objective is to promote transparency by allowing stakeholders to better evaluate the sustainable performance of companies and improve the availability and quality of data. ESG (i.e. the environmental, social and governance data of a company which enables its CSR approach to be assessed);
- There are already approvals that allow the identification of media that contribute to the creation and dissemination of Political and General information (IPG status).

Consideration could be given to creating a **provision for publishing the percentage of amounts invested in digital interfaces of information media**, similar to the mandatory extra-financial performance report for large companies. This document would be made public annually by companies and this new criterion could therefore integrate one of the dimensions of corporate social responsibility. **Increased vigilance could be brought to structures and companies 100% owned by the State**, for example by introducing **quotas**. These amounts could be compared with those invested in **large digital platforms (within the meaning of the DMA)**.

This provision would encourage advertisers and agencies acting on their behalf to invest directly in media interfaces in a logic of reputational regulation. This incentive could become all the stronger as a growing number of advertisers raise their voices against digital platforms that place their ads next to controversial, hateful or even illicit content. For example, following the revelations of the NGO *Media Matters for America* and Elon Musk's support for anti-Semitic messages, **several large companies have announced that they are withdrawing their ads from X**, such as Microsoft, Netflix, IBM, Disney, Paramount, Comcast, Airbnb, Uber, Coca-Cola and Amazon¹. **In total, \$75 million in advertising revenue would be threatened by these withdrawals².**

It is particularly important that this measure also targets media agencies, including international hubs, which often act as intermediaries in the purchase of advertising. In particular, it could be interesting to **accompany the implementation of this annual publication requirement with a training system dedicated to knowledge of the media**, how they operate and their economic model for agencies.

¹ TAN Eli, « [This is the growing list of companies pulling ads from X](#) », *The Washington Post*, November 20, 2023.

² MAC Ryan and CONGER Kate, « [X May Lose Up to \\$75 Million in Revenue as More Advertisers Pull Out](#) », *The New York Times*, 24 novembre 2023.

The training hours allocated annually by the agencies could be included in the annual document made public. On the occasion of the Democracy, Information and Advertising conference held at La Sorbonne on April 23, 2024 at the initiative of UDECAM (Union of Media Consulting and Purchasing Companies) and ACPM (Alliance for Press and Media Figures), media agencies and their presidents as well as the Union des Marques also advocated for a fair distribution of value for the benefit of the news media. Finally, this measure must be coupled with an **evolution of the advertising purchasing tools of the very large platforms**, starting with that of Google - a leading player on the market - on which it is currently easier to buy advertising content displayed on digital platforms than on the media. Firstly, it is a question of making **news media sites** or their groupings **easily accessible on the interfaces** of these intermediaries. The Digital Alliance, APIG and GESTE also advocate **the introduction of a general principle of interoperability of online advertising intermediation services** to strengthen competition in the sector.¹ In addition, several large platforms have changed the data they archive regarding ads served. For example, Meta has modified its *add library*, making it more difficult to analyze ads served by the same advertiser: whereas previously there was a single page per advertiser bringing together all ads published and amounts spent, the data is now much more fragmented and therefore difficult to control. In fact, it could be considered **to require very large online platforms and very large search engines to make public the archives of ads served in a usable and readable manner**. Finally, these tools integrate *"blocklists"* of words making certain inventories ineligible. However, these *blocklists* are excessive (they list up to more than a thousand words per day), not always ethical (they list names of personalities or sensitive data such as religions). **It is important that these blocklists are reduced and updated regularly**, at least annually, to avoid them generating an excessive loss of revenue for publishers – while respecting the protection of the most sensitive data.

Feasibility

This system could be part of a charter signed by the sector and would contribute to the CSR approach of companies that comply with it, with a view to reputational regulation.

Three pre-existing systems could make it possible to anchor this CSR indicator in the regulations: **Use**

the European directive "Corporate Sustainability Reporting Directive" (known as CSRD), and in particular the S4 standard relating to the final impact on consumers and end users:

This text sets out these new standards and obligations (*European Sustainability Reporting Standards*, ESRS) for extra-financial *reporting* for large companies and SMEs listed on the stock exchange. Among the various CSRD standards, standard S4 involves publishing information that allows for *"understanding the significant impacts on consumers and end users related to the company's activities and value chain, including those related to its products or services and its business relationships, as well as the significant risks and opportunities related to them"*². This particularly concerns *"information-related impacts that affect consumers and/or end users [e.g. privacy, freedom of expression and access to (quality) information]"*. Thus, this standard could be interpreted, as far as advertisers are concerned, as their financial support for quality information. However, while this option is likely to be effective, it will require some time to implement: first, companies will have to report under the CSRD, then it will be realised that this does not reflect their real impact on these advertising issues, before launching advocacy actions to change this. Furthermore, this standard is part of a set of 800 *reporting* indicators included in the CSRD. It is therefore quite possible that, if nothing is done, since companies will not be able to report on all 800 indicators, it will be one of those that fall by the wayside in the first years of the CSRD's running-in. The aim would therefore probably be to better highlight this CSRD *reporting* requirement, which, for the moment, has not yet been very seen or highlighted.

¹ Contribution of the Digital Alliance to the EGI, "The States General of Information, an opportunity to strengthen the independence of the media in the face of the anti-competitive practices of the leaders of online advertising, November 2023".

² Commission Delegated Regulation (EU) 2023/2772 of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council with regard to sustainability reporting standards, Annex 1, ESRS S4 "Consumers and end users".

Concretely, the support envisaged could be the **Declaration of Extra-Financial Performance (DPEF)**, provided for by the European directive NFRD (*Non Financial Reporting Directive*) and which was transposed into French law by a **decree of August 9, 2017**. The DPEF is currently **mandatory for any company with more than 500 employees or 100 million euros in turnover**, with penalties for companies that do not publish a DPEF or with missing information. **The decree of August 9, 2017 defines the major data to be published in the DPEF**, relating to the climate, biodiversity, social or societal impacts. It is on this **dimension of societal impacts** that an amendment to the decree could be considered to **add a point d) relating to the plurality of information and the publication of advertising investments**. Using the support of the decree defining **the content of the DPEF would have a triple advantage**:

- **The DPEF is known to all economic players**, and therefore constitutes a visible vector known to the players;
- **Registration in the DPEF will set a precedent for the CSRD**, which is expected to replace the DPEF to broaden its scope (*i.e.*, if an obligation is provided for in the DPEF, it must appear in the CSRD, which is based on the DPEF);

It is easier to amend a decree than a law.

Other potentially less operational avenues can also be highlighted:

- **Insert a provision in current climate contracts:** The AGECE1 law requires that any company that either works in the field of communication or advertising, or sells products likely to have a negative impact on the environment (thermal cars, water heaters, air conditioners), or has advertising expenses of more than 100,000 euros per year, publish, voluntarily, a climate contract, which indicates to what extent its communications contribute to having a positive impact on the environment. It could therefore be envisaged that the legislator adds new criteria by arguing that, in the ESG matrix, the current criteria cover environmental issues but not social and governance issues, social issues including democratic issues linked to the impact of advertising on quality and unbiased information.

However, it should be noted that: the climate contract is not mandatory and is not accompanied by real sanctions for companies that do not publish them;

- the contract is not yet very well known, which limits the impact in terms of visibility if a new provision were to be inserted.

• **Lobby rating agencies to encourage them to request reporting on this topic:** extra-financial rating agencies are clearly those that have the greatest impact on companies when it comes to guiding ESG actions. There would probably be advocacy work to be done with the major rating agencies, particularly Moody's, which recently absorbed Vigeo, a social and environmental rating agency. It could be suggested that they look at how a new CSR indicator could fit into Goal 17 of the United Nations Sustainable Development Goals (SDGs), which concerns actions intended to "strengthen the means of implementing global development". Within this SDG, there is a sub-indicator relating to the number of people in the world who have access to high-speed internet. We could imagine, within this indicator, going into a little more detail, particularly in developed countries, on the way in which people have access to high-speed internet, but also to quality information.

Concerning very large digital platforms and very large search engines, the regulation on digital services offers an interesting regulatory vehicle: in view of the systemic risks listed in Article 34, in particular the fight against false information, and the democratic importance of general information media, Article 35 could add to the remedial measures transparency regarding the advertisements broadcast on their interfaces, in particular by publishing in an exploitable and readable manner the archives of the advertisements broadcast.

¹ Ministry of Ecological Transition and Territorial Cohesion, "The anti-waste law for a circular economy", April 17, 2024.

Proposition no 7

Entrust an independent regulator with adequate technical and legal capacities with the mission of implementing these measures over time, in coordination with the European framework

Stake

No regulation without a regulator. A regulatory authority is essential to structure the agenda, reduce information asymmetries, support the communities that regulation aims to protect or to whom regulation gives power and identify local solutions.

Without a regulator, the above provisions risk being limited to simple "codes of good conduct" whose compliance or non-compliance is left to the discretion of the actors who would not necessarily bear any sanction in the event of a breach of their obligations. **It is also necessary to avoid passing the buck to the judge at the risk of only having a response to disputes within a particularly long period of time** and incompatible with the speed of technological innovations.

The current state of regulation of technological innovations and the information space is fragmented between a large number of regulatory authorities, advisory bodies and *ad hoc* commissions that often lack coordination and common guidelines. This landscape must be redesigned to make compliance with the provisions in force more effective while ensuring a high level of expertise among stakeholders and pooling forces to tackle these kaleidoscopic problems by focusing on multidisciplinary. The example of the difficulties in applying the framework on neighboring rights is an illustration of this, as is the increase in negotiations of bilateral agreements between AI companies and media players without independent third parties to support them.

Implementation modalities

The regulatory authority created must be independent, technically competent and have well-defined legal powers , combined with sanctioning powers where appropriate. This regulator must be multidisciplinary and include economists and competition experts in particular to have an informed view of these digital markets characterized by gigantic players but which, however, often escape traditional analysis grids. In addition, the economic model of these players is often at the root of the issues previously outlined, so it is important to understand them in depth. In this regard, international examples – particularly

the Australian case – can serve as reference points to examine what has worked or not and draw inspiration from them if necessary.

In light of the previous proposals, the missions of this regulator could be to:

- Implement the opening of the functionalities of very large digital platforms allowing us to move towards a pluralism of algorithms, for example by ensuring the configurability of services, by determining the technical and financial conditions of access to APIs and data and by ensuring their effective implementation by monitoring new players wishing to provide their services (proposal 1);
- Determine the media that benefit from the *must-carry* obligation on very large platforms and ensure that this obligation is effectively respected (proposal 2);
- Produce studies on the creation of value on digital platforms and AI services, define the scope and terms of the associated *data safe* and resolve disputes between stakeholders where appropriate (proposal 3);
- Ensure compliance with the framework concerning very large influencers of disinformation and resolve disputes between these actors and the platforms concerned (proposal 4);
- Collect data on platforms and the content they propagate and publish indicators;
- Lead a community of knowledge actors in the information space and ensure good access for researchers to platform data (proposal 5);
- Ensure that advertisers comply with their transparency obligations, centralize these documents on a single, easily accessible platform and produce an annual summary of them (proposal 6).

These missions must be carried out in close collaboration with the European level within the framework of a network of regulators in the Member States.

Feasibility

Under the Digital Services Regulation, Arcom has been designated as the "national coordinator" and will ensure the regulation of French digital platforms, in cooperation with other independent national authorities, the coordinators of other Member States and the European Commission. This point must be taken into account in the distribution of competences previously described.



Find on the EGI website the thematic fact sheets
produced by the "Information space and technological
innovation" group

REPORT OF WORKING GROUP N°2

INFORMATION, CITIZENSHIP AND DEMOCRACY

Chairman of the working group: Pascal Ruffenach

Members: Elsa da Costa, Lucile Berland, Constance de Leusse, Laurence de Nervaux,
François-Xavier Lefranc, Albert Moukheiber, Kenza Occansey, Fabrice Rousselot,
Arnaud Schwartz

Rapporteurs: Benjamin Duca-Deneuve and Amin Mbarki

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I. Summary document

The work of group 2 took place from October 8, 2023 to June 26, 2024. It was chaired by **Pascal Ruf-fenach, president of the Bayard group**, and composed of 8 personalities:

• Lucile Berland, journalist •

Constance de Leusse, executive director, Technological Innovation and International Affairs division
nals, Sciences Po

• Elsa Da Costa, general director of Ashoka France and administrator of Ouest-France & CFJ

• Laurence De Nervaux, director of Destin Commun

• François-Xavier Lefranc, Chairman of the Board and Director of Publication of *Ouest France* • Kenza Occansey,

Chief of Staff of the President of the Sorbonne Nouvelle University • Fabrice Rousselot, Editorial Director of *The*

Conversation France • Arnaud Schwartz, Director of the Bordeaux Aquitaine Institute of

Journalism

As well as 2 rapporteurs

• Benjamin Duca-Deneuve, Council of State • Amine

Mbarki, Court of Auditors

The group organized

• 15 group work sessions lasting 3 hours each • 5 pair work sessions

on specific themes

• 20 coordination meetings

• 30 auditions lasting 1h30 on average

• Pierre Lescure, journalist & columnist at CA VOUS & Beau Geste, January 5, 2024 • Émilie Tardivel,

associate professor of Philosophy at ICP, January 19, 2024 • Galo Diallo, president of SMILE

and vice-president of the Union of influence professions

and content producers, January 19, 2024

• Pascal Guénée, president of CEJ, February 7, 2024 •

Marc Epstein, president of La Chance, February 7, 2024 • Citizen

Media, February 8, 2024

• Olivier Aballin, ESJ Lille, February 9, 2024

• Pascale Colisson, teacher at IPJ Paris-Dauphine PSL, February 12 • Maxime

Lefebure, HR group with La Chance, February 13 • Delphine Manzano,

HR group with La Chance, February 13 • Morgane Bak, HR group with La

Chance, February 13 • Lucie Maludi, HR group with La Chance,

February 13 • Xavier Cazard, La Maison de la Conversation,

February 15

- Laure Watrin, Trasonore, February 15
- Ulysse Mathieu, The Spark / La Friche, February 15
- François Bonnet, Fund for a Free Press, February 16
- Laurent Richard, *Forbidden Stories*, February 29
- Arianne Lavrilleux, Disclose, February 29
- Jérémy Demey, Disclose, February 29
- Jérôme Grondeux, National Education Inspector, March 1
- Paul Mathias, National Education Inspector, March 1
- Tristan Waleckx, journalist, supplementary investigation, March 13
- Edwy Plenel, journalist, co-founder of Médiapart, March 13
- Nathalie Darrigand, DG in charge of *Together Media* content
- Laurent Cordonier, doctor of social sciences Descartes Foundation
- Johan Hufnagel, co-founder of Loopsider
- Divina Frau-Meigs, professor at the new Sorbonne
- Pierre Dagard, *Head of advocacy* RSF
- Bernard Angaud, CDJM general delegate •
- Kathleen Grosset, CDJM president •
- Yann Guegan, CDJM president • Jean-
- christophe Theobalt, digital culture & media education officer
and information
- Anne Charpy, president of Voisin Malin •
- Jean-Baptiste Barfety, executive director of the ICP-ESSEC Chair in Business and the Common Good
- Françoise Keller, trainer in non-violent communication

• 1 day of hackathon on media and information education with 90 users of the thematic

- Jean-Bernard Schmidt, director CFJ school W, hackathon of January 26, 2024
- Chine Labbé, editor-in-chief & vice-president in charge of partnerships at *News-guard*, EUROPE AND CANADA, hackathon of January 26, 2024
- Agathe André, journalist & former president of the association Dessinez Créer Liberté, hackathon from January 26, 2024
- Étienne Millien, president of APEM, hackathon of January 26, 2024
- Susanna Dorhage, vice-president of the association Les lumières de l'Info, hackathon from January 26, 2024
- Marie-Anne Denis, general director of Milan Presse, hackathon of January 26, 2024
- Sophie Gourmelen, general director of the Le Parisien cluster, hackathon on January 26, 2024
- Laure Watrin, journalist and Founder of the Trasonore association, hackathon of January 26, 2024
- Amel Cogard, Director of Strategy and Development of Media Education at France Télévisions, hackathon hearing of January 26, 2024
- Serge Barbet, deputy director at CLEMI, hackathon on January 26, 2024
- Fabienne Boucher, physics and chemistry professor, hackathon on January 26, 2024
- Emmanuel Vaillant, president of the ZEP association, hackathon of January 26, 2024

- Albert Moukheiber, neuroscientist, hackathon of January 26, 2024 • Jérôme Bouvier, president of Journalism and Citizenship, hackathon of January 26, 2024 • Céline Thierry, EN - coordinator CLEMI Normandie, hackathon of January 26, 2024 • Perrine Ledus, professor member of CLEMI Aube, hackathon of January 26, 2024 • Christine Thomas, professor documentalist, member of CLEMI Nice, hackathon of January 26, 2024
- Caroline Ghienne, deputy director Arte Éducation, hackathon on January 26, 2024 • Christine Barraud, Clemi reference teacher, hackathon on January 26, 2024 • 30 second-year high school students from Paul Doumer high school, Le Perreux-sur-Marne, hackathon on January 26, 2024
- Béatrice Angrand, Inspector General, National Education, hackathon of January 26, 2024 • Éric Rostand, DGESCO, hackathon of January 26, 2024 • Virginie Sasoon, Deputy Director CLEMI, hackathon of January 26, 2024 • Jean Bernard Cazalets, ASPDH Manager, hackathon of January 26, 2024 • Marie Adam-Normand, Academic Referent Media and Information Education (EMI) and Coordinator of Academic CLEMI, hackathon of January 26, 2024 • Bénédicte Lesage, member of Arcom responsible for media, information and information education to digital citizenship, hackathon of January 26, 2024
- Erik Kervellek, Secretary General of Radio France News, hackathon on January 26, 2024

1 morning of round tables devoted to the ethics of discussion

• Tarik Ghezali, founder of Fabrique du Nous, debate of February 2, 2024 • Nathalie Gatellier, co-founder of Fabrique du Nous, debate of February 2, 2024 • Olivier Corziani, mayor of Fleury-Mérogis • Sibyle Veil, president of Radio France • Thierry Pech, director of Terra Nova • Jean Birnbaum, journalist for *Le Monde* • Anne Charpy, president of Voisin Malin • Françoise Keller, trainer in nonviolent communication.

1 afternoon of hearing of young high school students with the Cultural Affairs and Education Committee at the National Assembly

• Isabelle Rausch, Chair of the Cultural Affairs and Education Committee

6 sessions of the Tour de France of the general states of information

• Biarritz

• Morlaix

• Lyon

• Strasbourg

• Auxerre

• Tours

Group 2 launched an unprecedented study on the well-being of journalists in France in partnership with IPSOS as part of the EGI. More than 5,000 journalists responded. This quantitative base allows us to draw up an initial diagnosis on the state of well-being of the profession in a context of distrust on the part of citizens.

The work of Group 2 also drew on the following studies:

• Report of the Assouline Commission on media concentration

• Who owns the media - research by Julia Cagé 2017

• The confidence of the French in the media Results of the 2023 edition of the La Croix/Kantar barometer
Public onepoint

• The French and trust in information, NPA Harris 2023

• Reuters Institute Digital News Report 2023

• EESC report on the general information situation

• The French face disinformation, Destin Commun 2023

• Spillebout Report "Arming everyone in the war against disinformation" 2023

• Arcom Media Education Report 2021-2022

• The 2023 Journalism Schools White Paper

• The representation of French society in the media Exercise 2022, Actions 2023 - Arcom • Survey on misinformation among young people and their relationship to science and the paranormal at the present time
social networks - Jean Jaurès Foundation - 2022

• Rapport Bronner - 2022

II. Preamble

Because information is a public and common good for each of us.

The reflection of group 2 of the EGI integrates a significant societal dimension since it aims to apprehend, understand the underlying relationships linking information, democracy and citizenship. Trust in the media is at the heart of this triptych of society. The first stage of our work consisted of drawing up a diagnosis of the state of these relationships, based in particular on numerous studies as well as on around fifteen hearings of media specialists. Through their perspectives coupled with our research, we were able to identify the principle of a strong and determining relationship between the functioning of democracy and the ability to access rich and plural information. By access capacity we mean both finding information, having information and understanding information. Because where access to information declines, our vision of the world narrows and ends up polarizing, making the expression of democracy multifaceted. And dialogue between us becomes difficult or even impossible in certain situations.

In the etymological sense, Informer means "to train to", to train our mind, our vision of the world, our representation of society to maintain our status as citizens exercising rights and duties within our democracy. Now, what is a democracy if not this infinite exchange between our individual or collective aspirations and the absolute necessity of living together? Information is and should be what allows everyone to feel connected to others. Information is a common good.

We therefore started from this postulate which equates the status of information with that of resources as natural as they are essential to our human lives, such as water and air, and which enjoy a specific status.

The concept of "common good" has a long tradition, both economic, philosophical and European. And it seemed to us that this notion could bring together all citizens around the status of information. In other words, a good for which we are all responsible, both those who create information, who obviously disseminate it, and each and every one of us, in the particular use we make of information, particularly on social networks.

Like any common good, it must, for the benefit of all, be governed by common rules that all stakeholders must seize in order to combat informational insecurity, the polarization of opinion, distrust of the media, information fatigue, the brutality of debates and the ostracization felt by some citizens. And of course, the preservation of this common good must also embody the very evidence of the existence of information pluralism, essential to the expression of democracy.

Those who create information, those who enable us to be able to form a representation of the world and act accordingly, the media, have a particular responsibility in preserving this common good. We know the fragile balance, particularly economic, on which they are based and which we must collectively ensure. The hegemony of platforms in access to information is today jeopardizing the sustainability of information media by weakening their sustainability. Furthermore, the accelerated development of artificial intelligence raises fears of a "dissolution" of information into a greater whole over which we may no longer have any control.

The recommendations provided in this report condense more than 9 months of work by our group, which was keen to consider our relationship with information, that of the citizens that we are, as a public health issue. Because a poorly or poorly informed democracy is a democracy that atrophies due to lack of oxygen.

Our ideas, the fruit of our observations, our debates, our interviews with specialists, citizens all over France, journalists have led us to articulate our reflections according to the 3 stakeholders that make up the French information landscape: the front lines of information production: journalists, the disseminators of information in their capacity as publishers, and the users of information that we citizens are.

Over the past 20 years, the media ecosystem has undergone such rapid changes that legislation has not had time to regulate its consequences on society.

It is high time to take care of the information landscape to ensure full democratic vitality. Information is not a good like any other. To this end, we have advocated measures aimed at giving a special status to information companies of the 21st century, as well as equipping citizens and future citizens with an information culture, protecting journalists, fighting against information insecurity, and learning to practice an ethics of discussion, encouraging journalism that ensures a balanced representation and representativeness of the world, strengthening the initial and continuing training of journalists on scientific, economic and technological aspects.

Taking care of the French information landscape requires taking the diagnosis seriously in order to support users, producers and disseminators of information. The expression of our citizenship depends on it as much as the protection of our democracy.

III. Findings

Equal access for citizens to free and independent information is a condition for the vitality of our democratic system, since it helps provide each person with the power to fully exercise their citizenship in a pluralist framework. Over the past 20 years, the media ecosystem has undergone such an acceleration in terms of technological and economic changes that the law has not had time to frame its impacts, particularly on democratic health. Taking care of the information landscape, combining preventive and curative measures, is essential to ensure the full health of democratic life. The challenge of the theme "Citizenship, information and democracy" is to question the conditions for maintaining citizens' trust in the media and vice versa, while giving the French people the means to appreciate information

reliable and of quality even though current methods of dissemination and consumption of information disrupt this balance and are likely to weaken our democracy.

Principles of observation

• **A strong interest among the French in information**, as reflected in the 2023 Kantar Public barometer: 76% of French people say they follow the news with interest, a historically high level, compared to 62% in 2022 (even if this increase must be put into perspective by the context of the news, marked by the conflict between Israel and Hamas at the time of collecting the opinion of the respondents). 43% of French people believe that they are more interested in the news than before.

• **A growth in distrust of the media and journalists**. In 2022, the Reuters Institute study noted that the trust placed by the French in the media was at a significantly low level compared to the international average (41st out of 46 countries analyzed in the survey). Only 21% of French people believe that the media are independent of the political world and 19% of any commercial influence. According to the 2023 barometer of trust in the media by Kantar Public, 54% of French people consider that "Most of the time, you have to be wary of what the media say on major news stories", compared to 37% who believe they can trust them.

• **The development of "information fatigue", or even "pathological relationships with information"**. According to the Reuters Institute study, 36% of French people say they often or sometimes refrain from consulting the news, while this proportion was 29% in 2017. According to a survey by the Jean Jaurès Foundation (2022), more than one in two French people suffer from "information fatigue", due in particular to a saturation of the same information received during the day and the lack of perspective. Some experts thus report the increase in "information pathologies", which could ultimately constitute a public health problem ("infobesity", depression and increased anxiety).

• **Access to information by the French is undergoing a complete transformation, with significant differences between young people and seniors**. While television remains the main source of information, a growing share of the population, particularly among 18-24 year-olds, gets their information mainly from social networks (52% of French people use the Internet every day to get information, according to the 2023 Kantar Public barometer), although the information delivered through this channel still comes with risks. Some generational divides can be observed: while 44% of those aged 65 and over prefer television news to get their information, this is only the case for 25% of those aged 18-24. The paper press continues its downward trend. Only 11% of French people pay for an online subscription, which illustrates the preference for free information.

- ÿ **A strong impact of the media on the quality of democratic debate**, increasingly polarized around debates where facts and opinions are put on the same level and where versatile experts on all subjects (politics, economics, social and societal subjects, ecology, culture, etc.) express themselves in a polemical and sometimes caricatured manner (cf. the "plateauization" of continuous news channels, which favor this content over the production of more expensive reports). The promotion of excerpts from so-called traditional media broadcasts that are not contextualized, cross-checked or sourced on social networks also fuels a "buzz culture".
- ÿ **A lack of scientific and economic culture among journalists**, with only a few hours dedicated to it in schools, whose curricula focus on learning journalism techniques (print journalist, web journalist, etc.). This lack reflects the level of the general population, but it presents a particular challenge with regard to the media given their place in society and their role in the education of citizens.
- ÿ **The growing place of unregulated social networks in information practices**, without any tools to verify or make the information provided more reliable, and the development of false information, which weakens the bond of trust between citizens and the media. The health crisis period, as well as the war in Ukraine and the conflict in the Middle East, are illustrations of this. False information spreads seven times faster than real information. Social networks also allow everyone to claim to be a journalist and to produce and disseminate information whose viral nature is amplified by automated promotion tools.
- ÿ **The need to strengthen information ethics**, particularly in the context of technological changes where so-called generative artificial intelligence tools are able to write articles or design images on demand (*deep fake*). The measures taken in terms of ethics (see Law No. 2016-1524 of 14 November 2016 aimed at strengthening the freedom, independence and pluralism of the media, which integrated into Article 2a in the Law of 29 July 1881 providing that press or audiovisual companies without a code of ethics must enter into negotiations aimed at strengthening the freedom, independence and pluralism of the media) establish a general principle of ethics, without involving truly binding measures.
- ÿ **Rules governing the pluralism of currents of ideas and opinions, increasingly unsuited to a changing landscape and which would benefit from being modernized**. One example among others: the supervision of presidential election campaigns, where the audiovisual sector is very heavily regulated (counting down to the minute the speaking time of each candidate in the election, to the point of establishing complete equivalence between all candidates), while the press sector and the Internet allow for totally free expression.
- ÿ **An overall weakness in media education that is still too disparate and ad hoc**, which should not be limited to the population of schools or secondary education, but should extend to all citizens.

The working group's observation principles

- **Strengthening the obligations guaranteeing journalistic ethics and deontology.** The opportunity for a label or a form of certification of news media, including personal accounts with a high audience, will be questioned in particular so that citizens can identify those press organizations that subscribe to ethical obligations. An independent body could thus be established, responsible for ensuring daily compliance with ethical rules in terms of information and whose governance would involve the media and citizens. The question also arises of strengthening the obligations to prevent conflicts of interest in journalistic activity, or even of the adoption by news media of the status of mission-driven companies, in connection with the strengthening of CSR obligations to anchor them in the 21st century;
- **The institution of "trusted third parties "**, consisting of a directory of experts representative of the diversity of currents of expression and opinions and balanced in representation between men and women (ensuring a pluralism of expertise as well as presence in the media), and **the increased importance given to fact-checking actions** ;
- **Strengthening media education and training in critical thinking**, in particular by extending it to all ages, all social backgrounds and in the provinces, in order to give citizens the techniques to decipher the images or information delivered and to promote the development of critical thinking. One of the challenges also lies in the training of teachers and professionals in national education. The objective of the working group is to propose a "turnkey" public policy, in its operational and financing modalities;
- **Promoting the right to information**, particularly for the most vulnerable, based on the principle of guaranteeing access to quality information for all, regardless of the means of dissemination and regardless of the territory of origin; **developing an ethic of discussion in public debate**, including on social networks and within the framework of a reflection between individual responsibility and freedom of expression (question of making the identification of account holders on social networks mandatory and putting an end to anonymity; question of the certification of identities by trusted third parties). The challenge also lies in strengthening the training of journalists in schools and in continuing education, to reduce the "culture of clash" as much as possible, or even sanction it;
- **Improving trust between the media and citizens**, with the idea that information is a common good or a national cause, by creating events likely to improve knowledge about the daily work of journalists (ideas of a media festival or media week, broader than the week of the written press at school), the development of representativeness in editorial offices in order to combat biases and stereotypes of information producers (idea of establishing referents on representations and representativeness in media editorial offices, challenge of better representing rural and overseas territories in the subjects, etc.) and the commitment of information groups in CSR approaches;
- **The issue of protecting the population, particularly young people, against excessive information** (from a public health perspective), through prevention and awareness-raising actions and by relying on health and national education professionals. One of the challenges is to promote "solutions journalism" by not limiting itself to raising problems, and where appropriate by rewarding it with prizes;
- **The evolution of the training of journalists**, in particular to better understand technological developments, develop a scientific and technical culture, fight against the manipulation of information or better understand the potential and limits of artificial intelligence;
- **The modernization of the rules of pluralism, particularly during electoral periods**, to take into account of the evolution of the ways in which citizens consume information.

PROPOSAL SHEETS

I. A new model

Proposal sheet no. 1: The information mission company

Finding: Existing law

Following the report submitted to the Government by Nicole Notat and Jean-Dominique Senart ("The company, object of collective interest", March 9, 2018), Law **No. 2019-486 of May 22, 2019** relating to the growth and transformation of companies, known as "PACTE", provided for several provisions intended to "rethink the place of companies in society", according to the title given to Section 2 of Chapter III of this law.

The law has provided in the Civil Code, on the one hand, and **as a mandatory provision**, that ***"The company is managed in its corporate interest, taking into account the social and environmental issues of its activity"*** (Article 1833) and, on the other hand, and **as an option**, that **the company's statutes "may specify a purpose, consisting of the principles that the company adopts and for the respect of which it intends to allocate resources in the performance of its activity"** (Article 1835). Through these two amendments, the legislator wished to encourage companies to pursue broader objectives than just short-term economic interest, but also to preserve their long-term interests, the desire to re-establish a balanced relationship between their shareholders and their statutory governance, the search for greater trust between them and citizens and the promotion of a capitalism that is more responsible in both social and environmental terms. It may be noted that while the concept of **"corporate interest"** appeared in the case law of the Court of Cassation, designating the fundamental interest of the company considered as a legal entity, independently of the interest of the partners (Cass. crim. 27 October 1997, no. 96-83.698), that of **"raison d'être"** is for its part unprecedented in legislation as in case law¹.

The law also introduced, **for commercial companies** (which excludes, *a contrario*, civil companies in particular), a new "quality" of **"mission-based company"** in articles L. 210-10 to L. 210-12 of the commercial code – and not a legal status as such².

Obtaining the status of a mission-driven company is subject to several conditions:

- The company must **specify in its statutes a "raison d'être"** (see article 1835 of the civil code)³ ;
- Its statutes must also **specify one or more social or environmental objectives** that the company aims to pursue within the framework of its activity (see article 1833 of the civil code), which may, for example, concern the improvement of the working conditions of its employees or their recruitment conditions, a general objective of decarbonization in the production activity, etc.;
- The company must have a **committee to monitor the execution of its mission**, which must be separate from the existing bodies. It must include at least one employee. This committee must submit a report each year attached to the management report of the meeting responsible for approving the company's accounts. This committee carries out any verification it deems appropriate and obtains any document necessary for monitoring the execution of the mission;

¹ See in this regard the opinion given by the Council of State on the draft law, points 93 to 108.

² These same provisions apply to mutual insurance companies (Article L. 322-26-4-1 of the Insurance Code), to mutual societies and unions of mutual societies (Articles L. 110-1-1 to L. 110-1-3 of the Mutuality Code) and to cooperatives (Article 7 of Law No. 47-1775 of September 10, 1947 relating to the status of cooperation).

³ The legislator did not wish to restrict the scope of the "raison d'être" by developing a definition whose terms would have been fixed in the law. That of the Carrefour distribution group aims, for example, to "offer [its] customers quality services, products and food that are accessible to all through all distribution channels", while that of La Poste is worded as follows: "Serving all, useful to everyone, La Poste, a company of human and territorial proximity, develops exchanges and forges essential links by contributing to the common goods of society as a whole".

- ÿ The execution of the objectives must be subject to **verification by an independent third-party body. dant (OTI)** accredited, within the framework of an external audit;
- ÿ Finally, the statutory amendments of the company must **be registered with the commercial court registry.**

When one of these conditions is not met or when the opinion of the external auditor concludes that one or more of the social and environmental objectives that the company has set for itself are not being met, the public prosecutor or any interested person may refer the matter to the president of the court ruling in summary proceedings to order, where appropriate subject to a penalty payment, the company to **remove the mention "mission-based company" from all acts, documents or electronic media emanating from the company.**

At the regulatory level, a **decree no. 2020-1 of January 2, 2020** relating to mission-based companies detailed the advertising rules in this area as well as the regime applicable to independent third-party organizations, while a **decree no. 2021-669 of May 27, 2021** and an **order of May 27, 2021** specified the methods of monitoring these organizations (examination of indicators, interview with the mission committee, etc.).

The fourth report of the monitoring and evaluation committee of the PACTE law, drawn up by France Stratégie (October 2023), indicates that in 2023, the threshold of (only) **1,000 mission-driven companies** had been exceeded.

Proposal: create a new quality of "information mission company"

To date, no status concerning media shareholders pre-exists in law. This status will have both deserves to supervise and enhance the investor.

The status of "information mission company" would be an extension of the provisions introduced in 2019 for political and general information media, **in a logic of reinforced obligations in return, in particular, in return for State aid for information** - it being specified that this status would not be reserved for written press organs, all media being eligible, and that no obligation of employee threshold or minimum turnover would be provided elsewhere.

The company should have previously been recognized as a **"mission-driven company"**¹ before being eligible for this new status - which is in no way, like the *basic "mission-driven company"*, a status. The provisions would be intended to appear **in the commercial code or in a law for this**

The corresponding obligations have in common the production of **positive externalities for society as a whole**, which go beyond the strict interest of the company – in accordance with the spirit which presided over the creation of "mission-driven companies", aiming for them to pursue social and environmental objectives in addition to the objective of making a profit.

There would be six of them:

- ÿ The governance of the company should **encourage the participation of readers or subscribers**, designated as "citizens of information", through their participation in the mission committee, just like that of journalists (*via* a representative of the society of journalists);
- ÿ The company should include among its employees a **minimum percentage (25%) of journalists with a press card and/or having received training** leading to a diploma in one of the schools recognized by the national joint commission for the employment of journalists. (CPNEJ), in order to guarantee the quality of the information produced;
- ÿ **In terms of content**, without prejudice to the principle of editorial freedom, the company should commit to **promoting diversity in the subjects covered, to promoting a "solutions journalism" approach and to guaranteeing representation of the French population in its speakers,**

¹ The two operations may be simultaneous.

columnists as experts. To this end, it undertakes to produce a quantitative and qualitative assessment of the diversity of topics and points of view and to equip itself with a "topic diversity referent" within the editorial staff. The company should also ensure **the honesty of the information**, by promoting a greater distinction between what is editorial and what is factual information, and **present guarantees of independence. The use of social networks** should also comply with a strict communication charter (honesty and effort of contextualization in the choice of extracts, right of reply on the part of the person whose extract is highlighted, etc.);

ÿ The company should also **ensure that its advertisers comply with their environmental, social and governance (ESG) reporting** obligations resulting from Directive (EU) 2022/2464 of the European Parliament and of the Council on the publication of sustainability information by companies (*Corporate Sustainability Reporting Directive*, CSRD)¹, which will be gradually applicable from 2025; and it undertakes to communicate transparently on the nature and quality of its advertisers.

ÿ It should also **contribute to the public policy of media education**, by paying a percentage of its turnover into a dedicated fund (managed by the public interest group whose creation is proposed), or alternatively by making its journalists available to national education services, associations recognized for their dispensation of media education modules to provide a certain number of hours of training in media education, for the school public, the general public and teachers;

ÿ Finally, society should also **commit to promoting an "ethics of discussion"** by organizing debates and discussions in public spaces, in the region and in Paris, inviting all stakeholders to discuss a dedicated theme.

In return, and when the media is a written press organ, the company would benefit from a **bonus on the aid received by the State**². The corresponding benefit could possibly appear low, but it is consistent with the idea that a company wishing to adopt a mission must accept a sufficient number of constraints so that this quality is not just a marketing tool.

Compliance with these various obligations should be subject to **verification by the same OTI as that currently responsible for obtaining the status of mission-driven company**, but at an annual frequency taking into account the rights likely to be granted in return.

¹ The two operations may be simultaneous.

² Transposed by Ordinance No. 2023-1142 of December 6, 2023 relating to the publication and certification of information on sustainability and the environmental, social and corporate governance obligations of commercial companies.

II. Producers of information

Proposal sheet no. 2: Strengthening the quality of training for journalists

General observations

Contemporary issues demonstrate a necessary acquisition of understanding and even skills in scientific reasoning. Journalists, as observers and analysts of the world, must be able to untangle scientific and economic mechanisms and allow a clear presentation for a third party.

Exercising an eminently important function for the democratic life of the country, the challenge of training journalists is both central and decisive for producing fair, reliable and sourced information.

The disciplinary competence of students in journalism schools depends on that of those leaving national education. The various PISA and OECD rankings illustrate the weakness of the French school system when it comes to scientific culture.

It is up to journalism training courses to partly compensate for the gaps observed, not only by validating that this training is an integral part of any journalism curriculum, but also by using their continuing education organizations to regularly offer refresher courses for working journalists.

Propositions

1. Promote, through any appropriate approach or incentive, bridges between journalism training and economic or scientific training

To do this, France has an original system of journalism schools recognized by the profession (14 to date), whose accreditation criteria and the benchmark of skills expected of the profession come from the National Joint Commission for the Employment of Journalists (CPNEJ). The latter grants its accreditation and reviews it regularly. A strong statutory link exists between these schools (public or private) and the profession, since they are listed in the appendix to the collective agreement for journalists and graduating from one has consequences in particular on the negotiated pay scales and the rate at which the status of holder of the professional identity card for journalists is obtained.

There are many other journalism training courses in the higher education landscape: private schools not recognized by the profession, university courses at BUT or Master's level, etc. There are over a hundred of them. The sector of unrecognized training is not structured, unlike that of recognized schools, all members of the Conference of Journalism Schools. All together, the 14 schools recognized by the profession graduate only 600 young journalists per year, which represents approximately 1/3 of the new press cards awarded each year. 2/3 of the "new cards" therefore did not attend a school recognized by the profession. Students who train in journalism generally do so after having followed training in another disciplinary field. Access from the post-baccalaureate level is also possible. However, we note that too few profiles of economists or scientists – in the sense of so-called "hard" sciences – are moving towards the profession, and even fewer towards schools recognized by the profession. Editorial offices lack journalists with a good scientific culture, capable of understanding the

challenges of the 21st century and to make them understandable to their fellow citizens. The training courses offered, while they allow for an effective understanding of the profession of journalist, do not allow for covering all the subjects to be covered or followed. A first axis would be to promote the formalization of partnerships between journalism training and scientific courses or establishments in order to encourage vocations and overcome self-censorship among science students, who do not necessarily think that journalism can be an outlet for them, and improve the scientific culture of future journalists. These partnerships could consist of bringing together scientific training and journalism schools, to promote common cultures. These partnerships can also take the form of joint projects leading future scientists and future journalists to work together.

There are experiments within recognized schools that should be generalized. In particular, encouraging universities and grandes écoles to receive representatives from journalism schools in order to have students write about their research areas (hackathons, news week, etc.). It should also be possible, depending on the case, to introduce or intensify scientific/economic culture modules in journalism training, knowing that the reference framework for training recognized by the profession already refers to them, without however imposing a specific number of hours. The minimum number of hours of these modules could thus be increased.

Finally, it would be useful to make it possible to introduce journalism discovery modules into all courses, whether scientific, philosophical, sociological or economic, at L1, L2 or L3 level, before the recruitment stage of journalism schools at the master's level and within the framework of a policy of generalised media education throughout life and learning (see EMI sheet).

2. Promote the development and financing of continuing training for journalists in the scientific and economic fields

One of the specificities of the journalist's profession lies in its responsibility to adapt, in substance, to all contemporary developments (economic, social and technological) of the subjects covered since it must echo them on a daily basis to the greatest number. Knowledge acquired in training can quickly become obsolete and require regular refresher courses. It must be noted that to date the vast majority of so-called continuing training for working journalists remains focused on journalistic techniques rather than on the themes of subjects. Furthermore, during the various hearings, a certain weakness in continuing training policies within the media was noted, not only due to a lack of incentive from employers but also due to the typology of the training offered.

Too great a gap with the training time can lead to a deterioration in the quality of the information given. This observation is particularly true in scientific or economic fields, where the issues evolve very quickly. The treatment of developments in artificial intelligence and its impact, to cite just one example, requires specific training as an integral part of the journalist's professional career.

Proposals: ¶

Develop a continuing education reflex among the population of working journalists through a more incentive-based CPF policy, promoting specific training linked to contemporary issues (science, economics, environment, artificial intelligence, etc.) and through a proactive employer policy. Certain specific training courses (to be listed) would be financed by a top-up of the CPF at a flat rate. Given the number of journalists, such a measure could cost around €15 million per year;

¶ To encourage the implementation of training for journalists in contemporary issues, this criterion could be part of those for obtaining the status of a 21st century information mission company (see specific sheet). Another proposal would aim to add the criteria for the payment of press aid that of the training of journalists. Press organizations that strongly encourage or support the continuing training of their journalists would see an increase in their public aid. Each year, each media outlet would indicate to the DRAC the number of journalists trained, and the training courses followed. The press aid received would be increased according to the number of journalists trained. However, such a measure would require a more general reform of the criteria for the payment of press aid.

3. On training in journalistic ethics

Observation

If the press card remains and must remain the reference document allowing an individual to practice the profession of journalist, it is clear that many actors, through social networks in particular, act and think of themselves as journalists or as transmitters of information. **51% of 16-35 year-olds see no problem with information being issued by someone other than a journalist. In addition, 53% trust an influencer according to their number of subscribers.** According to a study by the Commission for the Identity Card of Professional Journalists, which lists 33,600 active journalists with a press card in 2022, nearly 21,400 people do not have a press card but declare that journalism is their main activity.

Proposition

In response, one proposal would be to reactivate the "professional passport" system, developed over a decade ago but which has remained at the pilot project stage. This system would entrust journalism schools recognized by the profession with training in the essential subjects of ethics, professional conduct and media economics. It would involve short continuing education modules (for example 3 x 5 days) provided to any new journalist who has not followed a course recognized by the profession.

4. On the construction of training courses

It appears that the model of schools recognized by the profession, *via* its demanding skills framework (expectations of the profession), offers guarantees as to the quality of the training received by young journalists in France, but these training courses with very dense and therefore expensive educational models are relatively few in number and only train a third of new entrants each year. Their funding has been weakened since 2013/2014 by the reforms of the apprenticeship tax, which has generally been divided by six in a decade. Given this state of affairs, it seems necessary to point out two additional avenues to remove the obstacles to the emergence of more training courses recognized by the profession:

- **The allocation of the apprenticeship tax from news media companies to recognized journalism schools**, whose training courses comply with the expectations of the profession. This measure would allow these courses to return to satisfactory levels of self-financing, relieving the burden on the institutions that oversee them, and removing the obstacles to the emergence of new courses that are eligible for approval by the CPNEJ;
- **The relaxation of certain requirements of the CPNEJ** – which indicates that it is committed to this re-flection – in order to also encourage more applications for approval. The criteria for obtaining approval must be reviewed as a priority. It is important to have more than 14 recognized schools in order to ensure better access for students to these schools. Some could specialize in a particular practice.

Proposal sheet no. 3: Improving the diversity and social representation of journalists in editorial offices

Observation

The question of "who" produces and gives this information becomes essential in a time of general contestation of information. This is why the issue of the representativeness of the media is increasingly present in debates about information.

This requirement for representativeness can also be seen in the progressive fragmentation of a society that increasingly recognizes itself on the basis of criteria other than that of belonging to a single society. The "archipelization" of society, which is not the subject of commenting on here, leads to demands on the part of the media to understand and apprehend these phenomena. An editorial team that reflects French society in its great diversity has a better chance of achieving this.

The social non-representativeness of editorial offices became even more glaring during the riots of 2005 and, more recently, the yellow vest crisis in 2019-2020. Not only do citizens suffer from a lack of representation in the media, but journalists themselves struggle to identify, understand and tell the stories of these citizens. Despite the fact that the problem has long been well identified, and an increasing number of mechanisms have been put in place by recognized journalism schools, the associative environment and certain media, diversity in the recruitment of journalists remains very unsatisfactory, particularly compared to what may exist in other countries, particularly Anglo-Saxon ones. The reasons for this are multifactorial, starting with the exclusionary nature of the school system, but also the precariousness often inherent in the first years of professional integration, which refers to the conditions in which young journalists are welcomed into press companies. The issue of diversity is often reduced to that of granting scholarships or ethnocultural origins, but it also concerns many other aspects such as disability and rural origins. Becoming a journalist, and remaining one, represents, particularly at the beginning of a career, a financial cost that only some are able to assume, leading in fact to a recurring risk of homogenization of profiles within editorial offices.

Propositions

1. On the lack of representativeness of editorial offices A first proposal would

be to encourage press companies and information media to engage in a genuine social contract for diversity which would include several commitments:

- The establishment of diversity committees, at the level of their governance and which would be managed by human resources departments;
- Mandatory transparency of job offers for journalists, by any means – a practice traditionally not very widespread in editorial offices, as co-optation carries significant reproduction bias;
- Raising awareness among operational managers of issues related to the integration of diversity of profiles in editorial offices, in order to improve their awareness of the problem and their ability to respond to it on a daily basis for better quality information that is representative of the visions of society; for example, a two-day training course could be structured as follows:
 - 1/ understand the challenges of diversity, 2/ understand how to take them into account in their management 3/ identify sources of enrichment in their editorial decisions;
- The implementation of concerted actions with training:
 - Support actions through internal mentoring for young people entering the profession. For example, for any fixed-term contract, it would be possible to provide for 50% of its duration with a mentoring system, with the internal contribution of a mentor who is not the hierarchical superior and who is the referent to whom the young journalist can turn for any question related to his integration into the company, including in terms of his editorial proposals or editorial treatments.
 - Reflections on the precariousness of starting a career, which can be a barrier to commitment to the profession when you come from a socially disadvantaged family;
 - The place given to journalists at all ages in senior and junior editorial offices (interest in tasks, remuneration and status, contributions of new ideas, expectations, rhythms);
 - Concrete incentive measure: companies' commitment to diversity could give rise to a bonus on press aid, thanks to redesigned criteria. (Information mission company factsheet).

Two other axes could focus on:

- The introduction in media companies of a representativeness index comparable to the in-parity indicator, *via* CSR; (File: company with an information mission);
- The establishment of a system to encourage meetings between journalism schools, associations involved in the issue of diversity and the media. This would make it possible to structure and give greater scope to innovative and fruitful local partnerships, which often do not go beyond a certain scale. For example, a person interviewed from the associative sector thus wished to see the emergence of a "one-stop shop" to have access to journalism schools to offer prospects to the young people from the QPVs he looks after and who are developing a taste for the profession.

2. On diversity in training:

The issue of diversity also arises from the training phase. To encourage stronger work on representation, **it could be proposed to promote the development of support systems upstream of journalism training, in particular those recognized by the profession, and downstream, at the time of integration, in order to have a chain.** While there are many systems for preparing for the competitive examinations of journalism schools recognized by the profession, those that strongly have a social and diversity dimension could be developed and strengthened (such as La Chance). Furthermore, it is necessary that these efforts upstream of selective schools be continued until the time of professional integration through work on the conditions for integrating young journalists into companies (*see above*), *via* concerted school/company approaches.

Proposal sheet no. 4:

The rights and responsibilities of journalists: better protecting journalists and their sources and rebuilding trust with the public

Six hearings were held on this topic: Edwy Plenel (*Mediapart*), Tristan Waleckx (*Complément d'enquête*), Ariane Lavrilleux (independent journalist, *Disclose*, association "Prenons la Une"), Jérémie Demay (independent journalist, association "Informer n'est pas un faute"), Inès Léraud (independent journalist, *Splann!*, *Disclose*) and Laurent Richard (*Forbidden Stories*).

A number of these proposals still constitute avenues that the working group would like to have time to explore further, given the lateness with which it was notified of this subject.

The fact sheet is based in particular on the observation of serious and repeated attacks on freedom of the press, on the recent increase in interventions by certain shareholders in the media they own, on the abusive use of defence secrecy and business secrecy in proceedings against journalists, or on the still unsatisfactory framework for the protection of the secrecy of sources.

Proposition n° 1 :

Protecting editorial offices from shareholder editorial interventionism

The subject was the subject of lively discussions within the group on the notions of legal status of the editorial staff, the place of the SDJ and the right of approval.

The option that finally achieved **unanimous support within the group was to grant the editorial team a right of approval (or veto) to validate or not the choice of a new editorial director**, according to a charter that it would have previously communicated and which would indicate the editorial project that it intends to implement.

The definition of "who votes" - either the editorial staff as an autonomous legal entity, or the sum of all the journalists -, according to what proportion so that the new editorial director is approved - vote by absolute majority or two-thirds (see the example of *La Croix*) - and with what consequences - still deserves to be clarified, but the majority of members are in favour of each journalist, member of the editorial staff, having an individual right to vote - taking into account the fact that many media do not have an SDJ.

Group 2 also believes that the existence of SDJ should be generalized in all editorial offices.

The question also arises of involving the society of journalists (SDJ) upstream – when there is one – in the co-construction of the editorial project of the new editorial director.

Finally, we are in favour of access to public aid being conditional on the introduction of the right of approval.

The more ambitious option, which would be to introduce this same right of veto **also for new shareholders, and not only for editorial directors, probably raises a constitutional difficulty** with regard to the principle of freedom of enterprise (article 4 of the Declaration of 1789).

Proposition n° 2 :

Reforming the protection of the confidentiality of sources

While the confidentiality of sources has long been recognised in the professional charters applicable to the profession of journalist and benefited from protection in the case law of the European Court of Human Rights (see in particular the *Goodwin v.*

United Kingdom of 27 March 1996¹), its introduction into an internal legislative text is only very re-hundred

The reform of the Code of Criminal Procedure by the law of 4 January 1993² thus provided, in Article 109 of the Code of Criminal Procedure, that *"any journalist, heard as a witness on information collected in the exercise of his activity, is free not to reveal its origin"*.

Above all, the law of January 4, 2010 relating to the protection of the confidentiality of journalists' sources, known as the "Dati law"³ has substantially strengthened the French legislative framework.

In particular, it reinstated Article 2 of the law of 29 July 1881 on freedom of the press, providing that *"the confidentiality of journalists' sources is protected in the exercise of their mission of informing the public"*.

This principle is not, however, absolute, but includes exceptions, inspired by the case law of the ECHR (the *Goodwin* judgment cited above in particular⁴). The third paragraph of the same article thus provides that *"the confidentiality of sources may not be directly or indirectly infringed unless an overriding requirement of public interest justifies it and if the measures envisaged are strictly necessary and proportionate to the legitimate aim pursued. This infringement may not in any case consist of an obligation for the journalist to reveal his sources. / An indirect infringement of the confidentiality of sources is considered to be (...) the fact of seeking to discover a journalist's sources by means of investigations involving any person who, because of his usual relations with a journalist, may have information enabling these sources to be identified"*.

The law of 4 January 2010 also set out in Article 56-2 of the Code of Criminal Procedure the rules relating to searches in premises occupied by journalists. It provides, as for other protected professions, for the intervention of the judge of liberties and detention (JLD).

The right of a journalist not to reveal his sources is also contained in Articles 109, 326 and 437 of the Code of Criminal Procedure, which recognise that journalists heard as witnesses have the freedom not to reveal the origin of the information they collect in the course of their work. In addition, Article 105 of the same Code prohibits the transcription of correspondence with a journalist that has been the subject of judicial interceptions, when it allows a source to be identified in violation of the 1881 law.

However, the framework set by the legislator in 2010 has been criticized – although it constitutes in itself a substantial improvement in the protection previously granted to the confidentiality of sources. While several decisions of the Court of Cassation reflect a strict acceptance of the cases in which the existence of an "overriding imperative of public interest" can be recognized⁵

. These decisions are made *ex-post*, once the confidentiality of sources has been lifted, and this notion remains imprecise in any case.

¹ In this judgment, the European Court of Human Rights recognised the protection of journalistic sources as "one of the cornerstones of freedom of the press", specifying that "the absence of such protection could discourage journalistic sources from assisting the press in informing the public on matters of general interest. As a result, the press could be less able to play its indispensable role as a 'watchdog' and its ability to provide accurate and reliable information could be diminished".

² Law No. 93-2 of January 4, 1993.

³ Law No. 2010-1 of January 4, 2010.

⁴ Where we find precisely the notion of "overriding imperative of public interest" e.g. with low resources of classified ads (QFRPA) and aid for the pluralism of the regional and local periodical press (PPR).

⁵ See in particular Cass. crim. 6 December 2011, no. 11-83.970 and Cass. crim. 14 May 2013, no. 11-86.626.

Several recent cases also illustrate the **potential abuses that the current legislative framework can lead to** : journalist Ariane Lavrilleux was searched at her home on September 19, 2023, placed in police custody for 39 hours and questioned by the intelligence services with the aim of revealing one or more sources behind her investigations, particularly on the French army in Egypt.

For most of the journalists interviewed, the current law is not restrictive enough, the notion of "overriding imperative of public interest" being too vague and too subject to interpretation by the judge, as is that of "measures strictly necessary and proportionate to the legitimate aim pursued". Furthermore, there is currently no sanction in the event of a violation of the confidentiality of sources.

The consequences of lifting the confidentiality of sources for a journalist can finally be very harmful for him and the exercise of his profession, due to the lack of certainty for his interlocutors that his identity will be protected and never made public, leaving a doubt hanging over him which can lead to self-censorship, and therefore to the non-revelation of issues of public interest.

In June 2013, the Government tabled a bill strengthening the protection of the confidentiality of journalists' sources. However, this bill was only examined in committee in the National Assembly, without ever reaching the stage of examination in public session. Its content was taken up, with some modifications, by an amendment to the bill aimed at strengthening the freedom, independence and pluralism of the media, which became the **law of 14 November 2016** known as the **"Bloche law"**. The corresponding provisions were, however, completely **censored by the Constitutional Council**, which was referred to this point by more than sixty senators¹.

The 2013 project included several substantial developments, including:

- *A restriction of the exceptions to the protection of the secrecy of sources*, by a restrictive list inspired by the legislative framework applicable in particular in Belgium and abandoning the old notion of "overriding imperative of public interest". It was thus provided that the secrecy of sources could not be infringed *"except if this infringement is justified by the prevention or repression of either a crime or an offence constituting a serious attack on the person or the fundamental interests of the Nation and if the measures envisaged are strictly necessary and proportionate to the legitimate aim pursued"* ;
- *An infringement of the confidentiality of sources subject to the decision of a trial judge*. Under penalty of nullity, an act of investigation or instruction intended to infringe the confidentiality of sources must thus be previously authorized by a specially motivated order issued by the judge of liberties and detention, seized, depending on the case, by reasoned request of the public prosecutor or by reasoned order of the investigating judge.

These provisions were reintroduced in the 2016 bill, but the system as a whole was censored by the Constitutional Council.

¹ Decision No. 2016-738 DC of November 10, 2016.

The unconstitutionality noted by the Constitutional Council concerned:

• *The limitation of the cases in which the confidentiality of sources could be violated.* The draft provided that "the confidentiality of sources could only be violated, directly or indirectly, in exceptional circumstances and only if this violation is justified either by the prevention or punishment of a crime, or by the prevention of an offence constituting an attack on a human being punishable by at least seven years' imprisonment or an offence provided for in Titles I or II of Book IV of the Criminal Code punishable by at least seven years' imprisonment, or by the punishment of one of these offences when it is particularly serious due to the circumstances of its preparation or commission or because of the number and status of the victims and those involved and when the violation is justified by the need to put an end to the offence or when there is a particularly high risk of its recurrence"¹ ;

• *Criminal immunity with regard to the offence of receiving stolen goods* had been extended compared to the 2013 bill, by including not only journalists, but also "editorial staff". The 2016 bill also took up the scope of the facts covered by this immunity, i.e. the violation of professional secrecy or the secrecy of the investigation or instruction or the offence of invasion of privacy² .

The group's proposal is, after having drawn up an exhaustive assessment of the conditions of application of the law of 4 January 2010, to **take up two of the measures envisaged in the 2013 and 2016 projects**, that is to say the **restriction of exceptions to this protection according to the restrictive list which had been defined in 2013** (subject to legal confirmation that the removal of the mention of "overriding imperative of public interest" is in accordance with the Constitution, which could be confirmed by the Council of State seized in the context of its consultative functions³) and **the introduction of an authorisation by the JLD of any act of investigation or instruction intended to undermine the secrecy of sources**.

It would also be appropriate **to introduce into the new draft criminal sanctions for breaches of the confidentiality of sources**, and not just the nullity of criminal proceedings as is the case today.

¹ The Constitutional Council considered that it resulted from this wording that the legislator had subordinated the infringement of the secrecy of sources, in criminal matters, to a requirement of prevention and excluded the infringement of this secrecy for the purposes of repression of an offence, whatever its seriousness, the circumstances of its commission, the interests protected or the overriding imperative of public interest (expression mentioned in its decision) attaching to this repression. It therefore ruled that the legislature had not ensured a balanced conciliation between freedom of expression and communication, on the one hand, and the requirements inherent in safeguarding the fundamental interests of the Nation, the search for the perpetrators of offences and the prevention of breaches of public order necessary for the safeguarding of rights and principles of constitutional value, on the other hand – it being specified that the protection of sources does not, in itself, have constitutional value (decision no. 2015-478 QPC of 24 July 2015).

² The Constitutional Council noted that this immunity prohibited prosecution for concealment of a breach of professional secrecy and for invasion of privacy, offences punishable by five years' imprisonment and aimed at punishing behaviour that infringes the right to respect for private life and the secrecy of correspondence. It also prohibited prosecution for concealment of a breach of the secrecy of investigations and investigations, an offence punishable by the same penalty and protecting the presumption of innocence and the search for the perpetrators of the offence. It therefore ruled that the legislature had not ensured a balanced conciliation between freedom of expression and communication, on the one hand, and the right to respect for private life and the secrecy of correspondence, on the other.

³ Cf. the (non-public) opinion given by the Council of State in 2013, which recommended retaining this notion taking into account constitutional requirements and the case law of the ECHR. It is possible that the notion of crime or offence "constituting a serious attack on the person or the fundamental interests of the Nation" may nevertheless be appropriate.

Proposition n° 3 :

Ensure rapid, complete and ambitious transposition of the SLAPP Directive

To date, there is no legal definition in France of what constitutes "gag orders". which call into question freedom of expression and seriously undermine freedom of the press. They aim to "gag" journalistic expression through systematic procedures, targeting a particular media outlet or journalist, which have the effect of intimidating the people concerned by lengthy and costly litigation.

A European directive which came into force in March 2024 is intended to be transposed in France within two years with regard to cross-border matters.

The text contains promising advances – notably the possibility for the judge to quickly reject manifestly unfounded claims, in the event of abusive legal proceedings and to charge the plaintiff the costs of the proceedings, in particular the legal fees of the person prosecuted – which the members of the *Coalition Against SLAPPs in Europe* have been defending for several years.

(CASE), but unfortunately also includes **shortcomings**.

France must take advantage of this transposition deadline to introduce an even more protective framework at the national level, namely:

- **adopt a clear and ambitious definition of SLAPP procedures in French law**, with more protective provisions than those required at European level and which also concern cases of a purely internal dimension;
- establish an accelerated procedure for the rapid rejection of these procedures by the courts when identified as such;
- introduce dissuasive financial sanctions against abusive complainants; • impose the payment of full compensation for the damage suffered by the complainant, in order to cover all or part of the legal costs and the moral prejudice caused to the journalist or editorial staff concerned.

Proposition n° 4 :

Strengthening access to administrative documents

The French system of communication of administrative documents, although relatively sophisticated compared to other democracies, can be improved.

This is an important issue for the quality of journalistic work.

At the level of the CADA itself, the response times are sometimes too long and it is regrettable that its opinions are **not binding**. Thus, when journalists provide the opinion of the CADA to the entities whose documents they wish to see communicated, these structures are not always cooperative or their response times are incompatible with the writing of journalistic productions.

in progress.

But the problem also lies upstream: while there has been clear case law since the law of 17 July 1978, which established a right of access for citizens to administrative documents, the CADA receives more than 10,000 requests per year following refusals of access to documents, while a majority of these requests were well-founded (the opinion on the request for access is favourable in around 60% of cases).

Article R. 330-4 of the Code of Relations between the Public and the Administration provides for the appointment, within each administration (State, local authorities, etc.) of a **delegate responsible for access to administrative documents**, tasked with processing requests and relaying the doctrine of the CADA and the case law of the Council of State. This function is insufficiently known and would deserve to be brought more to the attention of the public and professionals on the website of each institution.

It would also be appropriate to ensure that a **better culture of public archiving is disseminated in administrations**, particularly with regard to the retention of professional emails.

Proposition n° 5 :

Guarantee journalists access to public places and events

The principle of freedom of movement normally allows any journalist, like any citizen, to access public spaces in which they wish to carry out their work. For certain places or contexts (for example, parliamentary chambers), access may nevertheless be subject to accreditation. Access to places of detention, such as prisons, is also subject to a prior authorisation regime. Finally, this freedom is opposed by administrative police measures, which may consist, for example, of setting security perimeters and conducting criminal procedural acts, in order to guarantee respect for the secrecy of the investigation and the instruction.

However, on this first basis, we have noted certain recent deviations (see the coverage of the A69 construction site, where the UN special rapporteur asked for the work of the press to be facilitated on the site, journalists having been kept away). It could be proposed to **create a national mediator between the news media and the administrative authorities**, particularly the prefectures, to guarantee journalists' access to all public places and events, who would be called upon to intervene before these events, or in emergency situations, when difficulties are encountered by journalists in the field. This national mediator could rely on local mediators.

Proposition n° 6 :

Reforming trade secrets

The law of 30 July 2018 on the protection of business secrets, which transposed the European directive of 8 June 2016 on the protection of know-how and undisclosed commercial information, constitutes, in the opinion of the persons heard, the source of too great an attack on the freedom of the press to communicate information of general interest to the public.

The text defined the concept of trade secrets through three criteria, specified in Article L. 151-1 of the French Commercial Code: the information is not, in itself or in the exact configuration and assembly of its elements, generally known or easily accessible to persons familiar with this type of information due to their sector of activity; it has a commercial value, actual or potential, due to its secret nature; it is subject to reasonable protective measures on the part of its legitimate holder, taking into account the circumstances, to preserve its character

secret.

The exceptions provided for are nevertheless too vague and too imprecise. Article L. 151-8 thus specifies that in the event of proceedings relating to an infringement of business secrets, the secret is not enforceable when its acquisition, use or disclosure occurred in order to exercise the right to freedom of expression and communication, including respect for freedom of the press, and freedom of information as proclaimed in the Charter of Fundamental Rights of the European Union.

In the absence of establishing immunities from prosecution for the journalists concerned – a development which would raise a constitutional difficulty, given the principle of equality before the law – **we propose to repeal this law.**

Proposition n° 7 :

Strengthening journalistic ethics and deontology

In terms of the ethical and deontological requirements of journalism¹, there are many long-standing initiatives, with a strengthening of the applicable standards in recent times.

The profession is based on three founding texts – the project of a single charter never having come to fruition (*cf.* the draft code of ethics prepared under the aegis of Bruno Frappat in 2009):

- the charter of professional ethics for journalists, drawn up in July 1918 at the initiative of the national union of journalists (SNJ);
- the declaration of the rights and duties of journalists, adopted in 1971;
- the global ethics charter for journalists of the International Federation of Journalists, adopted more recently in 2019.

These texts include some major fundamental principles, constituting rights and duties, including that of *"maintaining professional secrecy"* and *"not confusing one's role with that of a police officer"* (1918 charter), the imperative to only publish information *"whose origin is known"* and to *"rectify any information that turns out to be inaccurate"* (1971 charter), or that of *"respecting the facts and the public's right to know them"* (2019 charter). In addition to these general texts, there are numerous charters or codes that press or media companies have adopted internally.

The law of 14 November 2016 aimed at strengthening the freedom, independence and pluralism of the media, known as "Bloche", included several notable provisions:

- It provided for the adoption of ethical charters, jointly drafted by management and journalists' representatives, with employers having to provide this charter to all their journalists when they are recruited. Violation of its charter by a press publishing company results in the suspension of all or part of the aid it receives;
- The law adds to the missions of the CSA, which has become Arcom, the mission of guaranteeing the honesty, independence and pluralism of information and the programs that contribute to it, the agreements concluded with publishers and distributors having to specify the measures to be implemented to guarantee compliance with these principles. Arcom has the power to impose sanctions in the event of breaches of these principles during the authorization period. On this basis, the CSA published a deliberation no. 2018-11 of April 18, 2018 relating to the honesty and independence of information and the programs that contribute to it;
- It provided for the establishment of committees relating to the honesty, independence and pluralism of programme information in general radio services with a national vocation or terrestrial television which broadcast political and general information programmes.

¹ Ethics can be defined as the set of duties linked to the exercise of a profession, while ethics is more personal and expresses a search for individual exemplarity.

Furthermore, following the report submitted in March 2019 by Emmanuel Hoog, a Council for Journalistic Ethics and Mediation (CDJM) was created in December 2019, based on the model of more than a hundred other similar bodies around the world – the oldest having been created in Sweden in 1916. Taking the form of an association, it formulates opinions on “journalistic acts”. It can be contacted by any natural or legal person “desiring arbitration or an ethical opinion” on such acts (Article 1 of the internal regulations). Its scope of intervention includes all media (television, radio, press), regardless of the medium, including online.

The CDJM is organized into three colleges composed of ten members each, representing journalists, the media and the public. As of March 13, 2024, the body had received 801 referrals for 501 different journalistic acts, and published 157 opinions. The body has also published four booklets of good practices, relating in particular to the correction of errors, the treatment of scientific questions and the use of artificial intelligence.

A significant disagreement has emerged within our working group over the role of the CDJM.

There are two opposing theses, without us having managed to resolve the debate:

- The first is to be satisfied with the existing framework, that is to say a form of internal regulation in each media: to consider that **the fundamental principle on which the press is based, within the framework set by the law of July 29, 1881, is freedom** - its abuses can be sanctioned under the effect of a very developed jurisprudence, for example with regard to defamation. Outside this framework, the robustness of which is no longer in doubt, the intervention of an external body to assess journalistic content does not seem legitimate;
- The second is to consider that internal regulation is no longer sufficient, given the now too great distrust of citizens towards the news media, the current framework favouring internal regulation not appearing sufficient. The rise of ethical obligations, by strengthening external control **such as that exercised by the CDJM, would be a guarantee of improving the quality of information and public confidence in the media.** Incentives could be introduced to encourage the media to adhere to them.

These two positions overlap the divide between internal ethics – the public seeks quality information and will turn away from media that fail to meet their obligations in this area – and external ethics – global supervision is required since information is a common good and since not all media impose the same rules and the same level of requirement in terms of compliance with ethics.

Proposition n° 8 :

Rethinking the criteria for awarding press aid

This proposal overlaps with the work of group no. 3 and also corresponds to one of the criteria for attributing the status of company with an information mission.

Allocation criteria could be introduced, for example by requiring a minimum percentage of journalists with a professional press card within each editorial office or by requiring membership of an ethics body external to the media, such as the CDJM.

Proposition n° 9 :

Review the concentration thresholds provided for in the 1986 law

This proposal overlaps with the work of group no. 5.

According to an Arcom report published in March 2024 on the French people's relationship with information, 47% of French people who express doubts about the reliability of information disseminated by the media explain this doubt by the pressure from owners exerted on the media.

The concentration thresholds provided for by the 1986 law, which is obsolete according to various parliamentary reports and by Arcom itself, should be reviewed, through new thresholds including all cumulative audiences, particularly on digital media.

Proposition n° 10 :

Strengthening the transparency of press companies

The payment of press aid should be conditional on:

- the publication of the names and interests of direct and indirect shareholders, managers and the individuals who control them; • the annual publication of the accounts of each security, and not only the consolidated accounts of the band ;
- the annual publication of the details of public aid paid by the State by title and by group, as well as those paid by local authorities.

Proposal sheet no. 5:

Promoting quality information

Observation

The citizen consultation organised at the EESC in January and February 2024 revealed a strong demand from participants for stronger requirements for journalistic ethics and professional conduct, as well as, more generally, a desire for better quality information, i.e. complete and contextualised, reliable and clearly separating facts from analyses or opinions.

The *Journalism Trust Initiative* (JTI), launched internationally in 2019 by Reporters Without Borders, Agence France-Presse, the European Broadcasting Union and the *Global Editors Network*, consists of a label for assessing, based on ISO standards, media transparency, editorial independence, the implementation of journalistic methods and compliance with ethical rules. These standards are intended to become reference standards for the production of journalistic content, receiving preferential treatment in the algorithms of search engines and social networks, notably on the basis of an agreement with Microsoft.

In practice, the requesting media must carry out a self-assessment based on 130 questions.

A "transparency report" is established on this basis, the document containing all the responses to this assessment. An independent audit phase is then undertaken by a consulting firm, which verifies that good practices are implemented by the requesting media. The certification issued to media whose operation complies with the JTI is valid for two years.

years.

Several French media outlets have already obtained certification, including France Médias Monde, France Télévisions, TF1 and the EBRA group. The JTI is mentioned as a relevant regulatory initiative in the *Media Freedom Act* adopted by the European Parliament on 13 March.

Proposition n° 1 :

Generalize the external certification process

The aim would be to expand and consolidate the JTI through a national certification system.

This would not involve certification of journalistic content, the validity of which is not the responsibility of the public authorities or any third-party body to validate, but rather certification of their internal functioning – employment of professional journalists for the preparation and presentation of political and general information broadcasts, fact-checking process, editorial independence, etc. A set of criteria could be defined in this regard by the State in association with professionals in the sector, where appropriate by relying on the indicators already formalised in the JTI.

Certification or labeling could be issued by a certification body accredited by the French accreditation committee (COFRAC).

The certification would be valid for two to three years.

Proposition n° 2 :

Develop a charter of good practices in the use of stakeholders

Audiovisual information is characterised, in particular for reasons of control of production costs – designing a report being in fact more expensive – by the generalisation of debate programmes on set involving external personalities, whether political journalists, economists, sociologists or, in the recent period, “experts”.

in the field of public health (during the health crisis linked to the Covid-19 epidemic) or the military field (since the start of the invasion of Ukraine by Russia on February 24, 2022).

However, this systematic recourse to multi-skilled experts on all subjects weakens the quality of the analyses, while their intervention raises questions with regard to their professional qualifications and their links of interest with political parties, the economic world or the associative sector.

It could also be considered to design a charter of good practices in the use of external speakers, developed in an *ad hoc* framework by representatives of publishers and the public and which would provide more systematically for the identification of each speaker, by mentioning their professional activity and their links of interest on air and on the website of the broadcasting media. This charter would also include the objective of ensuring greater diversity of these speakers.

With regard to the obligation of pluralism, we can refer to the recent decision of the Council of State (CE, 13 February 2024, no. 463162, *Association Reporters Without Borders*), which provides that Arcom will have to verify compliance by each service editor with this obligation not only with regard to the airtime granted to political figures, but also with regard to all participants in the programmes broadcast, i.e. columnists, presenters and guests.

III. Citizens of information

Proposal sheet no. 5: Media education

Deploy a public policy dedicated to 21st century citizenship from school and throughout life, in the digital age, participating in the development of critical thinking, discernment, knowledge of digital issues and media education supervised by autonomous multi-stakeholder governance (media, State, associations, users, regions) and with a budget combining private and public.

Findings:

Media and information education has been more strongly integrated into school curricula since 2015 following the *Charlie Hebdo* attacks. However, the offer remains fragmented, addressed by many actors, both associative and media, it remains disparate and therefore with unequal access for individuals. Furthermore, no initial reference of content provided, nor associated impact measurement is the subject of precise documentation.

Especially since school is not the only place where EMI is taught. However, the increase in digital use (75% of 16-35 year-olds get their information from social networks), the significant breakthrough of AI in content production (30% of Chat GPT users are under 35) making each individual a media outlet requires an increase in civic responsibility through constant learning about what information is in the digital age and the consequences of its spread (40% of TikTok users trust the content of influencers if they have a lot of subscribers) in particular to also restore trust in the media: **59% of French people think that journalists are not independent, encouraging them to distance themselves from them (53% of French people say they are tired of the news because it is too anxiety-provoking, difficult to distinguish truth from falsehood, and has an impact on their morale).**

The study of the case of Finland provides insight that is relevant to seize on the influence of an information culture as a creator of trust.

Finland tops the new European Media Literacy Index 2023, with a score of 74 out of 1001 points. The index, which includes 41 states, measures potential vulnerability to disinformation across Europe, with higher rankings and scores indicating greater resilience of societies to the impact of disinformation and related phenomena.

This index includes the assessment of the quality of education (PISA), freedom of the media (RSF Index), trust in people (*World Value survey*) and the use of new participation tools (UN).

Note two other very good rankings of Finland in terms of trust in the media¹⁸, which ranks first, and the small gap in trust in local and national institutions (10.6 percentage points difference in trust between the two for comparison France is at 31.89).

The decentralization of public policies contributes to this institutional trust, as do the efforts deployed in the education system and continuing training to provide citizens with the means.

¹ Selon l'indice Media Literacy Index de Open Society Institute.

Proposition

In order for citizens to be informed actors of information and to be aware of the value of information in a democracy to give them a taste for informing themselves and having a critical mind and having the keys to act with confidence, we propose to deploy a public policy of "information culture" at all ages of life. It will be dedicated to citizenship in the 21st century.

century in the digital age participating in the development of critical thinking, discernment, knowledge of digital issues and media education supervised by multi-stakeholder governance (media, platforms, State, associations, users).

Modalities and implementations

Its deployment is the responsibility of the State, and its content must be constructed with the various stakeholders: media, associations, citizens, national education, and its regular impact measurement is essential by integrating a committee of associated researchers.

Its deployment is the responsibility of the State, and its content must be constructed with the various stakeholders: media, associations, citizens, national education, and its regular impact measurement is essential by integrating a committee of associated researchers.

1. **Identify and map all existing elements relating to EMI** to build a common framework both in terms of content to be provided outside school curricula and outside school, of actors accredited by a commission composed of the different stakeholders under an authority to be defined acting on the culture of information as well as the production of associated impact measures.

At school

- ÿ Deploy a specific subject whose name is to be found with the stakeholders (major refer-endum / survey) **with 1 hour/week** from cycle 2 which would be composed **of theoretical & practical contributions** (learning by "doing" and experimentation) for a "information culture and digital citizenship" certification on the PIX model followed in middle school with strong cultural modifications **(the CDI would become the medialab and/or infolab)** whose content could be as below:

- Production of workshops on digital identity, how algorithms work, how the brain works, distinguishing truth from falsehood, preventing cyberbullying, strengthening critical thinking; • Generalization of media creation at school: newspaper,

radio, YouTube channel for better confrontation with the production of information and activating discernment;

- Masterclass program on prevention of screen addiction and all their harmful effects on journalism, organized by a pool of associations and media referenced by the National Education system.

- ÿ Integrate the "information culture and digital citizenship" certification into training initial training of primary and secondary school teachers;

- ÿ Promote teacher-librarians in the time allocations allocated for information culture and digital citizenship;

- ÿ Continue to encourage the cross-disciplinary approach to information education and critical thinking within other subjects taught (Sciences, Humanities).

Within companies

• Training in **information culture** in companies

- Offer companies, through employee support, 1 hour of annual working time so that they can take an interest and ask questions about the way they obtain information, particularly on the Internet;
- Possibility of promoting this training within the framework of the company's enhanced CSR policy, including a role in protecting democracy, making it evolve into RSED (Democratic Corporate Social Responsibility) (on the model of the climate fresco), particularly with regard to employee parents.

Within local communities

• Train digital culture ambassadors in towns and villages supported by the agency civic service to acculturate citizens to the culture of information;

• Cross-information education sessions in retirement homes, etc. (Afterwards, intergenerational it's sometimes a bit of a cliché... We'll see if it's realistic);

• Identify meeting points for the general public (shopping centres and then others, all these large-scale distribution locations to reach the public, libraries, motorway service areas on summer holidays) and deploy a light, mobile system to create small information workshops;

• Strengthen the role of libraries and media libraries in the dissemination of EMI to all audiences by developing events around information (meetings, debates, training).

2. Ensure that the audiovisual specifications include part of the programmes of news channels and/or those with a high share of information in their schedule in media education programmes, critical thinking and information supervised by Arcom.

3. Build "national cause" type financing through different levers:

• Define the acquisition of information culture as a "major national cause" and provide it with appropriate funding, corresponding to:

- A % of company profits within the framework of the CSR policy like 1% for the planet, 1% for the culture of information at all ages of life;
- A % of the profits of GAMAMs which avoid their tax obligations but which already finance French audiovisual productions, or ES digital workshops;

• Define an incentive policy with philanthropy to finance deployment initiatives-information culture;

• A clearly identified line within the budget of the Ministry of Higher Education, National Education, Culture in the finance law;

• Include in the **Pass Culture system press subscriptions** that pay publishers, on the same model as literature. A request for an exception to the European system could make it possible to circumvent the legal obstacle put forward as justification for its exclusion in principle.

4. Creation of a position of interministerial delegate for education in information citizenship in the digital age or information culture to coordinate efforts for the deployment of public policy which is limited to the field of National Education

5. Define the program through joint governance including:
 - a. Accredited associations
 - b. Media involved
 - c. Institutions (Clemi, Digital Ministry, Culture, National Education)
 - d. Citizens: parents' association
 - e. Launch of events through a communication campaign like "3 fruits and vegetables per day" but "Good information is SO-DA-VE-CO: SOURCED, DATED, VERIFIED, CONTEX-TUALIZED".
6. Monitoring and measuring impact in the medium and long term by combining with social sciences and research institutes to regularly recalibrate and readjust the contents, their relevance and their delivery.
7. Establish a day without social networks like Finland with a media & operator coalition.

Proposal sheet no. 7:

Information citizenship in the 21st century

Findings:

Nearly six out of ten French people (57%) believe that we should *"be wary of what the media say about major current affairs"*. 59% of those surveyed believe that journalists are not independent *"from pressure from political parties and those in power"*, and 56% think that they do not resist *"the pressure of money"*.

Furthermore, 53% of them, overall, are asking for more regulation and control over social networks, but we can observe a large disparity depending on the age group.

Such distrust is serious for our democracy. If vigilance towards information is rather necessary in the era of *fake news* and the multiplication of inaccurate or biased information, the lack of trust in the main historical media leads to the absence of a minimal point of reference in the public debate, as well as no hierarchy in information.

Faced with increased distrust of the news media, and the information cloud accelerated by the development of digital technology, it is appropriate to set up systems within the media to guarantee consideration of users who have become citizens of information.

Proposals: In the

series of proposals that follow, the central idea is to deploy incentive measures for the integration of citizens within producers and broadcasters of information, in order to guarantee not only better listening to take into account the needs of citizens, but also to ensure the conditions for re-establishing trust between information media and citizens.

How the media works, citizens and the challenges of transparency

Integrate a college of citizens into media governance, like the society of readers of *Le Monde*, to ensure transparency on accounts, strategic decisions and the conditions of information production.

This model seems to be proving its worth. Created in 1985, this company brings together more than 12,000 shareholder readers, and is present in the group's three governance bodies (supervisory board, independence center, ethics and professional conduct committee). A first proposal would therefore be to encourage the development of this form of engaged citizen participation, without however making it mandatory. Financial incentives would be one way to achieve this.

Involving citizens in decision-making by media coordination, support and regulatory bodies (CESE)

Like citizen participation in media bodies such as *Le Monde*, citizen participation in certain bodies aimed at regulating the media could be considered. It is not a question of taking the place of or replacing the current mode of operation, but of supporting it, in a consultative manner, interested individuals ready to get involved in this area. To choose them, a call for applications could be made, and a draw conducted to designate a group of individuals.

They would be associated in an informative or consultative manner on the decisions taken by the regulatory bodies. Each year, this group of citizens would publish a public report on their work and how their association was carried out with the regulatory bodies.

Other suggestions:

- Open up the news media to citizen observation, in particular by publishing an annual ethical report including in particular the number of press trips and their financing, defamation proceedings to which the media has been subject, and corrections of erroneous information (CESE);
- Establish and finance user associations in media and Arcom governance;
- Promote and support cooperative media structures with better representation citizens;
- Establish an open day and media citizen day allowing discussion between readers and journalists to question and publish the corrective actions put in place;
- Communicate on referrals from ARCOM, CDJM, ethics committee in an ostentatious manner.

Access to media and information for all citizens

Developing an information pass for citizens in information precariousness in order to integrate them into the information ecosystem

Difficult access to quality information (mainstream media), compared to very free access to all information, including the most false, can be a source of increased distrust. If quality information has a cost and must therefore remain partly paid, it is possible to consider a system of financing subscriptions for the most precarious people. This system would function like an "information pass": eligible people could subscribe to 3 newspapers of their choice, in online or paper format.

The citizen facing information

- Learning an ethics of debate which allows for better dialogue with each other from early childhood to *French talks* ;
- Create a charter for the information citizen in the 21st century, mirroring the Munich charter, with training from school onwards to understand the rights and duties of information citizens.

Proposal sheet no. 8:

Developing critical thinking and fighting conspiracy theories: a democratic issue at all ages of life

Findings:

- Distrust of information and the media does not only concern young people, but all age groups¹. The propensity to share false information is also relatively higher among the senior population;
- The acceleration of the development of new digital technologies, particularly so-called "generative" artificial intelligence, tends to increase this distrust. At the same time, the "digital divide" continues to maintain a gap between those who have the tools to understand how these technologies work and those who are further away from them;
- Journalistic information today tends to be marginalized in favor of other types of stories. naked and resourceful, which garner more public attention and trust;
- Distrust of information and of the political world are linked and interrelated. hold, which constitutes a risk factor for democracy;
- While the tendency to adhere to conspiracy theories or theses remains relatively low in France in the general population, compared to other countries, it is nevertheless increasing, particularly since the Covid-19 pandemic. It presents risks from the point of view of the democratic system as a whole, as well as in more targeted areas such as public health (refusal to vaccinate and reappearance of old diseases that had disappeared, renunciation of care and treatments, etc.);
- The rise of foreign interference, particularly from Russia, and the emergence of so-called "information warfare" phenomena are also likely to undermine citizens' confidence in their democracy and its values.

In this context, it is necessary to develop, in addition to and as an extension of the public policy on media and information education in schools, a set of guidelines capable of promoting, among the entire population and at all ages of life, a "pedagogy of critical thinking", which is effective in strengthening the discernment of enlightened citizens, while avoiding the perverse effect of propagating systematic doubt that fuels conspiracy theories.

By "critical thinking" we mean the citizen's ability to rationally understand and analyze the information, ideas or representations of the world that he or she may receive, to question the intention of their authors, to challenge preconceived hypotheses or beliefs and to think independently by drawing on different knowledge (historical, philosophical, scientific, etc.).

This critical spirit, which develops from early childhood, must be maintained at all ages of life. According to a definition given by the "critical spirit" working group of the Ministry of National Education, critical spirit refers to a double dimension: the awareness of our structural epistemic dependence (my knowledge depends on the information of others); the identification of the criteria on which we are led to give our trust to different sources of information.

¹ 2023 Barometer of French people's trust in the media, Kantar Public – onepoint for La Croix.

Proposals

Proposal No. 8.1: Develop opportunities for citizens to practice critical thinking at all ages of life

The underlying objective of this proposal is to create spaces where critical thinking is "practiced", by supporting all initiatives that encourage citizen participation, speaking out and civic engagement, particularly when they come from local authorities and civil society organisations. In this perspective, it would be appropriate to:

- to invite universities and the academic community to join forces with the information media to develop "popular universities", initially providing that public radio and television services, through their specifications, ensure the organization of such events, free of charge and in conjunction with the regional daily press;
- to implement awareness campaigns on information manipulation techniques and *fake news* in the news media, through government communication prepared by the services of the Ministry of Culture, with the support of researchers specializing in the mechanisms of disinformation. Communication campaigns on road safety or the prevention of alcohol-related excesses have shown the relevance and effectiveness of such an approach, when it benefits from wide media coverage;
- to maintain or even increase the opening hours of municipal, inter-municipal or departmental libraries, particularly on Sundays, which constitute a place of access to knowledge as well as to the daily press and magazines, and to encourage the organization of events for debates and public awareness of issues related to critical thinking, disinformation and conspiracy theories:
 - The law of December 21, 2021 relating to libraries and the development of public reading defined in law the role and missions of these facilities, by enshrining a principle of freedom and free access. The law could be supplemented by the mission linked to the development of critical thinking;
 - At the same time, since 2016, within the general decentralization grant (DGD), there has been a special competition relating to support for investment (construction, renovation, equipment, etc.) and the non-permanent operation of local authority libraries (€88.4 million in 2024), through which the State supports several hundred projects each year (649 in 2023), in particular the extension of opening hours. However, the limitation of this support for a period of five years, while a period of rebalancing of public accounts is beginning, including in the local sphere, carries the risk that local authorities will not be able to take over from the State in maintaining library opening hours when they have been extended thanks to this mechanism. It could therefore be envisaged to maintain State support for ongoing operating expenses, linked to the extension of library opening hours made possible by this funding (amendment of articles L. 1614-10 and R. 1614-78 of the general code of local authorities).

Proposal No. 8.2: Support research on the impact of critical thinking training

There is a proven risk that some critical thinking training courses have the perverse effect of increasing adherence to conspiracy theories. However, there is a lack of evaluations on this point.

It could therefore be relevant:

- to encourage and organize, under the aegis of the Ministries of Culture, National Education and Higher Education and Research and through public/private partnerships, collaboration between researchers in education, cognitive psychology and communication and practitioners involved in the design and implementation of critical thinking training programs, in order to adapt the programs based on research results;
- to design and validate within this framework specific assessment tools to measure “critical thinking” skills (questionnaires, cognitive tests, rating scales, etc.);
- to carry out controlled experimental studies to test and evaluate the effectiveness of critical thinking training programs;
- to disseminate the results of this research in academic journals and conferences scientists, to guide the development of more effective programs.

Proposal No. 8.3: Integrate the socio-cultural dimension into the strategy for preventing and combating disinformation

Policies to combat disinformation are based on reading grids based on socio-demographic indicators (level of education, age, etc.). However, research shows that determinants relating to social psychology (sense of belonging and recognition, identification with a group, loneliness and relational isolation, perception of threat, optimism v. pessimism, “agency”, etc.) are also determining factors. It is therefore appropriate to integrate them more into strategies for targeting priority audiences for critical thinking training programs.

In this perspective, the development of a peer prescription strategy, in particular to increase the impact of *pre-bunking* and *de-bunking* content, is relevant, in order to identify individuals corresponding to the targeted audience.

Proposal No. 8.4: Promote young people's commitment to combating disinformation

Although young people are the preferred targets of disinformation on social networks, they are also more adept at identifying the origin of content and may be more cautious than their elders before sharing it. These *digital natives*, most of whom already benefit from media and information education in schools, could pass on knowledge to seniors who are most affected by the digital divide.

It could thus be considered to create a role of "information ambassador" within the framework of civic service. In addition to the training provided by the host organization, the young person in civic service could be invited to complete five to ten training sessions for all audiences (schoolchildren, disadvantaged groups, elderly people, etc.) as part of their general interest mission lasting six months to a year, in return for an increase in their monthly allowance (€504.98 net).

Proposal No. 8.5: In the pre-election period, strengthen the prevention of misinformation

The periods preceding elections are particularly conducive to disinformation campaigns, particularly on the part of foreign powers.

Several proposals appeared relevant to the working group:

- extend the periods of "information withdrawal" before the elections, by committing the media to no longer publish polls of voting intentions three weeks before the poll (without providing for a ban in the law, since the old law of 1977 which provided for the ban on any publication, broadcast or commentary on polls during the week preceding the poll was considered incompatible with Article 10 of the ECHR by the Court of Cassation in 2001, hence the limitation to the polling *weekend* only since 2002);

- take stock of the law of December 22, 2018, the provisions of which aimed to:

- encourage social media platforms and search engines to implement transparency policies on political advertising, identify and label potentially misleading content and limit the spread of disinformation;
- strengthen mechanisms for detecting and reporting cases of disinformation during this period, including through the misuse of social media, smear campaigns and attempts to manipulate public opinion;
- put in place effective sanctions and regulations to deter malicious actors from disseminating information during election periods, ensuring that legislation and codes of conduct are rigorously enforced.

On the application of the law of December 22, 2018, we can refer to the Arcom reports drawing up proposals to improve its effectiveness.

Proposal sheet no. 9:

Journalism and the Ethics of Discussion

Findings:

Faced with the generalization of distrust of information, the feeling of invisibility of certain audiences/groups (e.g. feeling of gap between media coverage and reality during the yellow vest movement), and the development of information anxiety, traditional media must develop best practices to improve the readability of the information landscape and the relationship of trust with consumers/beneficiaries of information, and produce healthy information based on ethical principles.

In France, we are seeing a significant phenomenon of "social decalibration": reproduction, mainly on television, of numerous contents from social networks, particularly Twitter, inducing a bias/distortion in the representation of French society, to the extent that only a third of French people use Twitter, and a tiny minority of them regularly post content there. This model of communicating vessels between television and social networks also increases polarization, to the extent that television takes up the most divisive contents due to the biases of the algorithms that make them more visible, and social networks, in turn, mainly relay the most controversial television extracts, thus increasing their virality.

One of the consequences of the polarization of public debate is the increase in aggression and insults in media information, mainly on television. This phenomenon reinforces the distrust of the media, with reactions of disgust and media secession.

Proposals:

1. Create a media coalition to launch and adapt the " " initiative in France talks

My country

In order to allow as many people as possible to experience the debate of opinion and to promote depolarization, by creating opportunities for exchange between people of opposing opinions, the " *My Country talks* " initiative and its platform launched in Germany by the newspaper *Ziet on line*, then joined by a dozen media outlets, could be adapted in France (a system already taken up by 100 countries with 300,000 participants, with excellent feedback from users). Generally speaking, beyond this single initiative, it is a question of encouraging the organization of events that allow debate between people of divergent opinions.

2. Promote non-anxiety-provoking processing of information by generalizing “solutions journalism”

It has now been demonstrated that solutions journalism, rather referred to by practitioners as "answer journalism" to take into account the complexity of the subjects and avoid the illusion of unique solutions, helps to reduce information anxiety and to re-establish a relationship of trust with information consumers. For example, during the 2020 health crisis, the rise in strong anxiety in society was contained through different approaches to the subject (highlighting cures, solidarity actions, etc.).

Its generalization, through the initial training of journalists but also through continuing training within media organizations, is desirable.

3. Ethics of journalists in their public expressions

Journalists, like many professions, are subject to professional obligations from the moment they act by posting their media. Consequently, it may be considered that journalists should be required to post neutral statements without personal opinions on current affairs topics on social networks from the moment they are clearly identified with a media outlet, or if they do not mention that their statement is personal. This is in order to distinguish what is the journalist's information from the individual's opinion.

Proposal sheet no. 10:

Developing a public informational health policy

Findings:

Numerous studies have shown that a significant proportion of our fellow citizens have what can be described as a pathological relationship with information. Far beyond simple information fatigue, this disordered relationship with information and the media can present several modalities:

- Infobesity, according to the expression of Caroline Sauvajol-Rialland (compulsive and excessive consumption of information), a variant of which is info ano-bulimia (alternation of over-information and complete media fasting);
- Info-anxiety, depression and even *burnout*, when faced with mainly negative and anxiety-provoking information.
embarrassed ;
- Cognitive relativism which can lead to conspiracy theories and sometimes entails risks in health (refusal of vaccination, refusal of treatment, etc.)¹ .

Furthermore, the issue of journalists' health, which remains an afterthought in public policies, is becoming a real challenge for the sustainability of the profession.

Propositions :

10.1 Establish a genuine public policy on informational health, comprising 4 components: documentation/ research, prevention, monitoring and evaluation. This public policy will concern all ages of life, but will pay particular attention to childhood.

Terms and conditions

This policy will need to be integrated into public health policies, to be implemented by a wide range of health professionals.

1.1 Documentationresearch: given the gap identified in the literature between the declarative and the reality of information practices, support research to better document real information practices, with cohorts.

1.2 Prevention:

- ÿ Strengthen, in the training of journalists, awareness of the mental health risks linked to the anxiety-provoking nature of information and encourage "solution journalism" type approaches;
- ÿ Introduce informational health indicators in children's health records, similar to the cultural health indicators recommended by child psychologist Sophie Marinopoulos, and issue recommendations for parents, based on the nutritional recommendations and the "five fruits and vegetables a day" model;
- ÿ Introduce a concept such as passive information addiction (*i.e.* having the news channels on all the time, with or without the sound), by analogy with passive smoking.

1.3 Monitoring:

- ÿ Medical visits with treating physicians and occupational physicians may include informational health indicators (time spent watching/listening to information);
- ÿ Geriatrics: better study the link between depression in the elderly, anxiety and addiction to continuous news channels, and integrate it into the monitoring of these patients, and issue recommendations in EHPADs to limit prolonged exposure (for example, a maximum time at a time);
- ÿ Psychologists, psychiatrists and addiction specialists will also need to be trained and made aware of health informational, in order to integrate it into the monitoring of their patients.

Evaluation: these new practices will have to be evaluated by health professionals, according to indicators of physical, emotional and psychological health.

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Evaluation: these new practices will have to be evaluated by health professionals, according to physical, emotional and psychological health indicators.

10.2 Combating the risks induced by medical misinformation and disinformation

2.1 Develop communication campaigns jointly carried out by different health stakeholders: Ministry of Health, Public Health France, Order of Physicians on misinformation and disinformation in health, and in particular the risks of refusing vaccination and giving up treatment.

2.2 Increase media vigilance in their coverage of health issues (objective mention of what has proven to be effective and what has not proven to be harmless).

2.3 Specifically sanction the publication of medical misinformation on social networks and online video sites.

2.4 Encourage pharmacists, who play a leading social role and are trusted contacts for a large proportion of French people, to strengthen prevention of these different risks, and increase their awareness of these subjects in their training.

2.5 Introduce the risks of misinformation and disinformation in health into the training of journalists and use health topics as applications of their scientific training (e.g. medical experimentation protocols, etc.).

10.3 Improving the health of journalists

- Strengthen psychological support for war reporters returning from missions; but also victims of attacks in the exercise of the profession;
- Also ensure that this support and assistance are taken into consideration: people responsible for editing violent videos;
- Establish a diagnosis of the precariousness of the profession of journalist, in particular among the population of freelancers;
- Establish an annual barometer on the assessment of the mental health of journalists.

REPORT OF WORKING GROUP N°3

THE FUTURE OF MEDIA D'INFORMATION AND JOURNALISM

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Introduction

This year, nearly half of the world's voting-age population will be called to the polls. From India to the United States, presidential, legislative and local elections will affect four billion people in 2024¹. On June 9, the European elections will bring together 400 million voters.

For the President of the European Commission, as stated at the World Economic Forum, disinformation is the primary concern for the global economic community, ahead of wars and climate change².

It is also a risk for democracies around the world.

The issue of information, its production and dissemination, is essential to the functioning of democratic life. There is no democracy possible without the existence of reliable, quality information that is understood by all. For citizens, knowledge of the major issues of their time, information on the evolution of laws, the debate of ideas and the sharing of knowledge rely on the information media.

On the other hand, where information is declining, voters are less involved in the political life of their territory. The link between access to political information and participation in elections is now demonstrated³. In the United States, half of local counties no longer have a local press organ, 70 million people live in an information desert which directly translates into participation in elections and the division of political life: it is a crisis of and for democracy⁴.

However, despite its importance, the resources dedicated to the production of quality information are decreasing. In France, the number of journalists with a press card has fallen by 8% since 2008⁵ and the share of original information is decreasing⁶ even if we observe a very slight reversal of the trend in 2023 with an increase of 1.3%.

¹ 2024, Record Election Year. *Le Monde*, January 6, 2024.

² European Commission, Special Address by President von der Leyen at the World Economic Forum, 16 January 2024.

³ En France et aux États-Unis, voir respectivement Cagé, J. (2020). Media competition, information provision and political participation: Evidence from French local newspapers and elections, 1944–2014. *Journal of Public Economics*, 185, 104077 et Gentzkow, M., Shapiro, J. M., & Sinkinson, M. (2011). The effect of newspaper entry and exit on electoral politics. *American Economic Review*, 101(7), 2980-3018.

⁴ See the Northwestern University study: "More than half of US counties have no access or very limited access to local news".

⁵ CCIJP Careers Observatory. The 2023 data on which the CCIJP communicated shows an increase in press cards of 1.26% compared to 2022.

⁶ Cagé, J., Hervé, N., & Viaud, M. (2017). Information at all costs.

But today, if we look, on the one hand, at the trends over the last few years with very significant drops in advertising revenue for the written press, and on the other hand, at the possible developments for audiovisual media in this same market, the question of the level of sustainable financing of information media arises.

In fact, information is increasingly difficult to be remunerated, the media that produce it receive an ever smaller share of advertising expenditure. In France, and according to the latest prospective studies, advertising revenues for information media will have fallen by 30% between 2012 and 2030¹.

Above all, the platforms now occupy a position that is set to strengthen further. By 2030, they will capture 45% of French advertising spending. At the same time, advertising revenues for content producers are expected to fall by €800 million by 2030. Usage is also changing, and most print media titles are seeing their traditional audiences move online, where advertising intermediation platforms capture around 50% of the value of advertising.

A prerequisite of democracy, ensuring that citizens are informed is more necessary than ever in the digital age.

While online platforms undoubtedly contribute to the dissemination of knowledge and news, they also pose a danger. By allowing everyone to access a massive audience, while escaping the responsibility of publisher, they greatly facilitate the dissemination of *fake news* and discourage the production of original information, which is less easily monetized. For example, during the campaign for the 2017 French presidential election, 25% of the information relayed on social networks and linked to the election was reportedly false².

The disordered profusion of less reliable, less complete (beyond the simple factual statement) and lower quality "information" may be one of the factors of "information fatigue" which affects more than half of the French³. In fact, between 2015 and 2023 the number of French people declaring themselves interested in information fell by 20 percentage points, to 36%⁴. This can be explained as much by the redundancy of information, saturation by quantity or "infobesity" as by the quality of this information and its sources:

53% of respondents consider it a "bad thing" that with social networks more and more information is spread by people.

¹ PMP Strategy, Arcom and DGMIC study, Evolution of the communications market and impact on media financing through advertising, 2024.

² Patterns of Disinformation in the 2017 French Presidential Election, Etude Bakamosocial, 2017.

³ Jean Jaurès Foundation, The French and information fatigue. Changes and tensions in our relationship with information, 2022.

⁴ Reuters studies.

Faced with this observation, one of the challenges is that of the curation of fake news on online platforms. To ensure the quality of information, it is therefore first necessary to regulate the circulation of content in the digital sphere, regardless of the conditions of production of the information. This is the purpose of the European DSA regulation, and working group no. 1 has extensively addressed these issues.

However, in light of the work carried out, the working group considers that the curation of information, as well as the marginal improvement of regulation or public aid, are necessary but will not be enough. **Current trends constitute a tectonic movement against which the entire economic model of information, and in this case of the information media, must be consolidated. This is the bias of this reflection.** The findings and proposals of the working group are based on the principle that the priority must be the search for solutions to:

- strengthen economic models enabling the production of original, diverse and quality;
- rebalance economic relations with platforms; • guarantee the quality, reliability and independence of the information produced and disseminated by the media.

The group makes proposals for economic regulation that would encourage the quality and reliability of information produced by the news media. However, overregulation of news media alone would undermine the place of information in the attention economy.

In the jungle of the attention economy (platforms, entertainment), it is risky for their survival to force the news media alone to rules bordering on the "French garden", that is to say, various rules and standards that are constantly reinforced for French media players who contribute greatly to informing our fellow citizens while other players, particularly international ones, escape this regulation.

The analyses of our working group lead us to formulate the following principles:

- having reliable and quality information is a fundamental issue for any democracy, it is a condition of its proper functioning;
- the "historical" information media (press, television, radio) are characterized, through their pluralism, their journalistic working method, the regulatory rules that apply to them by an environment that creates the conditions for the production of reliable and quality information, even if errors are possible and if the quality of the information given can always be improved;
- digital platforms are generally "places" that increasingly disseminate information to our fellow citizens by being mainly broadcasters and not producers or publishers (according to current texts) and in fact are "places" for the propagation of *fake news* or proven unreliable information;
- the economic models of all news media are facing very tough competition from these platforms. Consolidating the economic models of news media (print press, online press, audiovisual media) is becoming an absolute democratic imperative, which must now be considered as such and treated at the highest level of priorities in our democracies.

I. The news media must see their economic model strengthened

Information consists of dealing with current events in written or audiovisual formats. It is an investment-intensive activity that requires the existence of an editorial office, the use of journalists, reporting costs, the acquisition of technical equipment and subscriptions to external information sources. If information can be reproduced at a lower cost, the original information is the result of costly journalistic work.

Information has a cost, and the resources dedicated to information are important because they partly reflect the quality of the information and therefore determine its value.

However, and while the economy of creation - cinema, audiovisual production, music, etc. - is the subject of numerous studies by public authorities (eg DGMIC, Arcom), there is no structured and monitored data on the way in which information is financed, to our great surprise.

This is why our working group produced a study on the "cost" of information. The full study, available in the appendix, was presented publicly and remains available online¹.

Thanks to the mobilization of publishers and the collaboration of professional associations (ACCES, APIG, SEPM, SIRT1, SPIIL, etc.), the working group was able to estimate that the cost of production would amount to 2.4 billion euros in 2023 for mainstream media (3 billion including press agencies and the professional press). In addition, the working group's study shows that the wage bill of editorial staff represents 70% of the amounts invested in information. The cost of information is proportional to the number of journalists, which demonstrates the importance of the latter in the information production process.

The ability of the media to invest in the production of information depends on the solidity of their economic model. However, this is weakened by the downward dynamics of their various sources of income.

Proposed method: Set

up an annual study on the cost of information managed by public authorities and/or the interprofessional organization.

¹ Etats Généraux de l'Information (April 4, 2024), Presentation of the study of group 3 of the EGI: etats-generaux-information.fr

1.1 The economic difficulties faced by the news media are persistent and likely to worsen

News media (print, online, radio and TV) operate on a two-sided market model: their funding is based on the consumer and advertisers. In addition, their contribution to the democratic debate justifies the intervention of a third actor: the State. Consequently, the overall funding of the news media sector is based on a triple source of income between readers, advertisers and public support (see Figure 1). More precisely:

- advertising revenues are the primary source of income for news media. They represented €5.8 billion in 2023¹, of which 58% was allocated to TV, 30% to the press and 12% to radio;

- consumers also pay directly for information.) Information can be sold directly (issues and subscriptions), or integrated into packages as in the case of digital kiosks or “triple play” offers.

- » operators on TV. The Ministry of Culture estimated in 2021 that the direct sale of written press titles represented 76% of their revenues (i.e. €4.5 billion).

Over the same period, revenue generated by subscriptions to pay TV channels represented 25% of the turnover of all TV channels (i.e. €2.1 billion, of which a minimal share was for news)²;

- public support is the third source of funding for information through: • funding for

public broadcasting (€3.7 billion in 2022), 20% of which funds information³; • direct (€110 million

in 2022) and indirect (€230 million) aid to the press. Indirect support consists of specific tax regimes⁴, a super-reduced VAT rate of 2.1% for the written press (€150 million in 2022) and preferential postal rates (€83 million in 2022)⁵;

- through aid to the AFP (€135 million in 2023).

Today, the dynamics of these three sources of income do not guarantee the sustainable economic balance of the information media.

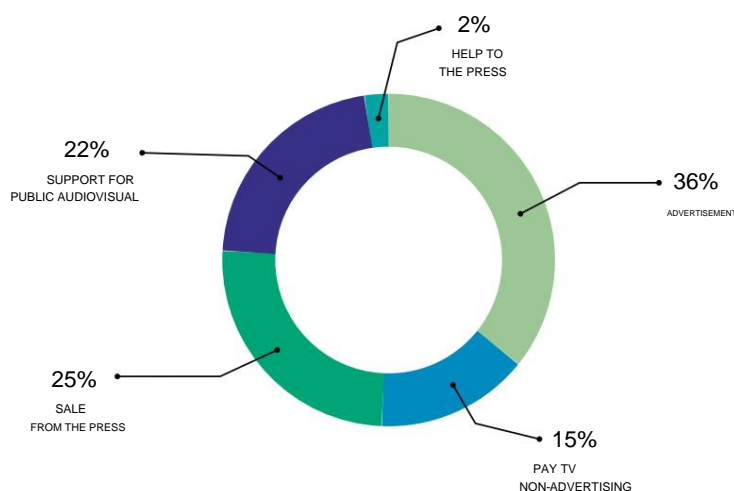
¹ According to the Unified Advertising Market Barometer (BUMP) 2023, cross-study France Pub, IREM a Kantar.

² Arcom, 2021 financial report of pay channels.

³ For the financing of public audiovisual media: see the Court of Auditors, Analysis of the 2022 budget execution, account of financial assistance advanced to public audiovisual media, April 2023. The share of the allocation dedicated to information is the result of a calculation carried out by the authors on the basis of data collected from the various public audiovisual operators.

⁴ For example, Article 39 bis A of the General Tax Code provides for a specific tax regime for press companies. As for the audiovisual sector, news channels have recently been exempted from the TST-E.

⁵ Ministry of Culture, Table of supported press titles (2022).

Chart 1: News media revenue in 2021

Source: working group, via various sources (BUMP, Arcom, DGMIC and parliamentary reports). Press revenues are from a 2021 series. NB: Pay TV revenues concern all channels and programs, and not just news production.

1.1.1 Advertising, the primary source of information revenue, is declining

Advertising is the primary source of revenue for news media in France. Advertising revenue for news media has fallen by 7.5% in just five years.

The share of advertising resources used to finance information is crumbling

It is based on a triple source of income between readers, advertisers and advertising revenues from news media (TV, press and radio) fell by 450 million euros (-7.5%) between 2018 and 2023¹. This overall figure – expressed in current euros, and which therefore does not take into account the impact of inflation – covers disparities from one media to another. The analysis of net advertising revenues leads to the following observations:

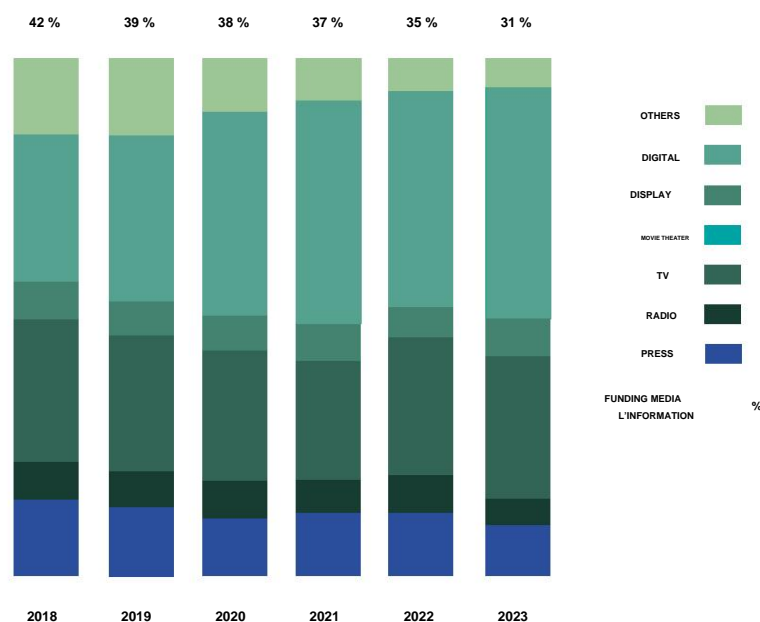
• **a slightly bullish market for radio** (revenues increased from €701 million to €722 million between 2018 and 2023);

• **a decrease of 1.4% for TV** (€3,430 million in 2018 compared to €3,382 million in 2023);

• **a decline of 19% for the press** which suffers the most from the deterioration of its advertising market (€2,172 million and €1,749 million).

In fact, advertising finances information less and less: if in 2018, €4 out of €10 spent went to information media, this share has fallen to €3 in 2023 (see graph 2). However, these figures include the revenues of information media on digital media: websites of press publishers, audiovisual media, VOD services financed by advertising. In comparison, revenues from digital advertising, direct marketing (directories, mailings, etc.), posters, and cinema have increased by 49% over the same period.

¹ Unified Advertising Market Barometer (BUMP), op. cit.

Figure 2: Share of advertising market going to news media

Source: BUMP study (Unified Advertising Market Barometer)

1.1.2 The decline in advertising funding is explained by an unprecedented disconnect between audience and advertising revenue: audiences continue to grow, but advertisers tend to favor media known for offering a more immediate impact.

Audiences for news media continue to grow. In theory, the decline in audiences for paid print media could account for all or part of the decline in advertising revenue. However, the growth in online audiences more than offsets it. According to ACPM data, paid media declined between 2017 and 2023 for 17 of the 21 titles studied by the working group, with an average decline of 11% over the period. But at the same time, the number of visits to the sites of the same titles jumped by an average of 33%. This gap is explained by the lower monetization of advertising in digital environments, compared to print media.

The increase in online visits does not create revenue dynamics. The growth in online visits should theoretically lead to an increase in resources from digital advertising. However, according to GESTE, news websites receive barely 2% of digital advertising investments, an amount that has been steadily declining for 3 years. For this association, "the audience generated by the platforms, although greater than that of news sites, can in no way justify such a gap in the distribution of advertising revenue (80% versus 2%)."

Table 1: Evolution of paid distribution and online visits to press titles

TITLES, BY AUDIENCE	PAID BROADCAST 2017-2023	ONLINE VISITS 2017y2023
THE PARISIAN + TODAY IN FRANCE	y21 %	109 %
THE DAUPHINÉ LIBÉRÉ	y24 %	111 %
THE MIDI DISPATCH	y21 %	270 %
THE LATEST NEWS FROM ALSACE	y19 %	y24 %
THE ECHOES	9 %	15 %
THE EASTERN REPUBLICAN	y16 %	22 %
L'EXPRESS	y50 %	79 %
THE FIGARO	15 %	200 %
RELEASE	33 %	78 %
MARIANNE	y10 %	y10 %
THE WORLD	71 %	171 %
THE MOUNTAIN	y25 %	y5 %
NICE MORNING	y30 %	41 %
L'OB	y37 %	y6 %
OUESTYFRANCE	y10 %	50 %
THE POINT	y8 %	y64 %
PROGRESS	y25 %	72 %
PROVENCE	y34 %	1 %
SOUTH WEST	y19 %	56 %
THE TELEGRAM	y14 %	14 %
THE VOICE OF THE NORTH	y18 %	35 %

Source: ACPM. Visits correspond to the number of connections to the publisher's site.

Several trends explain why online information does not allow for the creation of dynamic advertising revenues:

- Advertising value is captured by online intermediaries.** The sale of online advertising takes place either through closed environments (platforms that manage the sale of their spaces themselves, such as Facebook and YouTube), or through the so-called "open" Internet. On the latter, publishers rely on a chain of technical intermediaries to ensure the sale and auction of their spaces. This intermediation, necessarily complex, is opaque: the publisher and the advertiser at the end of the chain do not know which intermediaries are involved in the sale of a space, nor the commission they take from the advertiser's payment. This system is contrary to the rules imposed by the Sapin laws;

In total, online media only receive between 51% and 65% of advertiser spending¹ (compared to 85% for TV, radio and print media²), with ad targeting technologies sold by platforms capturing almost half of the market. In addition, the intermediation market is now dominated by Google, which offers services to both advertisers (demand-side platforms) and publishers (supply-side platforms) and is thus able to direct advertiser demands to its own environments (self-preference).

Network effects between advertisers and publishers make Google's solutions difficult to circumvent, limiting competition in this market³.

This capture is explained in particular by the capacity to offer targeted programmatic advertising, thanks firstly to third-party cookies (see below) and/or thanks to detailed knowledge of users in a closed environment, where they are connected (by the use of so-called first-party data, via their Google or Meta account).

¹ General Inspectorate of Finance, Online advertising: for a market on equal terms. November 2020.

² Study on Media and Online Advertising, carried out by Bearing Point on behalf of the Higher Audiovisual Council and the Ministry of Culture, 2018, page 4.

³ Competition Authority fines Google €220 million for favoring its own services in the online advertising sector, June 7, 2021.

2. Platforms do not pay their fair value for news content. This portion of the traffic of major platforms (Google, Facebook, Twitter, TikTok) is generated by media content without these platforms being transparent about the share of this traffic. However, platforms underestimate, when they do not completely avoid it, the sharing of the value created by news media, even if it is provided for by the legislation on related rights. During its hearing, Google France estimated the total amount it pays to the press at around 100 million euros (this amount includes both the remuneration for related rights, the commissions received via Subscribe with Google and the specific partnerships established with certain publishers for the exploitation of their content). In the case of related rights, the results of the application of the European directive in France¹ are mixed for publisher associations such as GESTE. Indeed, the platforms – whose negotiating power with press publishers is disproportionate – rarely negotiate in “good faith”.

On March 20, 2024, the Competition Authority imposed a fine of €250 million on Google for failing to comply with the commitments to negotiate in good faith that it had itself entered into².

And when agreements are made, the amounts redistributed to the press are largely underestimated³.

3. Blocklists are a barrier to advertising budgets being directed to online news media. Advertisers use blocklists to prevent their ads from appearing alongside controversial or irrelevant content. These contain a set of keywords whose presence on a web page automatically prevents the ad from being displayed. However, these keywords are often linked to current topics covered by the news media (war, Brexit, Ukraine, Gaza).

The stacking of keywords, the lack of updating of these lists by advertisers (advertisers and media agencies), and semantic ambiguities⁴ are all obstacles to the financing of information through online advertising.

4. Policies for collecting consent from Internet users harm the monetization of the online press audience: they penalize open websites more than closed Internet players (platforms). Designed to protect the privacy of Internet users, personal data protection policies⁵ require publishers to collect their consent to be targeted by advertising. Failure to consent from the user means that the publisher cannot send them personalized advertising, which reduces the value of the spaces sold. However, the consent rates displayed are low. According to GESTE, 30% of Internet users refuse targeting. Recent econometric analyses have shown that these policies cause a 10% loss in revenue on the price of spaces for publishers⁶.

5. The disappearance of third-party cookies will accentuate, in favor of the large platforms, a relationship that was already favorable to them. Third-party cookies, which allowed publishers to collect browsing data on their audiences, are gradually disappearing from browsers, due to the unilateral decisions of the groups that operate them (Google, via Chrome, Apple via Safari, Microsoft via Edge, etc.).

Alternative targeting solutions available today do not provide a substitute for height (insufficient technological maturity and/or level of market adoption). Without sufficient targeting capacity, publishers have a harder time defending the value of their advertising spaces.

A 2021 study estimates that the disappearance of third-party cookies reduces publishers' revenue by 45%⁷. This could further harm the economic health of online media, which are heavily dependent on third-party cookies. Because they rely on registration and logged-in audience models, the major platforms (Google and its ecosystem combining search engines, messaging, etc. or social networks) do not experience these difficulties.

¹ Directive 019/790 of the European Parliament and of the Council of 17 April 2019.

² Neighboring rights: the Authority imposes a penalty of 250 million euros against Google, Competition Authority, March 20, 2024

³ In Canada, for example, an academic study shows that the fair share of platform revenues generated by media outlets falls short of the agreements actually negotiated: Holder, P., Mateen, H., Schiffrin, A., & Tabakovic, H. (2023). Paying for news: What Google and Meta owe US publishers. Available at SSRN 4704237.

⁴ The inclusion of the word “war” in the blocklist leads, for example, to the exclusion of any page that talks about a “price war”, or any reference to the film “War of the Buttons”.

⁵ These consent collection policies are the work of both the regulator (General Data Protection Regulation) and manufacturers (Apple's App Transparency Tracking system).

⁶ Cecere, G., & Lemaire, S. (2023). Have I seen you before? Measuring the value of tracking for digital advertising. Measuring the Value of Tracking for Digital Advertising (December 1, 2023) estime que l'implémentation de l'App Transparency Tracking sur iOS a diminué le prix des espaces publicitaires de 10 % Wang, P., Jiang, L., & Yang, J. (2024). The Early Impact of GDPR Compliance on Display Advertising: The Case of an Ad Publisher. Journal of Marketing Research, 61(1), 70-91.

⁷ Alcobendas, M., Kobayashi, S., & Shum, M. (2021). The impact of privacy measures on online ad-vertising markets. Available at SSRN 3782889.

1.2 Direct financing by the consumer alone (subscription, single sale, etc.) will not provide sufficient and sustainable resources for the press.

Few French people pay for news consumption and are willing to do so: the economic model of the majority of news media is not based on direct payment by consumers. According to Reuters studies, only 18% of French people are willing to pay to consume news media, 10% pay a subscription to an online media, compared to, for example, 20% of Americans or 42% of Norwegians.

In addition, paid consumption – excluding equipment (TV, radios) – concerns almost exclusively written media. No broadcast news media is paid. And DTT no longer has paid news channels since LCI switched to free-to-air in 2016 (but has four free news channels: BFM TV, CNEWS, France Info and, therefore, LCI).

Thus, consumer payment for information concerns exclusively the written press and certain *pure players* directly linked to written information, such as Médiapart, Les Jours, Arrêt sur Images, etc. The paid model of the written press was not initially disseminated to digital, with the majority of players in the sector favoring the free format for economic reasons (low reproduction costs, expected advertising revenue) and technical reasons (need to review the presentation of the offer and costs of setting up paid models based on paywalls).

However, in view of the significant decline in advertising revenues, and in order to transpose the service provided to their subscribers to the digital environment, the main print media titles have switched to a – at least partially – paid model. This is also the positioning chosen by some of the *pure players*, such as Médiapart, Les Jours, Arrêt sur Images, etc. Subscription revenues represent, for example, 98% of Médiapart's revenues, with €22 million¹.

While the share of direct sales is increasing in the turnover of the written press, it is decreasing in absolute value. Single issue sales and subscriptions constitute the main source of revenue for the sector, representing 76% of the total in 2021. However, if the weight of direct sales in press revenue is increasing, it is also due to the decline in its second source of revenue: advertising (-8% between 2018 and 2021). This trend can be explained by the difficulty already highlighted in monetizing audiences on the internet.

Thus, since 2000, revenue from print media sales has decreased by 42%, or 1.740 billion euros². However, revenue from direct sales has been growing since 2018, driven by digital technology.

Digital kiosks are not able to play the role of growth relays. They are fragmented (between Cafeyn, PassPress and Readly) and none of them manage to federate all the information titles, which limits their adoption by readers. Internet service providers, after having tried to use them as a tax optimization tool, no longer promote them since the administration put an end to them³. The track of selling individual articles initiated by Blendle was not successful, and the Dutch company gave up on it in 2019⁴.

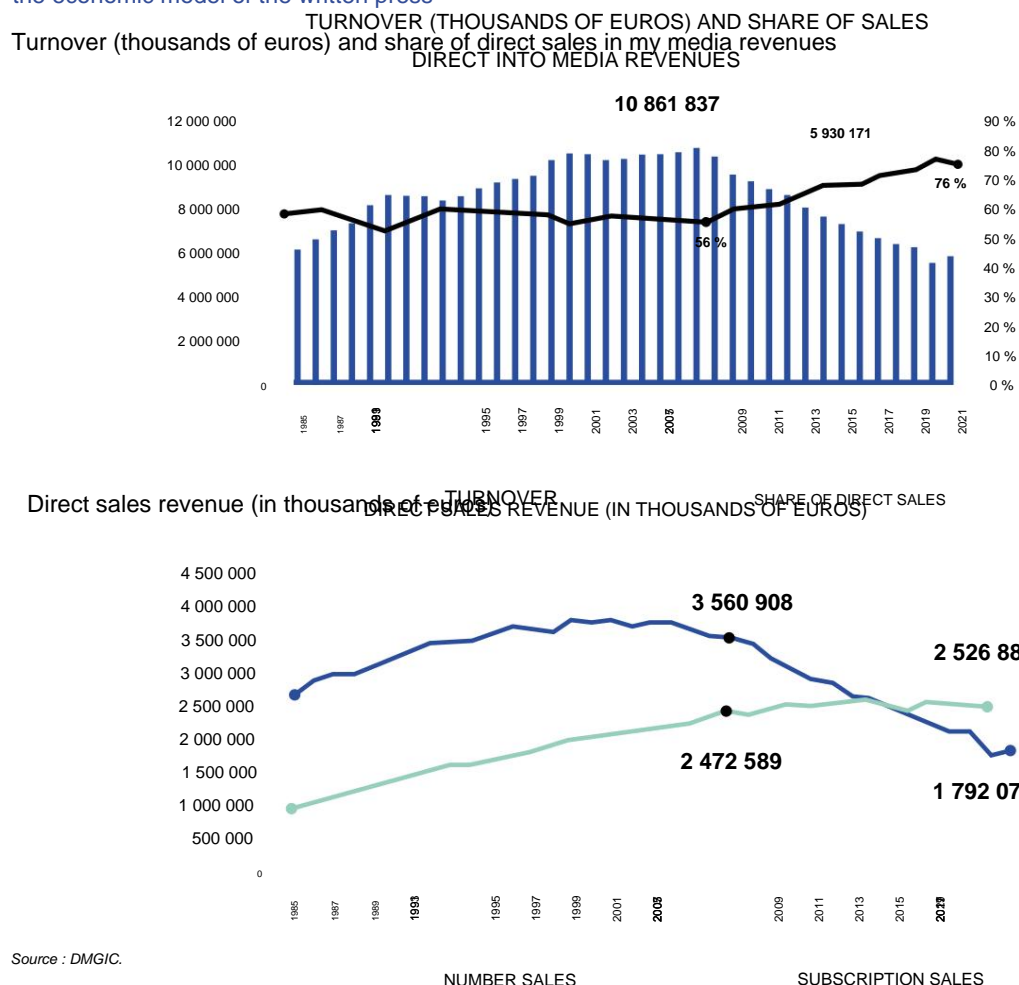
¹ Edwy Plenel, Médiapart in 2023: all our accounts, figures and results, Le Club de Médiapart (14 mars 2024). blogs.mediapart.fr

² Data: DGMIC.

³ In 2020, SFR was notified of a tax adjustment of 245 million euros for having used the integration of press kiosks to reduce the amounts to be paid in respect of VAT collections.

⁴ Online press: news aggregation is not the solution, Médiaculture, June 10, 2019.

Figure 3: importance and evolution of direct sales (issues and subscriptions) in the economic model of the written press



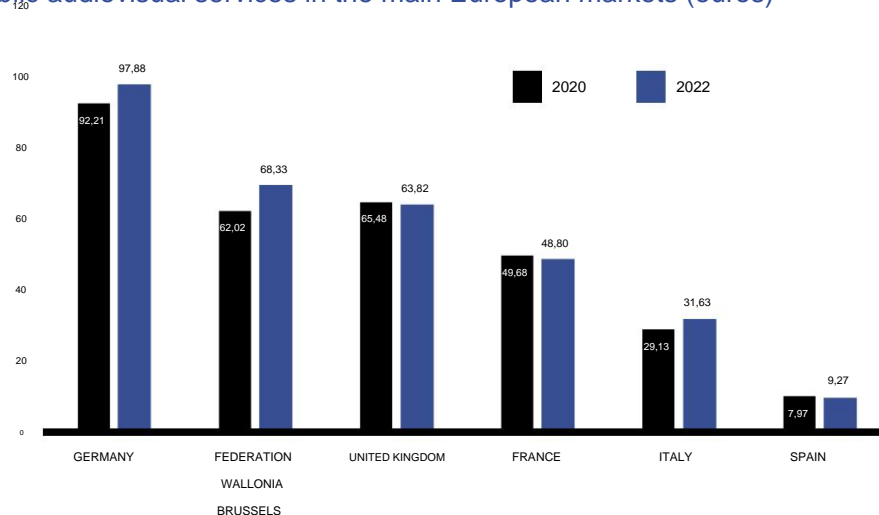
More generally, a study by the German regulator MediaAnstalten indicates that **the services developed by the platforms dominate the market of information aggregators**. These use the leverage provided by their integration with other software such as operating systems or browsers (Google Discover, Microsoft Start, Apple News and Pocket). The regulator highlights the situation of dependency that results for publishers, and the risk that the changes – unilateral and often unpredictable – made to the algorithms for highlighting content represent for the latter.

While media education and a renewed supply of information, in adapted formats, are likely to boost audiences and demand for information, direct sales to consumers do not currently appear to be a sufficient growth reserve for news media. However, it can allow the full financing of more targeted media (particularly investigative media). But this does not appear to be a solution that can be generalized to ensure the sustainability of news media.

1.3 Public aid to the press (€400 million) and funding of public audiovisual media (€4 billion) do not constitute a sufficiently dynamic resource and their sustainability is not assured to date.

Public support is divided into two major resources: funding for public broadcasting and press aid. **Support for public broadcasting decreased by 4% between 2019 and 2022 and increased by 5% between 2023 and 2024. France is at an intermediate level in international comparison in terms of contribution per capita¹.**

Figure 4: Comparison of public expenditure per capita devoted in 2020 and 2022 to the operating budget of public audiovisual services in the main European markets (euros)



As for press aid, these are numerous and are subject to complex and even contradictory criteria, as highlighted by the economic literature² and by the work of parliamentarians³. This leads to a certain opacity regarding the conditions for obtaining press aid which, due to a lack of transparency, can harm public confidence in the media.

¹ IGAC-IGF, Reform of public audiovisual financing, 2022.

² Cagé, J. (2015). Saving the Media. Capitalism, Crowdfunding and Democracy. Media Diffusion

³ Vitamin or morphine: what future for aid to the written press?, Information report no. 692 (2020-2021), filed on June 16, 2021.

1.4 In the absence of reform, these weaknesses risk becoming more pronounced in the coming years.

The trends described above have every reason to intensify in the coming years.

Regarding advertising resources, the PMP Strategy firm conducted, for Arcom and the DGMIC, a major prospective exercise, essential for thinking about the economic evolution of information. According to this, advertising revenues captured by information media will decrease by 11% for TV; 8% for radio and 33% for the press from 2022 to 2030¹.

The analyses resulting from the prospective study by Arcom and the DGMIC for the period 2025-2030 seem particularly worrying to us.

"Market growth is expected to continue (+2.3% per year) and total media revenues to reach €18.3 billion in 2030, driven among other things by the continued transfer of "non-media" spending to digital media, particularly retail *media*. Digital players will capture a growing share of the market: 65% in 2030 (compared to 52% today), including 45% for the four major non-European platforms (Alphabet, Meta, Amazon and TikTok).

The digital revenues of historical players will continue to grow (+400 million euros over the period) and will represent a growing but still modest share of the total advertising market (6.4% in 2030 compared to 5.2% in 2022). These additional revenues will not compensate for the decline in their traditional revenues. Finally, the media that invest in information and creation content (most historical media, but also some video on demand services) will see their resources continue to decline: 7.3 billion euros in 2012, 6.1 in 2022, and 5.3 in 2030, i.e. a future decrease of -800 million euros by 2030.»

¹ PMP Strategy, Arcom and DGMIC study, Evolution of the communications market and impact on media financing through advertising, 2024.

II. Strengthening the economic model of the news media is desirable and possible

In this degraded context, the working group wished to avoid all proposals likely to fuel internal competition in the field of news media. The working group took note of the proposals aimed at strengthening certain players (end of "prohibited sectors" applied to TV advertising, loss of attractiveness of radio linked to the multiplication of legal notices, limitation of advertising on the channels and/or digital platforms of public audiovisual, transfer of press aid between titles). It also noted the absence of consensus concerning these developments. For the working group, the reflection on the evolution of the applicable rules must be part of an overall approach allowing to increase the overall value created for the benefit of all news media, by strengthening the competitiveness of each in relation to digital platforms, and without creating an internal imbalance in this universe. The working group took into account all media, it initially recommends general measures for all media players (2.1.2 and 2.1.3), then measures specific to the audiovisual sector and in particular to public (2.1.4) and private (2.1.5) audiovisual sectors and finally measures specific to the press (2.1.6).

2.1 The weakening of economic models which induces risks for democracy makes necessary measures ensuring the preservation of quality sources of information

News media produce positive externalities on the political and social life of the societies in which they operate. The decline in media profitability poses risks to the quality of information provided to citizens and therefore *ultimately* to the functioning of democracy. The importance of the provision of information for voting is demonstrated in particular by a rich field of empirical literature in the United States¹. In France, several research studies confirm this observation. The quality of information is a function of the number of journalists employed in editorial offices. They are the most capable of producing quality information and of adding value to dispatches and raw facts. The evolution of the size of editorial offices is a key factor in the production of quality information. Julia Cagé, Nicolas Mathieu and Marie-Luce Viaud², as part of work by the INA, have highlighted the role of journalists in the production of original information: each journalist has a positive effect on the original information produced. We can regret an excessive development of the use of AFP dispatches.

¹ Snyder and Strömberg showed in 2011 that limited press coverage of local MPs' knowledge leads to lower voter knowledge of them. *Ultimately*, federal spending is lower for these constituencies; Waldfogel et al.

2009, American Economic Review: Hispanic voting is 5 to 10 percentage points higher when there is a local Spanish-language TV offering; Garrido et al. 2013, NBER, "Do news-papers matter?": Study of the closure of the Cincinnati Post – negative effects on voting and local candidacies.

² Information at all costs, Ina, 2017.

However, based on historical data on the press, academic literature highlights that the decline in advertising revenues and increased competition between media outlets are leading to a drastic drop in the number of journalists in editorial offices¹.

According to the Press Professions Observatory, the number of journalists in France has decreased by 5% over the period 2002-2022². This moderate decline hides a strong disparity between the media: while the audiovisual sector gained 2,300 journalists over the period, the written press saw its editorial offices melt by 3,500 journalists (-16%). Press agencies also lost 17% of their staff.

Academic literature highlights that the decline in the number of journalists in print media editorial offices leads to a decrease in the quantity and quality of information produced. The decline in journalistic content leads to a lack of interest in political life, which translates into a decline in participation in elections³.

This development is particularly problematic in the context of the increasing complexity of issues (ecological, geostrategic, economic, etc.), the rise of antagonisms, and the growing role of social media. On the Internet, the media do not only have the function of informing readers: they also allow them to verify the veracity of the "information" circulating online *via fact-checking*.

The decline in the number of journalists limits the ability to properly inform citizens in the face of the proliferation of false information.

¹ Voir Cagé, J. (2020). Media competition, information provision and political participation: Evidence from French local newspapers and elections, 1944–2014. *Journal of Public Economics*, 185, 104077 et Angelucci, C., & Cagé, J. (2019). Newspapers in times of low advertising revenues. *American Economic Journal: Microeconomics*, 11(3), 319-364.

² Although we observe a very slight reversal of trend with an increase of 1.3% between 2022 and 2023.

³ In France, see Cagé (2020), cited above. In the United States, see: Angelucci, C., Cagé, J. & Sinkin-son, M. (2024). Media Competition and News Diets. *American Economic Journal: Microeconomics*, Forthcoming.

2.2 State, Media, Advertisers and Agencies: affirming a shared desire to strengthen the economic model of information media

2.2.1 An initial dynamic based on actions with constant rights and without budgetary cost

In order to demonstrate a shared commitment to defending the viability of media producing reliable and quality information, economic viability which is essential to the effective functioning of democracy, the working group proposes a commitment from the State, the media, advertisers and agencies within the framework of the EGI, making it possible to detail an overall programme.

First, the State must be exemplary. It can impose transparency on the orientation of public advertising budgets (State and public enterprises), as well as a minimum threshold of investment in the information media (press and audiovisual).

Through the government information service (SIG) which coordinates its various communication actions, the State is a significant player in the advertising industry with an annual budget estimated at around 150 million euros. This amount places it among the top ten French advertisers. However, the precise total amount of the SIG's advertising budget, as well as its distribution by medium, is not public data. On the one hand, **we recommend transparency of the State's advertising budgets and their distribution across the different media** (private audiovisual, public audiovisual, national daily press, regional daily press, etc.). On the other hand, the State can be expected to set an example in terms of the direction of its communication expenditure. According to the SIG, questioned by the working group, 43% of public communication expenditure in 2022 was allocated to news media, excluding their digital extensions. If we add these, it is likely that the amount allocated to media that finance information approaches half of the total budget managed by the SIG.

It is desirable that the presentations produced by the SIG allow transparency to be ensured at this level as well, by aggregating, as the reference studies do (BUMP study), the budgets allocated to historical media and their digital extensions.

However, this share has been declining since 2021. We recommend that in the future, **at least 50% of the State's advertising expenditure remain directed towards information producers (on their traditional and digital media)**. In this way, the State will be able to help avoid the scenario of erosion of advertising resources analyzed by the PMP Strategy study for Ar-com and DGMIC.

Since information is a source of positive externalities, public communication budgets must be distributed in such a way as to contribute to supporting the economic model of information producers. The direct financial impact would be coupled with a political signal on the State's determination to defend quality information throughout the territory.

Table 1: Breakdown of SIG advertising budgets by media

MEDIA	2021	2022	2023
DIGITAL	41,9 %	44,4 %	42,5 %
AUDIO	0,1 %	0,2 %	0,3 %
DISPLAY	12,4 %	12,5 %	13,5 %
PROGRAMMATIC	16,1 %	14,9 %	12,3 %
SEARCH	3 %	4,7 %	4,4 %
SOCIAL	9,1 %	10,3 %	10,3 %
VIDEO	1,1 %	1,8 %	1,6 %
TV	27,6 %	26 %	25,2 %
DISPLAY	11,3 %	10,5 %	13 %
RADIO	6,7 %	9 %	9,9 %
PRESS	12 %	8,7 %	7,7 %
MOVIE THEATER	0,6 %	1,4 %	1,7 %

Source: SIG.

Proposal

Establish transparency on the allocation of communication budgets managed by the SIG, by an annual statement of their amount and their distribution by media. Realize the State's support for information media by a commitment by the SIG to maintain its share of expenditure at at least 50% of the amounts invested in favor of media contributing to reliable and quality information (same definition of scope as for advertising expenditure taken into account in the CSR report). Encourage local authorities and public operators to follow the same direction.

Box 1: The opportunity of the gradual disappearance of leaflets

The growth of online advertising does not come solely from the market share it takes from traditional media. A significant portion of advertiser spending on digital media comes from budgets previously allocated to "non-media".

These include, for example, expenses allocated to directories, promotions, point-of-sale advertising or leaflets. The announced disappearance of leaflets¹ is an opportunity for the news media. In 2023, advertising revenues from the media concerned (unaddressed printed matter, directories, etc.) still represented more than €1.4 billion.

¹ Spending on printed advertising has halved in ten years. It will amount to 1.1 billion euros in 2022: PMP Strategy, Arcom and DGMIC study, Evolution of the communication market and impact on media financing through advertising, 2024 (page 33).

In order to remove certain obstacles to advertising investment in the news media: 1. Agencies and advertisers:

commitment to ensure that blocklists are regularly revised and refined. From the common description drawn up by representatives of the media, agencies and advertisers, blocklists are not currently subject to any regular review. Conversely, they are growing in line with current events, to the point of excluding most news sites from the addressable scope from an advertising point of view. The working group recorded a consensus among market players to provide for regular updates (every six months?) and/or for a list drawn up by the interprofessional organization and updated at the same rate to be used as a reference for all stakeholders. The working group proposes a complementary collaboration to refine the thesauri used by the market (in order to avoid, for example, media referring to the "price war" being blocked because of the use of the word "war");

2. Media, advertising agencies and advertisers: improve the transparency and quality of online ad integration. The adhesion of advertising players, including Google, to a shared system of traceability of online ad placement (for example the Shared Campaign Identifier (SCID) should make it possible to limit the negative effects of the disappearance of cookies). At the same time, better guarantees provided to brands in terms of the methods of integrating their ads should make it possible to strengthen the competitive advantage enjoyed by media in terms of the contextual value of their content. If the Digital Ad Trust (DAT) label has disappeared, other initiatives, such as SDAT¹ can act as new trusted third parties, as soon as they have been accepted as such by all market players;

3. Media and ad-tech agencies: develop the contextual targeting offer of online publishers. Advertising targeting restriction policies affect publishers who live off third-party data. On the other hand, the adequacy of advertisements to the content of the pages – advertising for a university on a press article dealing with academic guidance – is a powerful lever for monetization which does not require the exploitation of personal data;

4. Promote a global approach to advertising performance, while the dominant models tend to limit this notion to the sole "ROIste" measurement of the immediate return on investment (through a "conversion rate" of campaigns). The development of econometric models based on a more global approach to performance integrating the so-called "branding" attributes (awareness, brand attachment, loyalty) can contribute to this. An initial study could be carried out under the aegis of a public body such as the DGMIC or the SIG, with the participation of the various stakeholders of the interprofession. In order to avoid additional costs for the State, this study could be co-financed by one or more professional associations (ACPM, SNPTV, Bureau de la Radio, SEPM, SPIIL).

Proposal No. 2:

Establish a tripartite charter between media, advertisers and agencies to improve professional practices to remove obstacles to advertising investment in information media (updating blocklists, guaranteeing the quality of advertising insertion, monitoring performance by adhering to a shared measure, promoting contextual targeting).

¹ Sustainable Digital Ad Trust, label certified by the Syndicat des Régies Internet.

2.2.2 Create the conditions for a commitment by brands to favor quality media in their advertising investments

The main difficulty for the public as well as for the remuneration of information is the identification of the information media contributing to the general information of the public. This identification is currently inoperative on online platforms, including visually.

We believe that today, the challenge of having media producing reliable and quality information is essential for pluralism and the proper functioning of democracy.

Without establishing a scale of values, the contribution of information to democracy is as important as legitimate concerns regarding the environment or gender equality, already present in companies' CSR reports.

As a result, we propose to introduce a new criterion in CSR reports to measure the commitment of these companies to the media which produce information essential to democracy.

Such a measure would be mandatory. On the other hand, advertising expenditure devoted to information media by these companies is a matter of free choice for these advertisers.

Proposition n° 3 :

Formalize a commitment by advertisers to support news media through their advertising spending. To do this, create an obligation to report in the CSR reports of said companies the advertising amounts allocated to news media. Establish a monitoring indicator in the same way as the efforts included in these reports, in terms of the environment and equality. The news media that would be eligible to have their spending taken into account are as follows: (i) publications registered with the CPPAP under the category "general and political news press",

(ii) audiovisual media whose agreement with Arcom or specifications include obligations to produce and broadcast information, or (iii) other media that produce general and political information and that do not fall into one of the two classifications below but that would be subject to information certification (of the Journalism Trust Initiative type). In this context, an index of the media concerned should be published for media plan management tools and advertisers.

2.3 Make platforms contribute to the establishment of a more virtuous ecosystem

2.3.1 Create the conditions for better visibility of quality media in digital environments

There is no identification of news media on digital platforms. The platforms heard indicated that they only identify certified accounts and argue that the identification of recognized news media would require an international approach, or even the labeling of state-dependent organizations on the visuals of their platforms.

The working group believes that it is necessary for platforms to ensure that information publishers are highlighted. At the European level, this could be achieved through the SMA (Audiovisual Media Services) directive. Following the model of general interest services in the audiovisual sector, this would involve promoting or even guaranteeing the visibility of information from index publishers in a specific, identified tab that would only present information such as Google Showcase.

Such an initiative goes against the current initiatives of the platforms, aimed at reducing the visibility of information: the removal of Facebook news and the hearings of the platforms revealed a strong caution and a rejection of any form of interventionism aimed at promoting information in their content. Over the past five years, the place of information produced by professional media has declined on Meta or TikTok, without the platforms having provided precise data to the working group to allow more in-depth analyses. Several platform representatives interviewed even indicated that they were seeking to avoid current events and in particular "hot" news in favor of content whose informational nature is more limited but less likely to cause audience disengagement. In reality, we are seeing more of a trend where "bad information" is driving out "good information". Far from favouring media that produce reliable and serious information a priori, we are witnessing on social networks a proliferation of content emanating from individuals or influencers, information that is often unverified and aimed at manipulation. A first step could be to force platforms in the European or national space to highlight, through their algorithms, informational content, identified through labelling processes. Technically, this would require strengthening the transparency obligations promoted by the texts and currently being implemented in the European Union. Certain provisions of the EMFA – which provide for specific provisions for the moderation of content posted online by information media, and therefore their prior identification – could constitute a first milestone in the implementation of these obligations to highlight informational content.

Proposal No.

Combat fake news by promoting quality information: extend to the national and/or European level the system provided for in Article 7bis of the SMA Directive for the benefit of “general interest audiovisual media”, by requiring platforms to ensure “appropriate visibility” to news media.

Although the ambition of such a proposal may seem highly intrusive in the functioning of current platforms and raise questions of implementation, particularly on the criteria and methods of identifying information media, it is nevertheless commensurate with the structural changes introduced by the platforms in access to information.

2.3.2 Tackling the circulation of false information, by applying the “polluter pays” principle to platforms disseminating false information

In addition to the mechanisms for highlighting content produced by news media and resulting from journalistic work, it appears necessary to strengthen the information curation systems on online platforms, within the European framework currently being set up following the Digital Service Act regulation. In France, the main systems for curating false information are based on commercial partnerships between platforms – including TikTok and Meta – and fact-checking operators, such as AFP. Fact-checking, currently conducted on the basis of automatic detections and user feedback, aims to reduce the visibility of content presenting false information. On the other hand, apart from legal obligations (incitement to hatred, defamation, etc.), fact-checking does not lead to the removal of content. The working group believes it is necessary to develop agreements between national media and platforms to combat online disinformation. Following the model of the agreement between Facebook and AFP, platforms will be able to pay journalists to fact-check content. The information submitted for fact-checking may be selected by the platforms (detection of potentially false or viral content). Content identified as false may have its distribution downgraded or may be subject to a banner correcting the error. These fact-checking efforts may be part of the objectives of combating disinformation required by the Digital Service Act.

Proposal No.

Make it mandatory for platforms to use independent fact-checking tools. This fact-checking must be carried out by journalists. Modulate this obligation based on Arcom's annual reports on the fight against the manipulation of information¹.

As identified by Working Groups 1 and 5, platforms are not publishers of information. They operate differently and their role as aggregators is not the same as that of a publisher.

However, the working group considers that in the absence of significant progress on the management of information on online platforms, it will be necessary to examine the possibility of setting up a system similar to that of publishers for them, particularly for hosted accounts affecting the most users, as part of a revision of the e-commerce directive.

¹ The law of 22 December 2018 on combating the manipulation of information requires the main online platform operators to take measures to combat the dissemination of false information likely to disturb public order or alter the sincerity of one of the ballots mentioned in the first paragraph of Article 33-1-1 of the law of 30 September 1986.

2.3.3 Remunerate information content on platforms according to their contribution

Almost five years after its entry into force, the law on related rights is not effective. Platforms refuse to negotiate publishers' remuneration in good faith: disagreement over the scope of rights holders, reluctance to transmit the information necessary to provide a rational basis for negotiations, or even refusal to negotiate. In the case of Google, it took an injunction from the Competition Authority and a fine of 500 million euros for Google to agree to enter into an organized negotiation process. And the new fine imposed on March 20 by the Competition Authority (250 million euros) demonstrates Google's reluctance to implement the commitments it itself made.

In addition, the platforms do not make public the data on which the calculation of rights is based. The working group proposes to strengthen the negotiation obligations in terms of neighboring rights, drawing inspiration from the terms of the Esquenet-Goxes¹ bill, through the following actions:

- appoint a trusted third party commissioned by the State to facilitate exchanges between platforms and publishers (*eg* Arcep);
- impose a fine *via* the Competition Authority on platforms that have not proposed an agreement one year after the opening of negotiations. The Competition Authority will be able to judge the good faith of both parties and sanction the offending party accordingly.
An alternative solution would be, in the event of failure of negotiations, to let the trusted third party estimate and distribute the value of the rights;
- require platforms to share with the trusted third party the data necessary for estimating rights (traffic, revenue from online advertising, etc.). The latter implements the methodology for estimating rights and their distribution among publishers; • create an arbitration authority
- in the event of persistent disagreement between platforms and publishers, with decision-making power if it cannot be lifted;
- publisher side: extend mandatory collective bargaining to related rights *via* an organization bringing together rights holders. Prohibit individual agreements between media and platforms (on the model of the right to copy managed by the French Center for the Exploitation of Copying Rights).

Proposition n° 6 :

Ensure their full application to publishers' remuneration obligations under related rights, by creating the conditions for effectively balanced negotiations between publishers and digital platforms provided for by the law of April 17, 2019:

- **strengthening of transparency obligations and transmission deadlines placed in the charge of the latter;**
- **broadening of the conditions for intervention of the trusted third party;**
- **establishment of an arbitration authority, in the event of persistent disagreement, avoiding the procedural burden and delays of litigation;**
- **establishment of a collective negotiation obligation for publishers, making it possible to prevent individual negotiation tactics aimed at weakening the overall implementation of remuneration for neighboring rights.**

The inclusion on the agenda of the National Assembly of "Bill No. 2169 aimed at strengthening the effectiveness of related press rights" filed on February 13, 2024 by MP Laurent Esque-net-Goxes would provide the opportunity to provide for this in the near future.

¹ Bill No. 2169 aimed at strengthening the effectiveness of related press rights.

2.3.4 Create transparency on the role of platforms in the data and online advertising value chains

The role of platforms in capturing the value created in the value chains in which they participate remains insufficiently clear. The working group is consistent with the conclusions of the report produced for the Government "Online advertising: for a market on equal terms" from 2020.

In particular, the group highlights the interest:

• to invite the Competition Authority to update its analysis of competition in the programmatic display advertising market. On the one hand, this would make it possible to obtain a precise estimate of the share of advertiser spending taken by intermediaries and that left to publishers. On the other hand, the Authority will be best placed to apply remedies to the anti-competitive practices observed in the programmatic advertising market: obligation of interoperability of Google tools with other intermediaries and/or separation of space purchasing tools (*demand-side*) and presentation of publishers' inventories (*supply-side*) ; • to promote the SCID to advertising agencies, platforms and networks for

better advertising tracking

shepherd;

• to prohibit brands from buying their competitor's keyword on search engines.

This practice, known as brand "poaching", allows an advertiser (e.g. Adidas) to buy the keyword of their competitor (Nike). In this way, the advertiser sees their sponsored links displayed to all users who have searched for their competitor. Poaching brand keywords forces advertisers to spend significant budgets on their keyword in order to ensure that their competitors do not do it for them, and is therefore a form of unfair competition. This type of advertising is problematic for trademark law, and it consumes advertising budgets in an unproductive way, since the consumer has already chosen the brand whose site they wish to visit.

2.3.5 Introducing a tax on GAFAM would rebalance relations in favor of the news media

It follows from all the above analyses that the GAFAMs, far from promoting the dissemination of reliable and quality information on their platforms, also weaken the advertising business model of the news media. In order to rebalance the relations between these two entities, the working group recommends the creation of a tax on these GAFAMs, the proceeds of which would be used to strengthen the business model of the media that contribute to producing reliable and quality information (as defined in Proposal No. 3).

The working group is aware of the legal difficulties in introducing such a tax, particularly with regard to European law, but it considers that the principle must be established. Such a decision was taken in the context of the recorded music economy (streaming tax).

Proposal No.

Establish a tax on GAFAM, the proceeds of which would aim to strengthen the economic model of media contributing significantly to the production of reliable and quality information (as defined in Proposal No. 3).

2.4 Ensure the public service has resources commensurate with its essential contribution

Through France Télévisions, Radio France, France Médias Monde, Arte and TV5Monde, LCP-AN and Public Sénat, the public audiovisual service constitutes a major part of the information in our country.

The role of the public sector in this area is not a French singularity, but is a model common to all the major European democracies. With public spending devoted to the operating budget of public audiovisual media amounting to €48.8 per inhabitant in 2022, France is in fourth position behind Germany (€97.9), Belgium (€68.3) and the United Kingdom (€63.8) in Europe.

Whatever the criterion used, the number of journalists working in the editorial offices of the public audiovisual service (3,295 permanent journalists and 835 freelance FTEs), the number of broadcast hours devoted to news, the audience for the main news events on public channels and radio stations, the amount of public funding devoted to news (€760 million out of €4.0 billion of public funding in 2023 according to the study carried out by the working group), the contribution of the public audiovisual service to news in our country is central. Public channels and radio stations also play an essential role in local and regional news (France 3, France Bleu) including in the DROM-COM, as well as a strategic role internationally (France Médias Monde, TV5Monde).

The public audiovisual service attracts broad support from the French with a 31.5% audience share in 2023 for TV and a 26.4% audience share for radio. These strong performances are reflected in the high audience of certain news slots (France Inter, the number 1 morning show in France, the 8 p.m. news on France 2, the number 2 news rendezvous by its power, France info, the number 3 French radio station). The variety of formats and approaches, the fact-checking work carried out by the editorial staff of public audiovisual services, and a larger range of news magazines (and particularly investigative ones) than in the private sector contribute to this. But in a context of distrust towards the neutrality and independence of journalists, public service media are invested with high expectations in terms of quality and reliability of information.

The elimination of the contribution to public broadcasting (CAP) in 2022, which represented 89% of its resources, raises with great acuity the question of the methods of financing the public audiovisual service for the future. This elimination requires finding the conditions for sustainable financing that is in line with the essential contribution of the public service. It is not a question of judging the level of financial resources made available to the public audiovisual service (€4.0 billion in the 2024 Finance Bill), which some will find substantial, others, insufficient if we compare it to the level of fees of some of our neighbors such as Germany or Great Britain (see above), but of identifying financing whose legal nature and methods contribute to the independence of public broadcasting.

The abolition of the CAP led to a transitional regime based in part on the allocation of a fraction of the proceeds of value added tax (VAT). This method of financing has the advantage of not being subject to the expenditure standard and not falling directly within the scope of the latter's arbitrations. In addition, the entry of appropriations in expenditure is only worth maximum authorization, where the allocation of a product is certain once voted. However, this regime cannot last beyond January 1, 2025 without amendment of the organic law relating to finance laws (LOLF), which will no longer allow, beyond that, the allocation of revenue to State operators unrelated to the public service missions concerned. Furthermore, it does not guarantee predictability of resources over time, as the amount can be modified each year in the finance law.

Much more than a technical or public finance issue, this is a democratic issue, to protect public broadcasting from political hazards. The reform of the financing of public broadcasting must take into account three pillars of financial independence: the adequacy of resources to missions, the predictability of resources and the absence of infra-annual regulation.

The very recent European regulation on freedom of the media, which will be directly applicable in the Member States of the Union, has also established safeguards for the independent operation of public service media providers. Member States will have to set up financing procedures based on transparent and objective criteria previously established, guaranteeing public audiovisual media sufficient, sustainable and predictable financial resources corresponding to the accomplishment of their public service mission, such as to allow the preservation of their editorial independence.

At the national level, a proposed organic law reforming the financing of public broadcasting tabled by MPs Quentin Bataillon and Jean Jacques Gaultier on June 6, 2023, initially planned to amend the LOLF to perpetuate the allocation of a fraction of VAT to France Télévisions, Radio France, France Médias Monde, INA and TV5 Monde, and Arte France. This proposed law has since evolved to propose a "revenue levy" mechanism.

This new initiative could consist of retaining as a method of financing the principle of "levying on revenues" which ensures greater security for the financing of public audiovisual media. This mechanism of levying on revenues in the finance law is currently used for the financing of the European Union and local authorities.

In any event, a new method of financing public broadcasting must be adopted, either by allocating a fraction of VAT or by using a "levy on revenue" mechanism, with the latter mechanism seeming to provide additional guarantees in terms of financing and independence of the public broadcasting service.

Proposition n° 8 :

Guarantee public audiovisual media, in accordance with the “European Media Freedom Act”, sufficient, sustainable and predictable funding through a reform of the LOLF allowing the principle of a “levy on revenue” to be retained within the framework of the annual finance law.

This initiative must be accompanied by other measures to strengthen multi-annual visibility and the adequacy of missions and resources. Information is the primary mission of the public service. However, it appears that the share of funding devoted to this essential mission is not sufficiently legible. It would be essential for the various public audiovisual companies to identify the amounts devoted to this mission each year. It is not necessarily a question of "protecting" the financial resources devoted to information, but at the very least of identifying them in order to be able to monitor their evolution over time (in particular within the framework of the COMs). Information must under no circumstances be the adjustment variable in the event of difficulty in financing the public audiovisual service. With regard to the main public operator, France Télévisions, the financing of audiovisual production and cinema is the subject of a dual commitment, as a percentage of resources and with a guaranteed minimum in absolute value. Conversely, the contribution of public broadcasting to information is not guaranteed, either in amount, or in percentage of the resource, or in volume of programme offerings. For example, the specifications of France Télévisions do not set a minimum programming rate for the news bulletins of France 2 and France 3¹.

Furthermore, the objectives and means contracts (COM) of the three public audiovisual publishers (France Télévisions, Radio France and France Médias Monde) do not include any quantitative objectives relating to the place of information on the different channels². The indicator on the "consolidation of trust in information" of France Télévisions is the only one that deals with information.

Proposition n° 9 :

Move up the hierarchy of objectives of the COMs of public audiovisual companies, the objectives relating to information in particular:

- **by specifying the share of the budget devoted to information;**
- **by publishing each year the amount devoted by the public company to its mission of information ;**
- **by further defining the diversity of information processing methods and the themes covered (strengthening the quality, diversity and specificity of the public service information offer).**

¹ Decree No. 2009-796 of June 23, 2009 establishing the specifications of the national company of France Télévisions program.

² Opinion No. 2022-10 of September 28, 2023 from Arcom relating to the performance report of the objectives and means contracts of France Télévisions, Radio France and France Médias Monde for the year 2022.

2.5 Simplify certain rules governing private audiovisual media

The private audiovisual sector in France is characterised by a succession of laws and regulations, which certainly make it one of the most supervised and regulated sectors. In the face of this, the new direct competition that has arrived with digital platforms is characterised on the contrary by an absence of rules and regulations referring to difficulties in legislating linked to European law.

In fact, there is unfair competition in many areas, and there is a strong temptation, faced with a sector that escapes regulation, to over-regulate the French private audiovisual sector. In other words, distortions of competition, instead of being reduced, are being reinforced. In view of this, we must avoid the "French garden" trap of always further regulating those who are subject to national regulation.

The subject is vast, but to take just one example, the ban provided by law on selling companies benefiting from hertzian frequencies for five years leads¹ today to an aberration to the detriment of the dynamism of the private audiovisual sector. Indeed, it leads shareholders who want to sell, but cannot sell, to favor immediate profitability rather than investment and development.

As a result, the working group proposes to take up the proposal contained in Senator Lafon's bill on this specific subject.

The time limits governing the possibility of selling audiovisual companies operating terrestrial frequencies (prohibition of sale within 5 years following the allocation of a frequency) are a definite obstacle to the development and investment in private audiovisual media whose owners do not wish to retain ownership and their commitment to these media groups.

To provide greater fluidity and ensure that existing audiovisual media owners are fully committed to the future of their media, Working Group 3 proposes to:

Proposition n° 10 :

Reiterate the provisions contained in Article 12 of the bill on the overhaul of public broadcasting and audiovisual sovereignty voted on in 2023 in the Senate. This article provides for reducing the period from five to two years to allow the possibility of selling after the allocation of a terrestrial frequency by Arcom. Article 12 also stipulates that the period may be less than 2 years, "if Arcom considers that the change of control does not undermine the fundamental imperative of pluralism and the public interest and that it does not have a manifestly speculative objective."

¹ Article 15 of Law No. 2016-1524 of November 14, 2016 aimed at strengthening the freedom, independence and pluralism of the media

2.6 Adapt public support for press aid

2.6.1 Direct aid to the press represents 3% of press turnover, mainly supports distribution and mainly benefits a few PQN titles

Amounting to €195.8 million in the 2024 finance laws, direct aid to the press represents approximately 3% of press turnover. It is structured around three mechanisms:

- aid for distribution (€114.7 million, or 59% of the total): this aims to reduce the final sale price of publications by ensuring distribution of titles across the territory, through support for posted or delivered copies, delivery networks, and peddlers and press carriers;
- aid for modernisation (€55.1 million, or 28% of the total): this mainly concerns aid for press distribution (€27.9 million), which almost entirely benefits the national daily political and general news press sold by the issue¹. It also includes aid for the modernisation of press distributors, the strategic fund for the development of the press (FSDP) and the fund to support emergence and innovation in the press;
- aid for pluralism (€25.9 million, or 13% of the total): this aims to guarantee media diversity and to supplement the resources of press titles that do not have sufficient advertising revenue.

¹ Within the aid for the distribution of the PQN IPG, amounting to €27 million, €9 million is paid by the beneficiary publishers to France Messagerie in the form of an operating subsidy, under the conciliation protocol approved by the Paris Commercial Court on March 14, 2018, to maintain the financial balance of the courier distributing national dailies.

The remainder benefits the operating accounts of the publishers. A mission was entrusted to the General Inspectorate of Finance and the General Inspectorate of Cultural Affairs to draw up a report on the actions undertaken with the aim of guaranteeing the continuity of press distribution and to question its economic model and the sharing of costs between public authorities and press companies.

Table 3: Forecast amount of direct aid to the press

ACTION	AMOUNT 2023(CP€)	AMOUNT 2023(CP€)
SUB-ACTION 01 "ASSISTANCE WITH DISSEMINATION"	118 993 939	114 734 447
PRESS TRANSPORTATION ASSISTANCE	35 100 000	35 100 000
HELP WITH POSTED COPY	72 206 036	68 200 000
EXEMPTION FROM EMPLOYER CHARGES FOR PEDDLER SALESMEN AND NEWSPAPER CARRIERS	11 687 903	11 434 447
SUB-ACTION 02 "ASSISTANCE FOR PLURALISM"	23 225 000	25 925 000
SUPPORT FOR NATIONAL NEWS PUBLICATIONS POLICIES AND GENERAL WITH LOW ADVERTISING RESOURCES	14 355 000	17 055 000
SUPPORT FOR REGIONAL, DEPARTMENTAL AND LOCAL DAILY INFORMATION NEWSPAPERS POLITICAL AND GENERAL TION WITH LOW RESOURCES OF CLASSIFIEDS	1 400 000	1 400 000
SUPPORT FOR THE PLURALISM OF OVERSEAS TITLES	2 000 000	2 000 000
HELP WITH THE PLURALISM OF THE PERIODIC PRESS REGIONAL AND LOCAL	1 470 000	1 470 000
ONLINE PRESS SERVICE HELP	4 000 000	4 000 000
SUB-ACTION 03 "MODERNIZATION AID"	54 283 302	55 126 816
MODERNIZATION AID ON THE DISTRIBUTION OF THE PRESS	27 850 000	27 850 000
AID FOR THE MODERNIZATION OF PRESS BROADCASTERS	6 000 000	6 000 000
STRATEGIC FUND FOR THE DEVELOPMENT OF THE PRESS	15 433 302	16 276 816
EMERGENCE SUPPORT FUND AND INNOVATION IN THE PRESS	5 000 000	5 000 000
TOTAL	196 502 241	195 786 263

Source: Senate Finance Committee, based on budget documents.

Furthermore, in addition to direct aid to the press, this sector also benefits from indirect tax aid (VAT at 2.1% for the printed and digital press eligible for titles registered in CPPAP – €60 million in 2024; exemption from CET for press distributors – €4 million in 2024, exemption in favor of companies that sell periodicals as agents registered with the press distribution network commission and have the status of specialist press distributors – €5 million in 2024, tax reduction for individuals for donations made to press companies, tax reduction for individuals for subscription to the capital of press companies that publish IPG publications or online press services) as well as compensation for the postal service (€40 million in 2023). Social assistance (social security contribution reduction schemes for journalists) is estimated at €160 million¹.

The benefit of aid is very concentrated, since the ten most aided titles in 2022 represented more than 50% of the aid paid²: Aujourd'hui en France (€12.2 million), *Le Figaro* (€5.9 million), *Le Monde* (€5.8 million), By comparing the aid paid to the number of copies distributed in the same year, the titles receiving the most aid per copy are *La Tribune de Lyon*, *Les Cahiers du Cinéma*, *Aujourd'hui en France*, *L' Humanité*, *Le Journal du Dimanche*, *Libération Champagne*, *Alternatives économiques*, *La Croix*, *Terre Dauphinoise* and *Society*.

¹ Senate, Finance Bill for 2024: Press, filed on November 23, 2023.

² Press aid benefited 446 titles in 2022, for a total amount paid of €91.7 million. Source: Table of subsidized titles 2022, Ministry of Culture.

Table 4: Evolution of press aid between 2015 and 2022

YEAR	AVERAGE HELP PER COPY	AVERAGE AID PER TITLE
2015	0,036	241 816
2016	0,041	220 047
2017	0,040	217 249
2018	0,042	196 314
2019	0,039	186 547
2020	0,054	240 312
2021	0,050	212 893
2022	0,052	207 485

Source : DGMIC.

Table 5: Press aid in 2022

TITLE	RANG (HELP VOLUME)	AID RECEIVED IN 2022	RANG (DIFFUSION)	HELP BY COPY AVERAGE (IN €)	PART IN THE TOTAL AID
TODAY IN FRANCE	1	12 194 288	25	0,05	13,18 %
THE FIGARO / LEFIGARO.FR	2	5 890 263	3	0,05	6,37 %
THE WORLD / LEMONDE.FR	3	5 837 607	2	0,04	6,31 %
THE CROSS / LA-CROIX.COM	4	5 655 164	21	0,20	6,11 %
RELEASE	5	5 389 292	18	0,18	5,82 %
HUMANITY / HUMANITY.FR	6	3 882 152	44	0,39	4,20 %
L'OPINION / LOPINION.FR	7	2 074 965	N.D	/	2,24 %
WEST FRANCE WEST FRANCE.FR	8	2 003 382	1	0,01	2,16 %
THE SUNDAY NEWSPAPER / JDD.FR	9	1 922 850	53	0,27	2,08 %
DAUPHINÉ LIBÉRÉ / LEDAUPHINE.COM	10	1 573 450	10	0,03	1,70 %
CONTEXTE.COM	11	1 307 572	N.D	N.D	1,41 %
THE REPUBLIC OF THE PYRENEES	12	1 303 807	49	0,17	1,41 %
OCEAN PRESS	13	1 302 520	54	0,19	1,41 %
THE HAUTE MARNE JOURNAL / JHM.FR	14	1 169 882	59	0,18	1,26 %
LES ÉCHOS / LESÉCHOS.FR	15	1 032 222	17	0,3	1,12 %
THE PRESS OF THE CHANNEL	16	997 163	58	0,15	1,08 %
THE TELEGRAM / THETELEGRAM.FR	17	943 259	9	0,02	1,02 %
THE PARISIAN / LEPARISIEN.FR	18	935 887	7	0,01	1,01 %
THE TEAM / LÉQUIPE.FR	19	899 881	5	0,01	0,97 %
SUCCEED.FR	20	897 173	N.D	N.D	0,97 %
SOUTH WEST / SUDOUEST.FR	21	878 848	6	0,01	0,95 %
BLAST-INFO.FR	22	828 787	N.D	N.D	0,90 %
THE NEW REPUBLIC OF THE CENTRE WEST / LANOUVELLEBREUBRIQUE.FR	23	811 191	13	0,02	0,88 %
AFRICAINTELLIGENCE.FR / .COM	24	777 928	N.D	N.D	0,84 %
HUFFINGTONPOST.FR	25	748 672	N.D	N.D	0,81 %
THE MOUNTAIN	26	686 391	12	0,02	0,74 %
THE CALEDONIAN NEWS / LNC.NC POPULAR	27	631 019	N.D	N.D	0,68 %
FRONT / FRONTPOPULAR.FR	28	628 481	N.D	N.D	0,68 %
AVEYRON PRESS CENTER	29	602 095	62	0,11	0,65 %
TELERAMA	30	552 285	27	0,03	0,60 %
TOTAL	/	64 358 376	25	0,10	69,55 %

Source : DGMIC.

Concerning the national daily press titles, the high amounts are partly explained by the direct payment to these companies of aid for the distribution of issues, which was previously paid to the press couriers.¹

¹ Amount in payment appropriations, +€17 million compared to the 2021 Finance Bill, mainly to strengthen to provide support for dissemination.

2.6.2 The law provides for obligations governing the payment of direct aid to the press, which must be applied

Article 20 of the law of 14 November 2016 aimed at strengthening the freedom, independence and pluralism of the media has added new criteria for the benefit of aid, specifying that all or part of the public aid, direct and indirect, from which a publishing company benefits, may be suspended in the event of violation of the following requirements:

- readers must be informed of any transfer of corporate rights giving a transferee at least one third of the share capital or voting rights, or of a transfer of ownership or operation of a press publication title or an online press service, of any change in the status of the publishing company or of any change in the directors or shareholders;
- readers must be informed, in the event of holding by any natural or legal person of a share greater than or equal to 5% of the capital, of the composition of the capital, the identity and the share of shares of each of the shareholders, as well as the composition of the governing bodies;
- readers must be informed of the following information: first and last name of the owner or principal co-owner if the company is not a legal entity, name or business name, registered office, legal form, name of its legal representative and of the natural or legal persons holding at least 10% of the capital if the company is a legal entity; name of the publication director and the editorial manager;
- journalists can exercise their right to object;
- it is necessary to draw up a code of ethics;
- the obligations of article 5 of the law of August 1 , 1986 must be respected.

The withdrawal of public aid to the press due to failure to negotiate a code of ethics was not implemented, with the DGMIC stressing the overly imprecise nature of the text of the law.

The working group considers it necessary to ensure each year that beneficiaries of direct aid to the press comply with their obligations of transparency and independence.

Despite the rich contributions of the two press messengers (Messageries Lyonnaises de Presse and France Messageries), the working group does not comment on possible developments in press distribution. A specific mission has been launched by the government on this subject.

2.6.3 Without upsetting the current balance, the working group proposes to incrementally develop press aid towards more support for digital and other forms of targeted aid. The working group notes that press aid currently supports press publishers in a scattered and non-transparent manner.

However, their maintenance is a strong demand from stakeholders, even more so in an uncertain economic context. The working group is therefore not proposing a complete overhaul of public aid, but principles that should be gradually applied to their future developments.

In order to take budgetary balances into account, the working group has voluntarily limited new aid proposals to mechanisms whose financial cost is relatively limited. On the other hand, it appears that in the context of the fines imposed by the Competition Authority on Google in the area of related rights, even if we are aware of the principle that the proceeds of these fines are not intended to be earmarked, morally, we believe that this amount must be used to promote the development of the press.

Today, IPG press subscriptions are financially supported when they are postal or hand-delivered subscriptions. Online press subscriptions do not benefit from any specific aid.

We are aware that the costs for the publisher of these subscriptions are not the same. "Physical" subscriptions (postal or hand-delivered) cost more. In reality, these three types of subscription are intended to replace each other in the long term. We believe that we must encourage the dynamics of digital subscriptions, which currently seem to be marking time and which are the only type of subscription for which publishers do not receive aid.

Proposal No. 11:

The working group proposes new aid to support the third type of subscription, which is the digital subscription. Such new and specific aid, which would not lead to the disappearance of the other two, but would naturally be expected to take on a growing share over time, would have the virtue of facilitating and encouraging press titles to accelerate their digital transition. It would consist of creating a new direct aid fund for digital subscriptions alongside aid for postal subscriptions and subscriptions... Its base would concern all general and political news press titles, whether they are distributed in paper or purely digital mode, and it would only apply each year to the flow and (not the stock) of digital subscriptions taken out by new readers, or by exclusively paper subscribers who would switch to a digital offer.

The fight against information deserts, by supporting professional journalists (with press cards) in rural areas is a key issue. Both are not only illustrated by themes of national and international scope. They also concern the areas animated by local associative, societal and political actors. The local, departmental and regional news press has a fundamental role to play in animating and bringing these debates to life by comparing ideas and feeding the debate by monitoring the news from the end of the street.

It should be noted that the Canadian federal government has planned such a system, aware of the democratic issues, and has just renewed it.

However, it is increasingly subject to exogenous constraints which hinder the activity of journalists and the expression of debate, diversity of opinions and facts. These constraints lie in particular in the following reasons:

- The desire of some and others to control information and its dissemination so that they are favorable through the production of content from the actors of society but which unfolds it without counter-power, without contradiction.
- Economic pressures on advertising budgets in the event of content being produced by journalists who do not go "in the right direction", who undermine, who do not sufficiently highlight the activity of an institution or a community.

• The economic difficulty of the media in the face of the flight of revenues to the platforms and the necessary restructuring that goes with them. When there are trade-offs to be made, the number of journalists and the territorial network are sometimes called into question, particularly in the territories that are the least attractive to the younger generations.

• The difficulty of recruiting in rural areas, in local press agencies with fewer than 15,000 inhabitants, in rural departments without large urban areas.

The subject is also important for the DROM-TOM (see: Box 2).

Proposal No. 12:

Implement support for the IPG press, indexed to the number of journalists, in rural areas (financial envelope, reduction of charges, etc.). It would concern journalists on permanent contracts in a given area and dedicated to this area and whose mission would be to cover local and departmental news. The objective is to guarantee a presence of a number of journalists in these areas as well as a presence of representation of press titles in said area (agency, coworking, local management) which contributes to the activity and the network. A population density should be identified. With the DOM-TOM, there are more than 50 departments or areas with fewer than 500,000 inhabitants, including 30 with fewer than 300,000 and 12 with fewer than 200,000 (2021 figures). The idea is not to support journalists who are in Bordeaux, Metz, Clermont-Ferrand. This proposal concerning the fight against "information deserts" would take the form of a specific fund to support the general and political information press covering geographical areas where the financing of quality information becomes very difficult (criteria triggering its aid to be defined).

Box 2: The special case of the local press, including overseas

The trends described here are exacerbated at the local level where the number and size of newsrooms are shrinking due to:

- the costs of producing information; • the decline of local press correspondent networks; • the massive acceleration of copy-pasting and interference by third parties of information produced by local and regional news media;
- the development of information made directly available by public authorities (particularly local authorities) or large companies, without going through editorial offices.

The consequences are also significant: while international and national information remains widely disseminated, local information is becoming rarer. Yet it is this information that plays a decisive role in democratic participation and community life.

In Overseas France, these issues are particularly pressing: by construction, national information, focused on the mainland, deals with issues of less proximity and at the same time the number of local independent editorial offices is reduced. The issues of independence, promotion of journalism, and media representation would benefit from being specifically taken into account.

The working group calls for the systematic consideration of local levels in the implementation of public information policies and in cooperation between press stakeholders.

The group draws attention to the need to:

- curation which identifies and promotes local information media at the origin of the information, in particular through commitments to referencing and traceability of the information;
- recognition of the specific nature of locally produced information through a territorial network. In the case of the evolution of public funding based on the number of journalists per editorial office or per title, taking into account the density of journalists at the departmental level would encourage a greater territorial network and direct public aid towards the territories where it can play a more decisive role.

Beyond the reforms of direct aid to the press, the working group proposes to direct a portion of the Culture Pass towards news subscriptions. On March 19, the Minister of Culture Rachida Dati announced in the National Assembly her desire to reform the Culture Pass. The new configuration of the latter could put more emphasis on press subscriptions among the services that are eligible for it, or even reserve a fraction (for example 10%) of the amount to be spent for the entire period of access to the Culture Pass (from the 6th to the majority). This reform is all the more timely since press subscriptions are now in competition with other eligible online services, since the Culture Pass currently caps spending on digital subscriptions – of all types – at 100 euros¹.

The working group also proposes to broaden the scope of the Culture Pass by including subscriptions to the printed press. The measure would complement the initiatives taken by certain publishers (EBRA, Le Parisien, etc.) aimed at encouraging young people to take up press titles, within the framework of free temporary subscriptions.

Proposal No.

Give more space to news media in the Culture Pass, or even make a subscription share to the news press compulsory at the rate of 10% of the Pass over the eligibility period.

¹ Of these hundred euros, digital press subscriptions are therefore in competition with other digital services such as subscriptions to streaming platforms, video games and ebooks.

III. Increasing trust in the news media is democratically essential

3.1 A certain appetite among the French for information but a trust in the media which must be consolidated

According to the Arcom study, 94% of French people get information every day. And in general, they feel well informed on the subjects that interest them. Even on the economy and the environment, which are the two areas on which they are most critical, the satisfaction rate is at least 70%. The most cited motivations (understanding the world, finding out about major events, educating oneself, forming one's own opinion, etc.) "demonstrate an active approach in the search for information," adds the Arcom study.

The French are primarily looking for seriousness and a "factual, neutral and objective" presentation of information, she adds. And while the tendency to avoid information is indeed present (at least occasionally for 61% of French people), the general trend is to be more informed, with 32% of respondents wanting this, compared to 22% wanting the opposite.

Audiovisual media are the primary source of information. Television, especially (66% every day), but also radio and podcasts (51% at the same rate). A source of concern, however, is that newspapers or magazines, regardless of the medium, come behind social networks, which are particularly popular with the youngest.

Although many French people highlight their information function, they are nevertheless very wary of them. According to the CEVIPOF political trust barometer, only 16% of them trust them, the worst performance in the survey. They are even "very lucid", notes Arcom. According to its survey, 92% of those questioned note that "social networks disseminate true and false information" and 86% are aware that the information they receive there depends on their previous consultations. More than half of them are "afraid of being often exposed to false information" *via* social networks.

They are also very critical of the functioning of social media algorithms and when asked if they prefer them to journalists, only 16% agree, while 53% say the opposite, with 31% having no opinion.

However, the French are divided on the reliability of the information disseminated by the media. And they have more confidence in their loved ones, the "experts in the media" and the associations and actors in the field than in journalists.

France is not alone in suffering from a deficit of trust among its citizens in the news media. It is a general phenomenon with few exceptions. According to the Reuters 2023 Media Report, across all 46 countries surveyed, 40% of citizens on average say they trust the media, with a high of 69% in Finland and a low of 19%.

in Greece¹. This represents a decrease of two points compared to 2022.

France is not well placed in this ranking: it is in thirty-eighth place, at 30%. And this weakness is even more marked when we compare the media to other types of institutions, as the CEVIPOF² political trust barometer does. The gendarmerie, hospitals, the army, the police, Social Security or schools obtain scores that vary between 77% and 67% and the unions are at 40% confidence when the media peak at 28%. This is not an assessment of the reliability of the media but of people's perception of this reliability, therefore a subjective opinion. It must also be put into perspective by another piece of data. According to the Kantar study for *La Croix* published in November 2023, it is very interesting to note that the confidence rating when we specify the type of media is high:

TV news 67%, regional daily press 61%, national daily press 58% as well. Furthermore, it can be noted that for those who use them the level of trust is even higher.

However, other elements call into question the image of the information media, particularly concerning the capacity of journalists to resist pressures of all kinds and in particular political and economic pressures.

According to the annual Kantar survey for *La Croix* published in January 2023, 59% of respondents do not believe that journalists "resist political pressure" compared to 24% who think the opposite.

And 54% do not think that journalists "resist the pressures of money"³.

"The French feel that the reliability of information disseminated in the media is first threatened by the risks of interference with political power and that of the shareholders who own these media, underlines the Arcom study. The French particularity that constitutes the development of media acquisitions by large industrial groups is one of the subjects of concern. According to the same Kantar-*La Croix* survey dating from before the JDD affair that occurred in the summer, only 15% of those questioned considered that the fact that several major press or media groups are owned by large industrial groups was a "good thing"

versus 45% a "bad thing".

The need to strengthen trust in the news media and to promote the reliability and quality of information is also a major concern that emerged from the consultation of citizens and the deliberative days of the States General of Information which took place at the Economic, Social and Environmental Council.

¹ Nic Newman, Overview and key findings of the 2023 Digital News Report, Reuters Institute (14 juin 2023).

² Barometer of confidence in politics - wave 15 - February 2024 produced by OpinionWay for the Center for the Study of Political Life (CEVIPOF).

³ 2023 Barometer of French people's trust in the media, Kantar Public.

3.2 Affirm the quality and impartiality of public service

The model of a public audiovisual sector heavily financed by licence fees or taxes is found in all the major European democracies, but is not universal: other major democracies, such as the United States, live with restricted public audiovisual services. Thus in Switzerland, the existence and financing of public audiovisual services has already been called into question once by a "public vote" (in other words by referendum), and must be called into question again in the next two years.

In France, the Constitution does not mention the existence of a public audiovisual service, but the existence of a constitutional objective of pluralism and independence of the media requires the State, if it sets up a public audiovisual service, to strive to guarantee its independence. In particular, the conditions of production and dissemination of information by the public service must contribute to this independence, so that, *ultimately*, this information is identified by the public as essential and incontestable. This differentiated and exemplary offer appears to be the counterpart of a high level of public funding.

The public service offers diversified information

The information offering of private channels and radio stations is very substantial: newspapers, magazines, news segments. This offering is also "imposed" and often "quantified" in the agreements concluded between the channels and Arcom. The information offering coming from the private audiovisual sector is therefore substantial in volume, in audience and ensures real diversity.

Therefore, the specific information offer of the public audiovisual service is justified by the singularity that it brings in terms of formats, themes, objectives. Fundamentally, it must be at the service of the citizen to inform and enlighten him on the world in which he lives and its challenges. The offers of the public service in terms of information present real distinctive signs: importance of local information, of investigation, of the share of the treatment of political news.

This offer would probably benefit from further differentiation by strengthening itself in particular through themes that are not very present in the information offer emanating from private channels: geopolitics, magazines on the economy, international news. The differentiation of the information offer of public audiovisual must also involve coverage of all information and additional educational efforts to address each citizen.

Respect for pluralism and honesty of information are naturally an obligation for public service information. The law also imposes this requirement on private actors. Therefore, it is not on these two criteria that the public service can show its difference and its essential contribution to information.

The notion of impartiality, in the sense of an objective and contextualised treatment of information, is a guarantee of reliable, quality information, which is aimed at all our fellow citizens regardless of their political leanings, and which would make it possible to go beyond, to a large extent, the judgments of intent which are too often made in the public audiovisual service.

Moreover, this requirement of impartiality that could characterize the information of the public service is today claimed by its companies. Thus in its document made public on "the ethics of information", the France Télévisions group indicates that "the information of France Télévisions is: the reflection of an exact, balanced, complete and impartial coverage of the news".

For its part, Radio France published at the beginning of 2024 "the fundamental principles of information at Radio France", recalling "that they make it possible to guarantee the ethics, the quality of the impartiality of our information and also to honor the trust of the public".

The two main public audiovisual groups in terms of information therefore affirm that the "impartiality" of their information is necessary for public confidence.

However, this requirement of impartiality for public audiovisual information does not appear in the law among the specific obligations of the public audiovisual service controlled by Arcom, nor in their specifications, nor in their contracts of objectives and means. *On the contrary*, the Royal Charter of the BBC provides for such an obligation of impartiality.

Proposal No.

Amend the 1986 law to further strengthen the "exemplary" nature of public audiovisual companies' information processing when they produce and broadcast information, by conferring on them by law a requirement of impartiality (in the sense of objective and contextualized processing of information).

Finally, the working group notes that the prospect of a single governance could be likely to strengthen the information offerings of the public audiovisual service, for example: in the local information sector, in that of digital information and in that of continuous information. The working group nevertheless draws attention to the importance of ensuring the diversity of the editorial offering.

3.3 New provisions to strengthen reliable and quality information

3.3.1 Strengthening transparency obligations on shareholding and guarantees of independence

This is one of the fundamental subjects of trust in and demand for the media. The various Harris interactive¹ surveys, the consultation and recommendations carried out by the EESC in the context of the États généraux de l'information, or the Kantar barometer on behalf of the newspaper *La Croix* at the end of 2023 make transparency of funding and the editorial organisation of the media central subjects of interest for the citizens surveyed.

This question is nevertheless complex in view of the diversity of economic models and media regulation, depending on their medium in particular. The ownership by billionaires, regularly targeted, actually reveals variable situations between the media (audiovisual controlled by Arcom on pluralism obligations) and the titles (the governance models of *Le Monde* or *Les Échos* are very different from that of *Le Journal du dimanche* or *La Tribune*). Alternative models to the capitalist model (*Ouest France*, *Le Canard Enchaîné*, *Médiapart*), even if for some they represent an economic success, cannot be considered the only viable model.

Although the working group has not decided in favour of a mandatory system of approval by the editorial board of the appointment of the editorial director or his equivalent, it proposes to strengthen the guarantees of editorial independence. It proposes to ensure greater effectiveness of the principles of the Bloche law:

- by increasing the visibility and transparency obligations on shareholding and independence guarantees. When they appear on the site, which is not always the case, they are slipped at the very end of the web page and often in very small characters without any real visibility.

- It is requested to create a fixed menu on the web page so that the reader has easy access to the information. On paper, it is proposed to include a QR Code giving access to the information.

- By strengthening the effectiveness of editorial independence guarantees by extending to all news media, in this case an extension to the IPG press of the ethics committees provided for by the Bloche law for audiovisual and radio (Chipip). Since the written and online press are not subject by law to obligations of pluralism, the ethics committee will therefore have the mission of monitoring issues relating to honesty and independence;

- by guaranteeing in law that these committees have access to the information necessary for the exercise of their missions;

- by changing the rules currently provided for by law concerning the appointment of their members

- by recognizing the role of the SDJ in the law and by protecting the president or designated representative.

¹ The French view of information, Harris interactive, October 3, 2023 harris-interactive.fr

Proposal No. 15:

First, the working group proposes that the transparency of shareholders and guarantees of independence of the information media (including the code of ethics) be ensured in a more visible and readable manner through a mandatory identifiable presence on the home page of sites referring to a page clearly listing all the measures and through a QR code for printed versions. These publications must allow the reader to have information on who is the "effective owner" of the media.

Proposition n° 16 :

The buyer of a media outlet must adopt its existing code of ethics for the current term.

Proposition n° 17 :

Extend to all information media, including the press, the obligation to create ethics committees provided for by the Bloche law and to change the terms of their composition.

Today, the law provides that the choice of personalities is the responsibility of management. In order to strengthen the independence of these committees and make them more effective, we propose an equal appointment by management and by the editorial representation (SDJ or, failing that, the representatives of the journalists), of the members of this committee, with the exception of independent personalities who would be appointed jointly by the editorial representation in order to have an odd number of votes. The missions of this committee and its terms of referral are those defined by the Bloche law, with the exception for the press of the obligation of pluralism which is not legally imposed on it.

Proposal No. 18:

Protect by law the president of the SDJ or his designated representative. Such protection would aim to allow free expression of this body through one of its representatives who would thus benefit from legal protection aimed at preventing dismissals and discrimination linked to the exercise of this responsibility.

3.3.2 Ensure that AI is used in the media without compromising conscience

Artificial intelligence (AI) is already widely present in the media. Nearly 85% of journalists surveyed in the JournalismAI study (London School of Economics) had already integrated AI into their work. Based on a survey of 105 newsrooms around the world, this study shows that newsrooms are using AI in three essential areas of their activity:

- information collection: transcription of audio interviews into text via speech recognition software (*speech-to-text*), tools for detecting viral trends on social networks, “automated data mining”;
- information production: natural language processing tools make it possible to verify automatically certain statements in the texts;
- information distribution: personalized recommendation of content to users, audio transcription of articles, translation of content, *chatbots*, SEO optimization (*search engine optimization*).

However, the recent development of artificial intelligences generating texts (Chat GPT, LLa-ma), images (Midjourney, Stable Diffusion), and now videos (Sora) are transforming all content creation activities, including journalism. Provided that it is strictly supervised by both editorial offices and the regulator, AI represents an opportunity for the

economic model of information on three levels: on the productivity of journalists, on the income of the media and on their image as a trusted third party with the public, as part of the fight against fake news.

• Improve editorial productivity

By lowering the fixed cost of certain activities, generative AI allows editorial offices to develop new products: foreign editions, audio or video transcription of articles, *chatbots*, language models trained on archives and made available to readers.

Although it is not intended to replace journalistic work, the generation of texts by language models can nevertheless facilitate the writing of articles. The experiment conducted by *the Est Républicain* on the use of Chat-GPT in editorial offices is considered promising by the management of the title. The language model is used as a new tool to support editorial secretaries, artificial intelligence is able to correct articles and find titles or hooks for them and produce summaries at a lower cost.

If experiments of this type are likely to multiply, unions are already warning about the risk of “hallucination” of the models. Indeed, general public language models generate statements in a probabilistic manner, they are therefore not adapted to discover facts or verify their veracity. Incorrect names, dates or events can thus be found in content produced by the news media, which would harm their credibility. Above all, the entry of queries (*prompting*) and repeated copying and pasting risk replacing journalistic work.

• Sale of data: a new source of income;

Beyond its impact on the work of newsrooms, generative AI represents a potential source of revenue for titles. Generative AI services rely on large datasets used to train models. Publishers’ archives – both their articles and their photos and videos – are therefore a rare resource for AI providers.

Associated Press, *Le Monde*, *Axel Springer* and the *Financial Times* have recently signed agreements with OpenAI allowing it to improve the training of its language model. In practice, the two publishers make all of their corpora (archives and future content) available to the Chat-GPT publisher in exchange for payment. While no amount has been disclosed, those familiar with the matter estimate that the agreement between Associated Press and OpenAI was valued at several million dollars.

Faced with these developments, publishers can adopt two

- attitudes:**
 - refuse access to their database by AI operators;
 - coordinate, instead of competing, to optimize revenues from the sale of their products data
 - An opportunity for the promotion of quality media.

The quality of the analyses as well as their intelligibility will be more differentiating elements compared to content generated by AI.

Provided that AI-generated content is distinguished from non-AI-generated content, news media will serve more as a trusted third party for readers seeking quality information.

Proposal No.

Encourage the transparent use of AI in newsrooms. The public must be informed of all the tasks performed by AI, which must not replace journalistic work.

This requires imposing transparency upstream and downstream of the models. Downstream, AI-generated content (texts, photos and videos) must be identified as such to the public. Similarly, news media must set an example by having the obligation to report any content (text and image) published that has been generated by an AI tool.

Upstream, this involves forcing generative AI companies to publish training data. Without transparency of training data, it is impossible to verify compliance with *the opt-out*.

Finally, on a model similar to that proposed on neighboring rights, the working group recommends collective negotiation of information media wishing to cede access to their data to suppliers. d'IA.

The report of Working Group No. 1 deals with these topics in depth.

3.3.3 Allow journalists to do their job while protecting the conditions in which they work

3.3.3.1 Paying attention to the most precarious journalists With

the Brachard law, the Cr ssard law constitutes the social basis for the protection of journalists by extending the status of journalist to freelancers. In addition, it applies a presumption of employment to them: they enjoy the same rights as salaried journalists. None of our interlocutors during our numerous hearings wished to challenge these texts. What is demanded by both the unions and the association Profession Pigiste is that they be effectively applied.

On the journalists' side, we are witnessing an increase in job insecurity. The share of permanent employees (CDI) in editorial offices has fallen by 4 percentage points since 2012, thanks to an increase in the proportion of freelancers. While CDIs remain the norm for press card holders, their replacement by freelance contracts, when it is not a choice of journalists, is a source of instability. All the more so since freelancers, like CDDs, have average monthly incomes below those of journalists employed on permanent contracts. The gap between the average income of a journalist on permanent contracts and that of a freelancer or CDD is 1,668 euros per month, on average over 2012-2022¹.

Income differences by contract are an important indicator because professional situations seem to be correlated with age. In 2022, while the average age of permanent journalists was 47, freelancers were 9 years younger on average. This age gap between contracts has tended to increase over the past 10 years. Fixed-term contracts are on average 33 years old, a low figure that can be explained by the number of work-study students involved in this type of contract.

The status is also circumvented by various means: remuneration as a self-employed person, in copyright, creation of internal press agencies in the editorial offices in which the conscience and assignment clauses do not apply, cases of employment of local press correspondents² instead of journalists in regional press titles. More generally, freelance associations report the non-application of the Cr ssard law.

The CCIJP data published online by the Observatory of Press Professions suggests a risk of less attractiveness of the profession of journalist. Indeed, the number of journalists with a card has been decreasing for 10 years, with 2023 being an exception. This decline particularly affects the written press, which has lost more than 3,300 press cards in 10 years³, while the audiovisual sector has seen its number of journalists increase by more than 500 people.

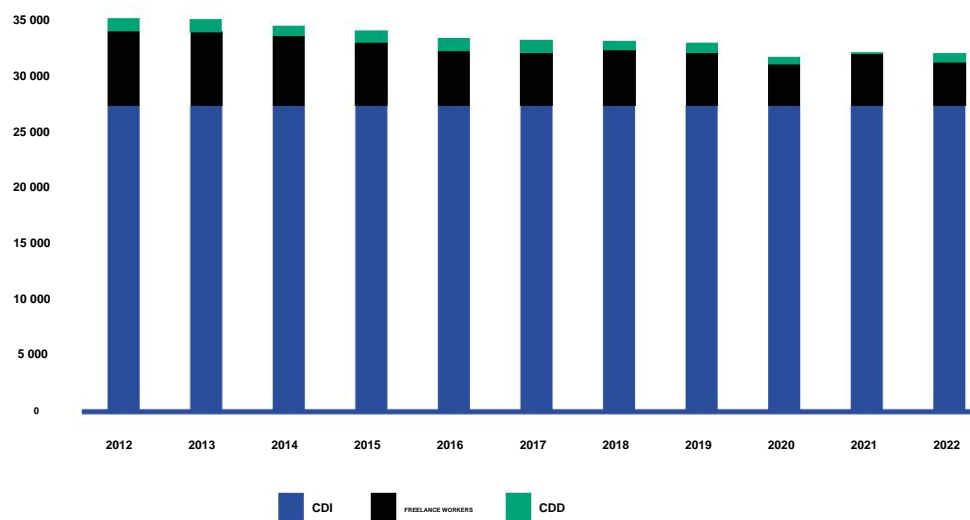
These various findings highlight a risk highlighted by some of the surveys on the profession: that of a polarization between permanent journalists whose rights are relatively protected and young people entering the profession who are more exposed to precarious working conditions⁴.

¹ Regarding permanent contracts, salaries only increased by +0.9% over twenty years and while they increased for first applications (+10%), they decreased very slightly for journalists requesting the renewal of their press cards (-0.6%). Sources: DGMIC, Commission de la Carte.

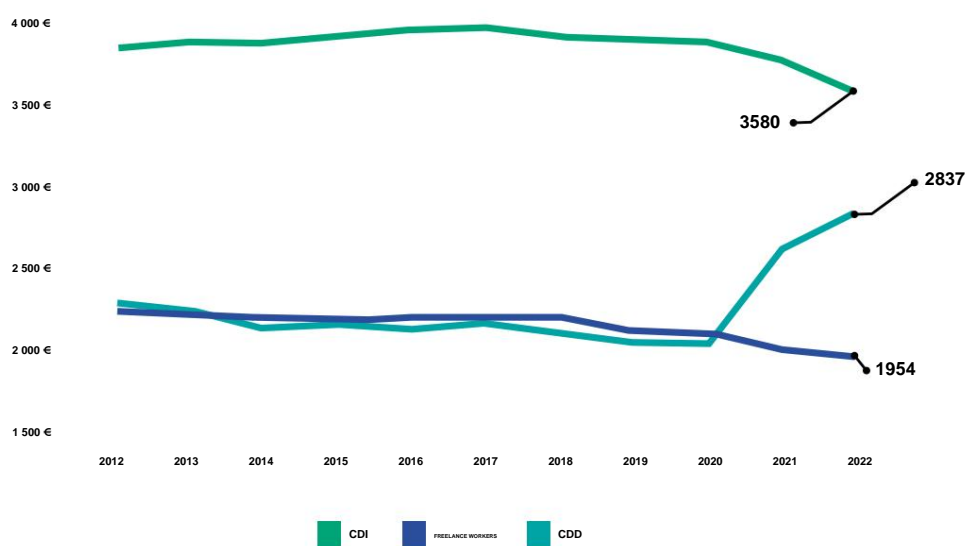
² Local press correspondents contribute to the collection of information on the ground. Their work serves as a basis for that of local journalists. They therefore do not benefit from the status of journalist.

³ According to the DGMIC, the decrease in press cards does not mean that the number of journalists in the profession is decreasing, but rather that they are less and less eligible for them. However, there is cause for concern that fewer and fewer journalists are earning at least half of their income from salaries paid by publishers. This situation may also reveal a deterioration in working conditions in the profession.

⁴ Charon, J., & Pigeolat, A. (2021). Yesterday, journalists: They left the profession. Entremises Editions.

Graph 5: Evolution by status of the number of journalists holding press cards

Source: CCJP, Press Professions Observatory

Figure 6: Average monthly income of press card holders by status

Source: CCJP, Observatory of Press Professions. NB: a break in the series in 2021 explains the sudden increase for journalists on fixed-term contracts.

These changes in the conditions for producing content in certain structures can impact the quality of information, and therefore trust in the media. For example, journalists' objectives are increasing without necessarily going hand in hand with additional resources due to economic difficulties. In 2022, the Technologia barometer carried out for the SNJ estimated that 83% of journalists had seen their workload increase due to a lack of resources and staff¹.

¹ Technologia Expertises, How are journalism professions and the working conditions of journalists evolving in a world in crisis? Presentation of the results of the 4th barometer.

At the same time, the demands for versatility are increasing. Driven by the practice of digital and video, editorial offices are increasingly mobilizing journalists to feed the flow of information online (*hard news*). This "web desk" job is often occupied by the youngest journalists who acquire stability at the cost of being removed from in-depth or field work¹.

The working group stresses that digital skills, which can be an asset for journalists, must not be deployed to the detriment of the quality of the information produced.

The conditions of remuneration of journalists do not always allow them to access a press card. The press card is currently awarded to journalists who earn the majority of their income in salary from press companies. Many journalists, paid as micro-entrepreneurs or royalties, are thus excluded. The inability of a journalist to obtain a card from the CCIJP is often linked to unsuitable methods of remuneration. The application of a method of remuneration in salary makes it possible to regularize precarious situations by opening the right to the presumption of employment and the associated advantages (press card, benefits of employee status, unemployment insurance) and the card commission shows flexibility on this point, as shown by the case of press photographers.

The working group considers that the deviations in the methods of remunerating journalists do not justify changing the conditions for granting press cards. Adapting the granting of press cards to these failing practices would amount to endorsing the circumvention of labor law by certain publishers.

On the other hand, measures should be taken regarding the granting of press cards. The length of time it takes to examine applications can put some freelancers in difficulty.

Proposition n° 20 :

Extend the validity period of the press card to take into account appeals. The press card is only valid for the year in which it was granted. When applying to renew their card, journalists whose application is rejected at first instance lose the benefits of their card on March 31 of the following year. However, this 3-month tolerance period is often described as too short in view of the date on which the journalist is notified of the refusal and taking into account the appeal deadlines, this period could be extended to 6 months in order to take into account the appeal deadlines.

The press card is only valid for the year in which it was granted. When applying for renewal of their card, journalists whose application is rejected at first instance lose the benefits of their card on March 31 of the following year. However, this 3-month tolerance period is often described as too short in view of the date on which the journalist is notified of the refusal and, given the appeal deadlines, this period could be extended to 6 months in order to take into account the appeal deadlines.

Furthermore, journalists' unions and the association Profession Pigiste reported during their hearing the recurring difficulties that many freelancers have with France Travail. Indeed, the legal rules applicable to freelancers are complex, specific and therefore not always known or mastered by France Travail agents. This can lead to individual situations of distress.

¹ Jean-Marie Charon, sociologist: "Young journalists experience situations that have never existed", France Culture, September 13, 2023.

Proposal No.**Ask France Travail to designate reference advisors to whom freelance journalists can contact.**

To contribute to the social security system, French journalists working for French media abroad must use the status of secondment or plurality. Given their importance in covering international news, these journalists could be subject to direct and exceptional attachment to the French social security system. The cost of such a measure would be low, due to the relatively small number of people concerned, according to the CCIJP¹.

Proposal No.**Allow direct attachment to the French social security system for French resident journalists going abroad to work for French media.****3.3.3.2 Strengthening the protection of journalists**

Journalists face specific pressures that can prevent them from working. These pressures, which 34% of journalists say they have experienced in 2022², include both:

- the development of physical violence which leads to increasingly difficult access to the field for journalists (violence from individuals at reporting locations and demonstrations but also sometimes from the police)³;
- attempts at physical or moral intimidation on social networks;
- damage to property: cars with logos burned, vandalism of media premises.

Proposal No.**Crimes and offences committed against journalists because of their profession should be subject to stronger sanctions, as is the case for certain professions today.**

The working group also warns that it would be dangerous to touch on the protection of journalists' sources. It notes that there is a consensus shared by all stakeholders on the need to preserve it. All contributors to the working group (employers, media owners, journalists, editorial managers) have expressed concern on this subject. The Alliance for the General Information Press indicates, for example, that it is necessary to "defend the confidentiality of sources, the cornerstone of freedom of the press, in particular in light of the overriding imperative of public interest, which must remain an exception and whose measures must be strictly necessary and proportionate to the aim pursued".

The working group considers it necessary to strengthen the protection of journalists' work with regard to trade secrets. The law transposing the directive on the subject was promulgated on 30 July 2018. Several cases have shown that its provisions could block journalists in their investigation. Three subjects have emerged. The first is the protection of the right to information in administrative or judicial bodies where the subject of trade secrets is not the primary reason for the dispute. The second is the refusals of the administration to transmit certain documents by invoking the trade secrets of a third party (see the dispute between *Le Monde* and the CADA concerning PIPS prostheses). The third is the compatibility of the law on trade secrets with the protection of journalists' sources.

¹ The CCIJP counted 305 journalists with press cards abroad in 2023. During its hearing by the working group, the CFDT reported around 500 journalists concerned in total.

² Etude Technology Expertises, op. feeling.

³ According to RSF, police violence against journalists in France has tripled between 2022 and 2023. As much police violence in France in two months as in two years: RSF expects a strong response from the authorities, RSF.org, data updated on May 15, 2023.

Proposal No.

Strengthen the protection of the right to information in relation to business secrets by providing for its enforceability not only in proceedings relating to business secrets, but in any other judicial or administrative proceedings. Also strengthen the protection of the confidentiality of relations between journalists and their internal sources within companies.

The working group also stresses the need to make the conscience clause effective. This clause allows a journalist to leave his post without notice, while still receiving severance pay. This clause can be invoked when a change in the publisher's direction forces the journalist to adopt provisions that are contrary to his moral interests. This clause is currently very difficult to enforce because it is up to the journalist to provide proof of this change without necessarily having access to all the information and documents allowing it. The group therefore proposes to apply the same rules that already exist in the labor code for discrimination issues or in the event of the dismissal of a whistleblower, in particular by adjusting the burden of proof.

It would be up to the journalist wishing to invoke his conscience clause to present factual elements suggesting the existence of a "significant change in the character or orientation" of the media and the fact that this creates "a situation likely to harm his honor, his reputation or, in general, his moral interests"¹. It would be up to the employer to provide proof to the contrary.

Proposal No.

Make the so-called "conscience clause" more effective by adjusting the burden of proof.

¹ Article L7112-5 of the Labor Code.

IV. Conclusion

The working group thus notes that information is undergoing a major movement linked to the growing role played by platforms and the weakening of the economic models of the role of information media.

In the United States, the consequences are already visible: there are now as many journalists as in France, whereas there were four times as many in the 1980s, disinformation is present in all areas, local sources of information drawn from journalistic work are drying up and participation in elections is decreasing.

In France, if similar symptoms are emerging, the trend still seems reversible by a rebalancing of economic relations favorable to the news media, a strengthening of the regulation of platforms, the affirmation of quality media, more transparent, with reinforced guarantees of independence and ethics and whose journalistic work is identified, protected and valued, as well as supported by conditional public aid, and by a public audiovisual service with sustainable financing and an even stronger exemplary nature.

Without over-regulating a sector that is already heavily over-regulated, it appears possible to the working group to strengthen its quality, to protect its players, the first of whom are journalists, and to partly ensure the future of journalism by strengthening the economic model of the news media.

V. List of proposals

Proposed method:

Set up an annual study on the cost of information managed by public authorities and/or the interprofessional organization.

Proposition n° 1 :

Establish an annual study on the cost of information led by public authorities and/or the interprofessional organization.

Proposal No.

Establish a tripartite charter between media, advertisers and agencies to improve professional practices to remove obstacles to advertising investment in information media (updating blocklists, guaranteeing the quality of advertising insertion, monitoring performance by adhering to a shared measure, promoting contextual targeting).

Proposal No.

Formalize a commitment by advertisers to support news media through their advertising spending. To do this, create an obligation to declare in the CSR reports of said companies the advertising amounts allocated to news media. Establish a monitoring indicator in the same way as the efforts included in these reports, in terms of the environment and equality. The news media that would be eligible to have their spending taken into account are the following: (i) publications registered with the CPPAP under the category "general and political news press", (ii) audiovisual media whose agreement with Arcom or specifications include obligations to produce and broadcast information, or (iii) other media that produce general and political information and that do not fall into one of the two classifications below but that would be subject to information certification (of the *Journalism Trust Initiative* type). In this context, an index of the media concerned should be published for media plan management tools and advertisers.

Proposal No. 4:

Fight against *fake news* by promoting quality information:
extend to national and/or European level the system provided for by Article 7bis of the SMA Directive for the benefit of "audiovisual media of general interest", by requiring platforms to ensure "appropriate visibility" for information media.

Proposal No.

Make it mandatory for platforms to use independent fact-checking tools. This fact-checking must be carried out by journalists. Modulate this obligation based on Arcom's annual reports on the fight against the manipulation of information.

Proposition n° 6 :

Ensure their full application to the publishers' remuneration obligations under related rights, by creating the conditions for an effectively balanced negotiation between publishers and digital platforms provided for by the law of April 17, 2019:

- strengthening of transparency obligations and transmission deadlines imposed on these latest ;
- broadening of the conditions for intervention of the trusted third party;
- establishment of an arbitration authority, in the event of persistent disagreement, avoiding the procedural burden and delays of litigation;
- establishment of a collective negotiation obligation for publishers, making it possible to prevent individual negotiation tactics aimed at weakening the overall implementation of remuneration for neighboring rights.

Proposal No. 7:

Establish a tax on GAFAM, the proceeds of which would aim to strengthen the economic model of media contributing significantly to the production of reliable and quality information (as defined in Proposal No. 3).

Proposal No. 8:

Guarantee public audiovisual media, in accordance with the " *European Media Freedom Act* ", sufficient, sustainable and predictable funding through a reform of the LOLF allowing the principle of a "levy on revenue" to be retained within the framework of the annual finance law.

Proposition n° 9 :

Move up the hierarchy of objectives of the COMs of public audiovisual companies, the objectives relating to information in particular:

- by specifying the share of the budget devoted to information;
- by publishing each year the amount devoted by the public company to its information mission;
- by further defining the diversity of information processing methods and the themes covered (strengthening the quality, diversity and specificity of the public service information offer).

Proposal No. 10:

Reiterate the provisions contained in Article 12 of the bill on the overhaul of public broadcasting and audiovisual sovereignty voted on in 2023 in the Senate. This article provides for reducing the period from five to two years to allow the possibility of selling after the allocation of a terrestrial frequency by Arcom. Article 12 also stipulates that the period may be less than 2 years, "if Arcom considers that the change of control does not undermine the fundamental imperative of pluralism and the public interest and that it does not have a manifestly speculative objective."

Proposal No.

The working group proposes new aid to support the third type of subscription, which is the digital subscription. Such new and specific aid, which would not lead to the disappearance of the other two, but would naturally be expected to take on a growing share over time, would have the virtue of facilitating and encouraging press titles to accelerate their digital transition. It would consist of creating a new direct aid fund for digital subscriptions alongside aid for postal subscriptions and subscriptions... Its base would concern all general and political news press titles, whether they are distributed in paper or purely digital mode, and it would only apply each year to the flow and (not the stock) of digital subscriptions taken out by new readers, or by exclusively paper subscribers who would switch to a digital offer.

Proposition n° 12 :

Implement support for the IPG press, indexed to the number of journalists, in rural areas (financial envelope, reduction of charges, etc.). It would concern journalists on permanent contracts in a given area and dedicated to this area and whose mission would be to cover local and departmental news. The objective is to guarantee a presence of a number of journalists in these areas as well as a presence of representation of press titles in said area (agency, coworking, local management) which contributes to the activity and the network. A population density should be identified. With the DOM-TOM, there are more than 50 departments or areas with fewer than 500,000 inhabitants, including 30 with fewer than 300,000 and 12 with fewer than 200,000 (2021 figures). The idea is not to support journalists who are in Bordeaux, Metz, Clermont-Ferrand. This proposal concerning the fight against "information deserts" would take the form of a specific fund to support the general and political information press covering geographical areas where financing quality information becomes very difficult (criteria triggering this aid to be defined).

Proposition n° 13 :

Give more space to news media in the Culture Pass, or even make a subscription share to the news press compulsory at 10% of the Pass over the eligibility period.

Proposal No.

Amend the 1986 law to further strengthen the "exemplary" nature of public audiovisual companies' information processing when they produce and broadcast information, by conferring on them by law a requirement of impartiality (in the sense of objective and contextualized processing of information).

Proposal No. 15:

First, the working group proposes that the transparency of shareholders and guarantees of independence of the information media (including the code of ethics) be ensured in a more visible and readable manner through a mandatory identifiable presence on the home page of sites referring to a page clearly listing all the measures and through a QR code for printed versions. These publications must allow the reader to have information on who is the "effective owner" of the media.

Proposal No.

The buyer of a media outlet must adopt its existing code of ethics for the current term.

Proposal No.

Extend to all information media, including the press, the obligation to create ethics committees provided for by the Bloche law and to change the terms of their composition.

Proposal No.

Protect by law the president of the SDJ or his designated representative. Such protection would aim to allow free expression of this body through one of its representatives who would thus benefit from legal protection aimed at preventing dismissals and discrimination linked to the exercise of this responsibility.

Proposal No.

Encourage the transparent use of AI in newsrooms. The public must be informed of all the tasks performed by AI, which must not replace journalistic work.

Proposition n° 20 :

Extend the validity period of the press card to take into account appeals. The press card is only valid for the year in which it was granted. When applying to renew their card, journalists whose application is rejected at first instance lose the benefits of their card on March 31 of the following year. However, this 3-month tolerance period is often described as too short in view of the date on which the journalist is notified of the refusal and taking into account the appeal deadlines, this period could be extended to 6 months in order to take into account the appeal deadlines.

Proposal No.

Ask France Travail to designate reference advisors to whom freelance journalists can contact.

Proposal No.

Allow direct attachment to the French social security system for French resident journalists going abroad to work for French media.

Proposal No.

Crimes and offences committed against journalists because of their profession should be subject to stronger sanctions, as is the case for certain professions today.

Proposal No.

Strengthen the protection of the right to information in relation to business secrets by providing for its enforceability not only in proceedings relating to business secrets, but in any other judicial or administrative proceedings. Also strengthen the protection of the confidentiality of relations between journalists and their internal sources within companies.

Proposal No.

Make the so-called "conscience clause" more effective by adjusting the burden of proof.

REPORT OF WORKING GROUP N°4

SOVEREIGNTY AND FIGHT AGAINST FOREIGN INTERFERENCE

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Preamble

The topic addressed by Working Group No. 4 is both sensitive and highly topical. We are witnessing a situation of geopolitical hardening in which information manipulation is used as a weapon to weaken adversaries. Information wars are not new. These interferences have always existed. But they are becoming more significant due to technological developments and in particular the exponential use of artificial intelligence tools, generative or not, of which we do not yet fully understand the practical or ontological implications.

France suffers, like its neighbors, or perhaps more than its neighbors, from the same phenomena of informational destabilization. It has become a particular target. If France is targeted by various disinformation campaigns orchestrated by foreign powers or interest groups, it is because it represents a leading economic power, a state with nuclear weapons and a country with a diplomacy with global reach. France is, through its history and its ability to carry a certain universalist discourse, a symbol of certain values: importance given to freedom of expression, to the declaration of human rights, to equality between women and men, for example. But some of its vulnerabilities also result from internal fault lines within the population and strong tensions existing in French society that are exploited by various actors seeking to destabilize the country.

While France is in the midst of preparations for the Olympic and Paralympic Games in the summer of 2024, and the French are called to vote, like other European peoples, in the European elections in June 2024, smear campaigns and disinformation from foreign powers are multiplying; they aim to spread the most negative image possible of our ability to organize such an event. They are trying to weaken democracy.

The solutions are all the more complex to implement as the boundaries become blurred and the concepts sometimes shift: between the search for truth and the presence of "narratives", between the internal and the external, between what is legal and what is harmful, between what is the responsibility of public action and what is the responsibility of private actors, between democratic principles and the desire to provide strong responses to certain challenges.

At a time when the United States has given up on exercising leadership in terms of transparency and reporting on the part of platforms, Europe has become a pioneer in the regulation of technology, particularly AI, as well as in the protection of democracies against interference in the information space. France has taken up this issue proactively. But there is still a long way to go. The recommendations contained in this report are both systemic and priority and aim to complete the existing arsenal to protect the cohesion of our societies and the strength of French democracy.

I. The mandate received by the working group in a context of growth and intensification of a protean threat, multiplied by unprecedented technological facto

A. The working group first focused on the definition of terms

The working group has attempted to delimit the scope of its investigations by making an effort to identify the terms of the subject which refers to two complex notions: that of sovereignty, on the one hand, and that of foreign interference, on the other.

1. The concepts of sovereignty and foreign interference

National sovereignty can be conceived in a classic sense of borders/territory/nation; Nevertheless, cyber by definition ignores borders. Thus the notion of sovereignty must be thought of in the light of this reality. To preserve sovereignty, it is sometimes necessary in this area to think about cooperation solutions, particularly European ones, since it is true that the phenomena of information manipulation cross countries, borders and societies.

Sovereignty is understood here in its political, geopolitical, but also industrial, technological, economic and societal dimensions. It is a notion of sovereignty in the broad sense that has been retained to address the subject as a whole.

The scale of the European Union is relevant to provide effective solutions to Member States; This is the level at which the rules of protection and regulation are best applied. Due to the global nature of digital technology and the threats, the European level is indeed more appropriate than the national level alone would be. The notion of foreign interference refers to a malicious intention to intervene and produce direct or indirect effects in the life and functioning of French society, institutions, public administrations, businesses or actors in daily, associative and social life, in order to influence perceptions, opinions, lifestyles and major intimate, personal, collective or citizen choices.

The notion of interference must be distinguished from that of diplomatic influence, which responds to other issues of assertion of power. All countries, including France, accept and even claim the fact of deploying tools of influence abroad. Interference, which reflects a classic *modus operandi* in international relations, in fact corresponds to a very widespread practice, even if it is only rarely displayed.

These interferences are the work of almost all States at one time or another, but they represent the submerged and unacknowledged face of inter-State relations. They become a problem and a challenge to sovereignty when the associated actions and campaigns produce negative effects within certain societies and impact the interests of certain States.

2. Questions of method at the heart of the subject

The threats are multifaceted. They cover several realities:

- Cyber attacks aimed at hacking data and sometimes using it for manipulation purposes opinions;
- The phenomenon of pre-positioning in critical computer systems in order to spy on the decision-making processes of particularly important public or private actors;
- The actions of agents of influence operating in the lobbying sector and those participating in online destabilization campaigns aimed at discrediting candidates during elections, undermining institutions or emptying republican principles of their meaning.

These actions thus combine online and offline, direct and indirect, legal and illegal, transparent and opaque modes of operation to disseminate content that is more or less fabricated, more or less artificially amplified and more or less harmful.

To address this plurality of threats, the question of methodology arises from the outset. There is a continuum in this area, which makes the analysis complex: between what is illegal and what is harmful, what comes from internal destabilization and what is due to foreign interference, there are often nuances, differences of assessment. The reality of disinformation is not easy to grasp or to circumscribe.

National or EU services can certainly measure how many people are concerned or affected by a particular campaign, but no tool provides a perfect measure of the scale of the phenomena or gives any indication of their real seriousness. In any case, we should remain very cautious with regard to studies that conclude by stating, for example, that a particular campaign reached millions of Europeans, because no one knows the percentage of those who really believed the fake news or who will really be influenced by the destabilisation campaign.

It is certain, however, that the effects of these operations are not anecdotal. This explains why countries like Russia or China invest so many resources in the implementation of these instruments. Maria Ressa, Nobel Peace Prize winner, said something very right: "The disinformation that we see in tweets, in short films, is like the projectile, which causes damage. But the projectile is produced by a weapon behind. We must look at the weapon, the machinery, what is behind it.

Otherwise, we are always running after disinformation. We must dismantle the mechanism behind it. It is very easy to say, very difficult to do."

B. The geopolitical and technological context appears conducive to deeper phenomena of democratic destabilization

1. Disinformation: a weapon among others...

We are witnessing a situation of geopolitical hardening in which the manipulation of information is one of the weapons used to weaken adversaries. This hardening is notable in more than one way and directly affects the interests of Western societies. France is suffering, like its neighbors, or perhaps more than other States, from phenomena of large-scale informational destabilization whose malicious intentionality is beyond doubt.

The effects of these interferences are increasingly noticeable and all the more widespread as the operations are relayed by social networks and unscrupulous platforms.

2. The uninhibited actions of authoritarian regimes

Authoritarian regimes have, in a certain way, a competitive advantage over democracies:

They do not bother with the same precautions and do not seek to preserve the integrity of information, preferring instead to bring together the conditions for effective propaganda. They have a strategic approach to information and a great deal of experience in its control for the purposes of internal stability.

Finally, they mainly disseminate politically biased information, but relatively little frankly false information, but they have acquired real expertise in the field, built on the need for the stability of their regime. This fundamental asymmetry in the global information space weakens democracies.

However, it is essential to refuse to enter into the logic of content, or to give the feeling that there would be an "official" truth that must triumph. On the other hand, moving towards more transparency means laying down rules that can be accepted by all in order to initiate a "de-escalation".

3. Increasingly blurred boundaries

The momentum is particular in a context where borders appear increasingly blurred. Foreign interference is an old threat. Foreign powers have always sought to influence, in all countries, the rules and perceptions of other peoples or communities for economic, political, industrial and other reasons. Nevertheless, we are today faced with a situation of unprecedented and particularly high danger.

This danger is all the more significant as we are gradually witnessing a blurring of boundaries: between true and false; between what is foreign and what remains strictly national; between the sphere of the public world and the emergence of private actors (companies, NGOs, economic powers, influencers, platforms, consortiums, activist groups); between what allows free will to assert itself and what weakens the search for truth, against a backdrop of nihilism and relativism that are spreading in society. Nothing seems to make sense anymore, what is true or false ultimately depends solely on the intention of the sender and the receiver. This is the war of narratives that is taking hold.

4. International awareness

Faced with the questioning of the integrity of information, essential to life in society and to democracy, and the risk of the disappearance of a common epistemic space, a large majority of countries are becoming aware of the importance, even the urgency, of putting an end to information attacks.

Many states seem ready to converge their efforts to put an end to major information attacks. This collective awareness in international relations seems to be an opportune moment for the establishment of a non-aggression pact in information matters.

It is also out of a need to guarantee a certain international stability that the vast majority of leaders, whether democratic heads of state or not, are today speaking out in favour of respecting rules of good conduct that are binding on all actors.

C. Vectors increased tenfold by technological advantages with generative AI

In recent years, foreign civilian interference has increased, which is a relatively new phenomenon. This interference is developing alongside traditional military interference, or operations falling within the scope of traditional intelligence, strictly speaking.

1. The multiplicity of levers

These civil interferences come through *think tanks*, within universities, through diasporas, civil societies or *via* the financing mechanisms of political parties for example. Because they irrigate and disrupt the life of the City as well as the perceptions of citizens, these threats, initially imperceptible, can go so far as to shake the confidence of individuals or groups in their institutions. It is the sovereignty of the country, its integrity (risk of separatism), its capacity to take strategic directions on all important subjects, independently, which is at stake.

Many technological advances have caused the threat to evolve very quickly: *data brokers*, the ability of platforms to *profile* individuals, the improvement of social engineering, cyber-attacks on automation systems, artificial intelligence.

Generative AI is clearly a threat multiplier. It can help to reinforce many aspects of social media manipulation. This is particularly the case for “algorithm *gaming*” (search engine optimization or *hashtag manipulation*, which can be widely relevant and exploited by bots on a large scale) and astroturfing (using a large number of fake accounts (bots) to create the appearance of a broad consensus on a topic, at very low cost).

These applications pose a serious threat because the efforts required to carry out such campaigns appear to be both inexpensive and highly effective, making it easier for malicious actors to undermine them. Artificial intelligence allows for a high capacity for offensive generation, but it is sometimes difficult to detect. The technical challenge of detecting threats generated by AI is therefore major.

2. Space saturation

We are seeing the phenomenon of sophistication of operating methods thanks to the mobilization of credible and quality avatars, which increases the capacity to saturate a specific information space. An avalanche of aggressive content multiplied by AI tools subtly modifies some narratives in order to gradually produce undetectable false content. Democratic weakening feeds on these phenomena of information overload. This overload is directly linked to the methods of spreading news (*via* mobile phones, applications, media, social networks), which circulates and viralizes many fabricated contents. Citizens, of all ages and classes, can today be manipulated daily by information circulating on networks, online newspapers, blogs and others, information that is neither entirely accurate nor totally false. Users have all the more difficulty making informed choices as they are subjected to more or less homeopathic doses of lies, untruths or biased information. In their social media practices, they are also subjected to algorithmic editorialization that creates echo chambers that can reinforce cognitive biases and limit access to pluralism of information.

The manipulations, more subtle than before, produce effects that are all the stronger because with fake internet account factories, automatic advertising and the skillful manipulation of algorithms, sensationalist news becomes viral more quickly and more powerfully than nuanced information. The problem of information fatigue becomes crucial for the balance of civil societies.

3. Non-transparency and accessibility of algorithms

The requirement for transparency is included in many legal texts; thus it is not so much the transparency as the accessibility of these algorithms that is problematic. These platforms can claim to have transparent algorithms, but the real question is who will truly be able to decipher them.

The question of platform algorithms was raised in particular in the context of the work of the TikTok senatorial commission of inquiry, which showed how this platform editorializes content.

With more than 150 million users in Europe, including 21 million in France, TikTok now represents a specific challenge for European leaders. Indeed, the opacity of this platform's algorithms and the possibility for the Chinese authorities to modify them to amplify certain content (particularly political) constitute new factors of instability for public opinion and European democracies. Beyond TikTok, the opacity of the algorithms raises important questions about the responsibility of the platforms. In the most serious cases of proven danger, the sanction should be able to go as far as a ban on broadcasting on European soil, in the name of a precautionary principle. The current model of many platforms encourages the exposure of the most sensational content and potentially dangerous for the physical or mental health of users, particularly young people. It is the dissemination of false information that works best in terms of time spent on the platforms.

So sensationalism is a plus for the platforms; it is part of their business model and search for publicity. We must also understand how the use of intermediaries and private service providers who carry out relay operations is organized and be aware of the extent and scale of the threats that go beyond electoral issues. Finally, it is absolutely essential to authorize independent research on algorithms.

II. The working group focused on analyzing the state of the art and how the legal and political framework has evolved in recent years

A fundamental debate must find a balance between different interests: the need to protect national security and the integrity of democratic spaces through processes of regulation and regulation; economic actors in the world of Tech who generally oppose regulation for fear that it will become a brake on innovation; the media who wish to protect freedom of the press and the protection of sources.

A. A previous report published in 2022 made it possible to establish recommendations

In France, the report entitled "Enlightenment in the Digital Age", known as the Bronner report, was published in 2022 and addressed, among other subjects, the issues of foreign interference and influence in the information space.

1. The emergence of hybrid threats

The report highlighted the emergence of increasingly hybrid threats: in recent decades, numerous events have demonstrated that the information threat does indeed exist, but that it is hybrid, protean, difficult to understand and even more difficult to counter.

He also highlighted the internationalization of information maneuvers and returned to influence operations coming from Türkiye and Russia in particular.

In this context, the Commission had not only recommended increasing cooperation with platforms and researchers in order to protect the integrity of the electoral process, but also creating a crisis management mechanism on information threats within the European Union.

2. Limits of research

The report noted the diversity of actors and operating methods. It noted the limitations of research on the subject, developed in recent decades, which came up against the difficulty of accessing platform data and the technical and legal restrictions protecting users' rights.

Increasingly sophisticated operations make it difficult to identify the perpetrators. They are diverse and may act on behalf of a foreign power without it being apparent.

The report therefore recommended requiring access to platform data for research, and supporting and funding public scientific research in France on this subject.

3. The need for international cooperation

Given the cross-border nature of the threats, the Commission called for cooperation between States, within the framework of international law, and in particular through the principle of non-intervention. It also noted the emergence of international cooperation, in the face of the terrorist threat, to regulate behaviour, in conjunction with the private sector. It recommended more demanding cooperation with platforms within the framework of legislation on digital services. The Commission noted increasing pressure from users and governments on platforms to assume their responsibility. These platforms have provided some responses: from the issuing of charters to the establishment of the *Global Internet Forum to Counter Terrorism*. However, initiatives remain fragmented; the Commission therefore recommended the creation of a working group within the OECD to establish common standards for all platforms and to harmonise national legislation.

4. A national security issue

The commission recommended the opinion of the Defense Ethics Committee on the principle of the computer war of influence, as well as the creation of an interministerial digital governance mechanism, to define strategies, public policies and coordinated responses in matters of defense, security and diplomacy. It also proposed to allow the implementation of civil liability of disseminators of fake news by supplementing article 48-1 of the law of July 29, 1881. The working group considers that this diagnosis is still valid.

B. Some significant developments should be noted in the legal and legislative framework

1. Developments on a European scale

The transnational nature of threats requires a legislative framework at European level to address the issues of interference and influence in the information space. Furthermore, the existence of legislation at European level constitutes an extremely important element of the balance of power, in the face of platforms reluctant to submit to national legislation. New legal frameworks have thus been put in place or are in the process of being put in place, in order to supervise changes in practices within the information space. *The Digital Services Act (2022)* regulates online intermediaries and platforms to prevent illegal and harmful activities online and the spread of disinformation. It protects fundamental rights, creates a fair and open environment for online platforms and guarantees user safety. *The Digital Market Act (2022)* seeks to prevent abuses of dominant position by digital giants and offer greater choice to European consumers. Although they constitute major and unique advances in the world in the regulation of the internet and its risks, the question of the operationalization of some of these provisions arises; the work of clarifying and defining the terms is not yet complete. *The Data Governance Act and the Data Act (2022)* aim to develop a single market for data by supporting responsible access, sharing and reuse, in compliance with the values of the European Union and in particular the protection of personal data.

The AI Act (2024) defines the legal framework for AI according to four levels of risk. These are minimal risks, limited risks, high risks and finally unacceptable risks. When an AI system is on the market, the authorities are in charge of market surveillance, the deployers ensure surveillance and human monitoring. As for the suppliers, they set up a post-market surveillance system. Suppliers and deployers are also responsible for reporting serious incidents and malfunctions. Given the recent adoption of the text, the effects of the AI Act on the information space have yet to be analyzed.

2. The right balance to be found between antagonistic objectives

Despite these advances at the European level, much remains to be done to better protect populations and societies from the effects of destabilization campaigns or information manipulation. The cross-border nature of the threats and the reluctance to cooperate of non-European platforms require action within a European legislative framework, even if the specificities of information sometimes require, conversely, that legislation remains at the level of the States. Some countries will thus be able to be more protective of freedoms than others.

Generally speaking, regulation too often remains confined to the national framework, whereas it would have more weight if it were designed and applied at the European level. Its implementation would be facilitated for platforms and, like the GDPR, could extend to other regions of the world.

Establishing the right legislative framework in this area – neither too restrictive and therefore perceived as liberticide, nor too lax and therefore ineffective – requires finding a subtle balance. We must seek the right balance between security, innovation, freedom to communicate and the search for profit by the players who invest in these tools.

C. The institutional system remains relatively complex in France

1. The legislative framework in France

The working group started from the legislative framework as it exists today, in particular the already cited law of July 29, 1881 on freedom of the press, whose principles and provisions are still relevant and applicable, the Léotard law of 1986, the 2018 law on Arcom. The legislation would deserve to be more precise on the other hand on certain aspects that are gaining momentum: the need for a legal framework that takes into account the characteristics of social networks and artificial intelligence is felt because the attacks are carried out on a large scale.

2. From an organic point of view

From an organic and institutional point of view, France has equipped itself with a complex system, but one which has the merit of covering the entire spectrum of threats (prevention, anticipation, detection, remediation).

This raises the question of the correct level of overall management and coordination of these different services.

The current system allows several major areas of action to coexist, including:

- Anticipation and remediation in the event of computer attacks on critical information systems within the State or large companies (the role of the teams of the National Agency for the Security of Information Systems (ANSSI) is crucial);
- On the information warfare of the Ministry of the Armed Forces: the role of the Cyber Defense Command (COMC BER) and the Army General Staff: the reflections and operating methods in terms of cognitive warfare and information warfare have been made;
- The specific fight against manipulation of information coming from abroad by Viginum, an entity attached to the General Secretariat for Defense and National Security (SGDSN).

3. Special focus on Viginum

Viginum is a technical and operational service of the State, created in 2021, responsible for monitoring and protection against foreign digital interference. It deploys the right detection and analysis tools and is attached to the SGDSN, thus being at the heart of inter-ministeriality. Its mission is to monitor, characterize and detect; it characterizes foreign digital interference affecting the digital public debate in France. To justify Viginum's intervention, it is therefore appropriate that there be a campaign of manipulation of information, the involvement of foreign actors and the attack on the fundamental interests of the Nation.

Viginum is keen to have a scientific dimension: the manipulation of information must be analyzed and understood. This service has started to work on the prevention and training components, which deserve to be further developed. This requires in particular, within the framework of a prevention and education component, to succeed in mobilizing national education and higher education.

Academic research on the subject also appears too fragmented today. The fight against foreign interference in the information space requires the development of dynamic partnerships between public or private institutions and laboratories.

III. Elements of comparison allow us to better understand the specific issues that apply to the case of France

This report, published in March 2024, is an extremely valuable source of information. Facts without falsehood: [Combating information manipulation, strengthening information integrity : oecd-ilibrary.org](#)

A. A recent OECD report provides a valuable overview for analysis

1. Similarities in national actions within OECD countries

This report takes stock of the fight against disinformation across OECD countries. It first highlights the existence of similarities in national concerns and actions. The report shows that most countries could benefit from a more systemic approach to the fight against disinformation, integrating all sectors of society.

He points out that these countries would benefit from better coordination, monitoring of their effectiveness and quality, including a timetable for coordinating actions, allowing long-term measures to be implemented.

2. Recommendations

The report proposes three main recommendations to guide the design of public policies.

1. First, it recommends contributing to the plurality, transparency and responsibility of information sources, with an emphasis on the transparency of platforms and the promotion of quality journalism, particularly local journalism.
2. This report also recommends fostering the resilience of societies to disinformation by promoting media literacy and critical thinking at all levels and in all sectors.
3. Finally, the report recommends the establishment of governance measures and institutions to strengthen the integrity of the information space, ensuring strategic coherence and respecting fundamental freedoms. This recommendation also includes a component of learning and international cooperation between democracies facing the same threats.

B. France has become a particularly important target

If France is particularly targeted by various disinformation campaigns orchestrated by foreign powers or interest groups, it is because it represents an economic power, it is a state with nuclear weapons and a country with a diplomacy with global reach.

France is also part of the G7 countries.

France is, through its history and its ability to convey a certain universalist discourse, a symbol of certain deeply rooted values. Some of our current vulnerabilities are thus exploited by actors who seek to destabilize us. These vulnerabilities result in particular from internal fault lines within the population and strong tensions in French society.

These are increased tenfold by certain factors, the first of which are the sometimes contested place of France in international relations, the conception of secularism, the links existing between France and Africa, the singular voice of France in the concert of nations, in a context of exacerbated criticism of the interests and the model of Western countries.

The absence of a national strategy to combat disinformation undermines the coherence of overall action and carries the risk of ineffective or even counterproductive measures. It allows a form of escalation, notable in the run-up to the European elections.

IV. Faced with this state of information emergency, several questions must be addressed simultaneously

Working Group 4 identified several interrelated issues, which revolve around the following broad questions:

1. How can we establish a genuine status for platforms that guarantees transparent, responsible operation that is compatible with the market economy?

Platforms are now essential players in limiting the dissemination of information. What roles, statuses and responsibilities should be assigned to them? What legislative framework should be put in place without contravening the market economy and on what scale? How can international collaboration on the subject be enabled? How can their actions be evaluated to ensure their responsible behavior?

2. How can we demand transparency of the algorithms used in order to maintain control of these instruments and promote research?

With a view to transparency, collaboration with platforms, particularly for research purposes, must be increased. What legislative and incentive framework can help to promote this collaboration? On what scale should it be implemented? How can we enable international collaboration on the subject? How can we support research to better understand the role of algorithms and encourage the emergence and adoption of concrete measures by platforms?

3. How to ensure quality media and in particular the proper functioning and financing of transparent cement of external public audiovisual?

The virality of content and the economic pressure on the media are today factors that contribute to the deterioration of working conditions in the media, and come at the expense of quality journalism. What sources of funding can be proposed to support fact-checking and ensure the independence of the media? How can we facilitate transparency in the funding of the audiovisual sector, first public, then private?

4. What training and protection do journalists need to improve their awareness of the threats of interference and manipulation?

Attempts by foreign powers to manipulate journalists have been widely documented in recent decades. Official sources take advantage of their status to spread false information in Western media, which, although they source it, sometimes provide them with a platform. Detecting false information is an increasingly difficult exercise given the economic logic linked to the virality of content. How can we train and raise awareness among journalists about foreign interference that threatens the information space? How can we give them the means to combat these threats in their work?

5. How to guarantee citizens that the information they have when reading their paper newspaper or their news items on the internet are of good quality?

In addition to funding independent media promoting quality journalism, platforms presenting themselves as "news portals" but disseminating false, manipulated or truncated information can be a trap for citizens. How can citizens be enabled to identify these platforms and false information?

6. How can we improve media literacy for users of all ages? ages, and especially young people?

The question that arises is that of the right vector to allow a sort of "immunization" against disinformation. To prevent entire sections of the population from becoming easy prey to multiple manipulation techniques, corrective tools and measures must be put in place. Should we follow the actions implemented by Sweden, which has set up a psychological defense agency? Without going as far as this type of denomination that would probably not be accepted in a country like ours, we can propose for France the implementation of innovative systems. Media education from a very young age is key. What programs should be put in place to promote this learning? What role should national education and higher education play in this enterprise? How can we enable the training of adult users?

7. How can we provide more information to citizens about the large-scale manipulation and destabilization operations of which France is sometimes the victim?

Here we come to the sovereign and eminently political question of the state attribution of attacks. To be credible and heard, communications around the detection of manipulation operations must be transparent, without participating by amplifying them in the operations they seek to combat. How can citizens be effectively informed about these manipulations of the information space? When and according to what modalities should these communications take place?

8. What is the right balance between offensive and defensive on these issues?

The French system is based on a dichotomy between two types of state actions. The culture, approaches and operating methods are inherently different between the state services and agencies working on the defensive side and those with an offensive mission. How can we ensure that a common inter-ministerial strategy allows for collaborative work between these various entities, while avoiding siloing and the phenomenon of private domain? Another related question concerns doctrinal aspects: how could defensive and offensive doctrine (defensive or offensive information warfare) evolve to disseminate effective counter-narratives? The risks that offensive operations pose to trust in information and democratic institutions must be taken into account, which reinforces the importance of a solid ethical framework.

9. How can we horizontally mobilize the ecosystem around these issues, an ecosystem that would bring together civilians, military, NGOs, working groups, OSINTers?

Faced with the threat, communities, such as those of open source research specialists (OSINTers), are forming within civil society to detect and characterize threats, in order to guarantee the neutrality of the infrastructures which constitute the essential base on which a system of production and dissemination of reliable, pluralist information, supported by observed and traceable facts, can then be based.

10. To what extent can France take leadership in international forums on the development of international digital law?

This is about enriching what we could call an international law on digital activities.

In the digital sector, law is mostly transnational, both public and private, national and international. This law could be binding and not just declaratory, so that the enlightened and informed citizen is at the heart of a universally applicable mechanism of rights and guarantees.

France is an example within the European Union in terms of threat detection; Viginum is considered a well-equipped player within the French ecosystem.

Other countries are seeking to set up the same type of structures. How can we ensure that France takes strong diplomatic initiatives to promote its model, as part of its Strategy of influence through law presented in March 2023, and inspire other countries, particularly within the European Union?

V. Our operational recommendations require rapid implementation of concrete measures

Citizen resilience: an investment for the future

1. Large-scale pre-bunking by placing Viginum at the heart of a network of awareness-raising actions.

The proliferation of false information and increasing foreign interference make it necessary to increase awareness among French citizens, at all ages. To be effective, the measures must be deployed on a large scale. This involves intervening upstream, at schools, universities, higher education or research establishments, but also carrying out awareness-raising cycles aimed at decision-makers and journalists, businesses or state and territorial civil servants, who must be made more aware of the risk of foreign interference.

The working group considers the implementation of *pre-bunking* techniques (anticipatory refutation) as necessary to immunize citizens against disinformation campaigns. Education on the phenomenon of "weaponization", i.e. the instrumentalization of the information environment for strategic purposes and for the purposes of influence, is key, as they can be potential targets for the dissemination of bad or biased information. The group recommends *test & learn phases*, in order to determine the best ways to immunize citizens against disinformation. Support for academic research is essential to determine the most effective measures. In addition to its threat detection and characterization functions, Viginum should be given a resilience mission, in order to structure anticipatory refutation efforts in France and in all areas of activity, drawing inspiration from the *Swedish Psychological Defence Agency* (mpf.se)

If Viginum's missions were eventually to be extended to include awareness-raising for the civilian population, it would be necessary to take as a model systems that have already been tested elsewhere and work well. The case of the Psychological Defense Agency set up in 2022 by Sweden is very interesting from this point of view. Beyond the chosen terminology, which it would probably not be appropriate to use in the French case, it would be useful to draw inspiration from the awareness-raising programs set up by this agency to counteract what is called in Sweden "inappropriate influences" and "erroneous information".

Pre *-bunking* is a preventive technique to combat information manipulation that consists of creating “mental antibodies” by helping the public to identify and refute false and misleading narratives in anticipation in order to “immunize” society against the effects of disinformation campaigns. Unlike debunking, pre *-bunking* does not rely on stating what is true or false, but on preemptive exposure to the main manipulation techniques to which the public may be exposed. Some of the strategies used to create and spread misleading content include emotional appeal, impersonation, trolling, decontextualization, which involves taking information out of context to create a misleading narrative, scapegoating, which involves blaming groups or individuals for societal problems, scaremongering, which involves exaggerating or creating fear on a particular issue, polarization, which involves exacerbating divisions by amplifying differences and extreme viewpoints within groups, or discrediting.

Pre-bunking devices take the form of information campaigns or serious games, such as those designed by the team of social psychologist Sander van Der Linden on behalf of the WHO, the British government or the United States Department of State (goviralgames.com hgetbadnews.com; harmonysquare.game).

If Viginum's missions were eventually to be extended to include awareness-raising for the civilian population, it would be necessary to take as a model systems that have already been tested elsewhere and work well. The case of the Psychological Defense Agency set up in 2022 by Sweden is very interesting from this point of view. Beyond the chosen terminology, which it would probably not be appropriate to use in the French case, it would be useful to draw inspiration from the awareness-raising programs set up by this agency to counteract what is called in Sweden “*inappropriate influences*” and “*erroneous information*”.

Responsibilities of platforms & other economic actors

2. Clarify the scope of Community legislation

Taking into account the adoption of the *DSA*, *DMA*, *Data Governance Act*, *Data Act* and the *AI Act*, the working group recommends working towards the establishment of a more operational and more effective European legislative framework.

Development of guidelines and definitions which clarify the scope of Community legislation

The EU has a robust regulatory framework that allows platforms to be held accountable in the fight against foreign interference. But the application of the legislation has shown the need for more precision for it to be effective. The development of operational guidelines and definitions provided for in the legislation would allow for better application of the regulations in place and is necessary at different levels: on the transparency reports of platforms to allow for comparisons; on the conditions of access to platform data by researchers (free, relevance of data, etc.); on the protection of minors; on existing legal definitions in terms of human rights or international law, which tend to disappear from the general conditions of use in favor of criteria defined internally by social media companies; or on an interpretation of the *DSA/AI Act* that would clarify the prohibition on online robots hiding their identity to impersonate a user.

Formulate measures on sanctions relating to the AI Act, the DSA and the DMA

Art. 71 of the AI Act calls on Member States to determine "the regime of sanctions, including administrative fines, applicable to violations of the provisions [of the AI Act] and take all necessary measures to ensure the correct and effective implementation of these sanctions". The working group recommends that France take these steps ahead of time in order to influence the evolution of the regulatory framework, and to rule on these issues to drive the sanction and civil liability measures under the DSA, the DMA and the AI Act.

3. Strengthen the responsibility of actors who contribute to the dissemination of false information

The Working Group notes that while several liability regimes for those involved in the dissemination of false information have been established at national and European level, they remain incomplete. The recommendation must in no way have the effect of restricting freedom of expression as protected by Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The dissemination of information that may be partially or completely false does not in itself constitute a violation, and only certain speeches constitute reprehensible acts. The Working Group therefore considers that two types of levers are at our disposal to strengthen the liability of those contributing to the dissemination of false information while respecting freedom of expression.

The first lever is based on French law and takes up the recommendations of the Bronner report.

French law already has, through its 1881 law and the case law interpretation thereof, a legal framework defining reprehensible fake news, reinforced by several French legislative provisions. Article 27 of the aforementioned law provides for a criminal liability regime targeting only fake news that risks disturbing public order. The group recommends supplementing this criminal liability regime with a broader civil liability regime that is more easily mobilized by the judge. Indeed, this civil liability could make it possible to take into account the digital influence of the person who knowingly produced the harmful fake news, knowing that the civil judge is more inclined than the criminal judge to recognize jurisdiction over content published online abroad.

The second lever is at the European level. The DSA provides that the European Commission will impose fines of up to 6% of their global turnover on platforms. This possibility constitutes a step forward and, in terms of European law, it is a significant sanction.

However, it remains derisory in practice due to the economic model of these platforms and insufficient compared to their contribution to foreign interference. The group therefore recommends, in line with the United Nations Guiding Principles on Business and Human Rights, ongoing international discussions, on the one hand, on the draft binding instrument on business and human rights and, on the other hand, on the *Global Digital Compact*, to strengthen the regime of liability and sanctions (administrative, civil, criminal) of companies for violations of human rights, including those directly mobilized in the context of the manipulation of information and foreign interference.

4. Promote responsible advertising investment by companies

The group recommends promoting responsible advertising investment by advertisers, advertising networks, advertising agencies and advertising technology providers. It recommends imposing new regulations against companies that could be led to unwittingly finance platforms disseminating disinformation content resulting from foreign interference.

The working group also recommends paying particular attention to crowdfunding platforms, and proposes the implementation of measures to prevent projects financed by these platforms from contributing to strategies of foreign interference and disinformation.

Integrity and Media

5. Impose capital transparency for content publishers

The working group recommends requiring French content publishers to be transparent about their various capitals and shareholders, particularly if they have foreign funds.

6. Require each media outlet to establish and comply with a code of ethics and encourage a voluntary labelling process, in particular to limit possible foreign interference.

The working group first recommends ensuring

that the obligation for each media outlet to establish its own code of ethics, established by the Bloche law of 2016 (legifrance.gouv.fr), is respected. These charters, which are binding on journalists, could include a section on combating the risks of foreign interference and disinformation processes.

The working group recommends the introduction of a mandatory, clear and visible mention on each article or report produced by a publisher, indicating whether generative artificial intelligence was used for all or part of its production. This includes in particular the obligation to mention the use of *deepfakes*.

The working group recommends the implementation of a certification/labelling system for French media, which would distinguish quality journalism and give them competitive advantages (better referencing in particular) such as the *Journalism Trust Initiative*.

The working group advocates a voluntary approach by the entities concerned and fully subsidized funding for this labeling, for small media outlets, so as not to compromise the pluralism of information in France. The labeling criteria, which should not judge the content of articles and reports but should ensure the quality of the information production process, should be sufficiently demanding to distinguish quality media outlets and sufficiently precise to exclude those participating in foreign interference in the field of information.

Among other criteria, we suggest transparency of capital; the existence of a serious approach to combating foreign interference in the field of information and combating the manipulation of information; a sufficient number of journalists paid properly, time and resources to produce articles and reports; the establishment of a clear and visible mandatory mention in the event of the use of generative AI for all or part of the production of a report or article; compliance with the obligation for each media to establish its own code of ethics established by the Bloche law of 2016; the adoption of the global ethics charter of the International Federation of Journalists; compliance with the right of follow-up in the cases mentioned; the existence of a process for the systematic rectification of errors in the event of the dissemination of erroneous information; a clear identification of advertorials and other sponsored content, the latter possibly emanating from actors participating in foreign interference operations.

7. Encourage the structuring of the OSINTeurs community

The working group wishes to encourage the structuring within civil society and the media of a network of specialists in the collection and analysis of open source data (OSINT or ROSO: open source intelligence), at national and European level, within a clear ethical and deontological framework, and to encourage its interactions with the academic community. The objective is to promote the exchange of methodologies and good practices, through support for the development of initiatives, such as the first OSINT festival at the Gaîté Lyrique (Paris) in December 2023, the training courses of the Open Facto association and other associative and academic events.

State vigilance

8. Create a national strategy to combat information manipulation

The working group recommends the development of a national strategy on the fight against information manipulation and the consolidation of an interministerial governance mechanism, to coordinate the services and entities having to deal, each in their respective fields and scopes, with threats, particularly digital threats, and information manipulation. The subject is interministerial; a reference authority, responsible for both successes and failures, must be identified, to steer all missions. The continuation of crisis management exercises also seems important in order to strengthen operational interministerial cooperation capable of responding to information manipulation resulting from foreign interference.

It would also be appropriate to ensure the consistency of States' communication on social networks and, more generally, of their cyberdiplomacy.

9. Perfect/complete in France and throughout the EU the transparency rules relating to interest representatives acting on behalf of a foreign client

While a bill is likely to be adopted in France on interest representatives acting on behalf of a foreign client, the working group recommends extending these rules to the European level. It recommends increasing the penalties to provide for monetary penalties and the possibility of prison sentences.

10. Create a working group for the creation of common minimum standards applicable by all platforms within the OECD

While minimum common standards already exist with the DSA at European level and the Code of Conduct for Platforms on Disinformation (2022), the OECD's working methods for developing international standards, monitoring and implementing these common rules appear to be the most appropriate for coordinating a global fight against the manipulation of information.

11. Consolidate the European Union's modes of action and create a European Viginum

The working group recommends the establishment of a *Viginum* at European level.

Two options open:

- extend the mandate of ENISA (*European Union Agency for Cybersecurity*) to broaden its scope of action to hybrid threats of disinformation, but this option may prove difficult to implement given the differences in professions and working methods between experts in information systems security and those dedicated to questions of content and authenticity of information; or
- create a new structure inspired by the EU Satellite Centre through which Member States could pool the detection work of their disinformation experts and strengthen the strike force in identifying malicious actors on a large scale.

The group recommends that the functions relating to the fight against disinformation currently in the hands of the various Directorates-General at the European Commission be placed under the leadership of a Commissioner who could thus cover defence and the fight against disinformation.

Finally, the group recommends the creation of a European network of research centres of excellence in the fight against foreign interference on a European scale. This network would bring together researchers, state actors (agents in charge of detection, intelligence services, etc.), journalists, etc., to share findings, solutions, best practices and raise awareness of the threat. This component must be part of a cross-cutting strategy to combat manipulation, including the education and academic system, civil society, the media and institutions.

Finally, it would be appropriate to provide for the allocation of specific Community funding for academic research and training on ROSO skills in order to develop scientifically robust methodologies that are supervised in terms of ethical, legal and cybersecurity risks. This approach would allow institutions, the media, the economic world and civil society to appropriate these methodologies and internalise know-how aimed at strengthening the resilience of society as a whole.

VI. Annex

1. Auditions conducted

- Antoine Bernard, Deputy General Manager and Paul Pouchoux,
Reporters Without Borders advocacy officer , December 1 , 2023
- Catherine Morin-Desailly, Senator, Tuesday, December 12, 2023
- Admiral Coustillière, who was at the origin of the establishment of Comcyber within the MinArm on Friday December 15
- Marc-Antoine Brillant, head of Viginum (in person, rue des quatre-fils, EGI premises) on Tuesday
December 19, 2023
- Hearing of the Steering Committee: Secretary General of Defense and Security
national, the prefect Stéphane Bouillon (in the continuity of the hearing of the head of Viginum); January 2024
- General Pascal Ianni, Army Staff, anticipation cell,
strategy, orientation; February 2024
- Elsa Pilkichowi Director of Public Governance, OECD,
(with Camila Saffiro), February 2024
- Professor Sander Van der Linden, Department of Psychology,
University of Cambridge, March 2024
- Lutz Guellner, head of the communication strategy unit
and fight against disinformation, European Union, March 2024
- Charles Trépaut, deputy director of monitoring and strategy,
Ministry for Europe and Foreign Affairs, March 2024
- Aurélien Lechevallier, Director General of Globalization, March 2024

2. Written contributions received

- Eutelsat Group, November 20, 2023
- Reporters Without Borders, November 22, 2023
- Whynot Media, December 5, 2023
- France, Media, World, March 15, 2024
- National Union of Journalists, April 3, 2024

Brainstorming sessions and validation of proposals chaired by Arancha Gonzalez Laya

- Wednesday, December 13, 2023: 3 p.m. to 6 p.m. at Sciences Po
- Wednesday March 20, 2024: 5 p.m. to 8 p.m. at Sciences Po
- Wednesday April 3, 2024: 5 p.m. to 8 p.m. at Sciences Po
- Wednesday, April 24: 12 p.m. to 1:30 p.m. by videoconference

REPORT OF WORKING GROUP N°5

THE STATE AND REGULATION

Chair of the working group: Isabelle Falque-Pierrotin

Members: Raphaëlle Bacqué, Laurent Bérard-Quelin, Marc Bourreau, Éric Brousseau, Laurence Franceschini, Benoît Huet, Alain Le Diberder, Marie Mawad

Rapporteurs: Pauline Hot and Maud Legros

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Introduction

The diversity of the hearings conducted by group no. 5, the contributions of the citizens' days organized at the EESC, and the reflection of its members led it to make several series of observations:

- The obsolescence of the current sectoral regulation of merger operations in the media sector, based on a threshold approach limited to traditional media only;
- Citizens' distrust of information, the quality and honesty of which are often questioned despite existing guarantees;
- The heterogeneity of the mechanisms guaranteeing the ethics and independence of journalists;
- The regulatory asymmetries between traditional information media, new information media, and the platforms that host all of these media, in a European context that frames and constrains national regulation;
- The financial fragility of the news media economic sector, faced with strong competitive pressure from platforms, particularly on their advertising revenue.

To answer this, group no. 5 wishes to put forward several proposals that complement each other. They reflect a common vision that is both to fit into the realities of the information market while strengthening ethical requirements on the protection of information, a common good for all. They aim to co-construct the regulation of the information sector between public actors, businesses and the public. Finally, they are based, at least for some, on the desire for strengthened national sovereignty over our information space.

The first is to modernise the merger control system so as to measure the effects of merger operations in the light of the entire information media environment, and taking into account the influence that a media owner can exert on public opinion. While maintaining a dual regulatory system (sectoral and with regard to competition law) seems desirable given the complementarity of the two approaches, Group No. 5 considers that an overhaul of sectoral merger control is necessary. A first step would be to use a system based on a simplified single multimedia threshold, on the German model. Ultimately, the objective would be to arrive at a system in which all media and distribution vectors would be taken into account, in a flexible manner, taking into account not only the power to influence opinion due to the position on a market, but also the behaviour exercised on this market. With this new approach, group no. 5 believes it can better assess and control investors' ability to influence, a source of mistrust on the part of the public.

The second is to rethink the requirement for internal pluralism. This highly inflammatory subject has been a keystone of media supervision for many years. However, its practical application seems increasingly delicate. Furthermore, it occurs in a changing context in which DTT frequencies, the allocation of which to television channels was the basis of this approach to pluralism, could be allocated to mobile telephony by 2030. The diversity of points of view, essential for honest information, could then be guaranteed in the long term by the plurality of the offer, a pluralism of exposure to different media, and more media education. On the other hand, it would be appropriate to immediately strengthen the guarantees surrounding the quality and honesty of information, in particular with reinforced requirements weighing on information channels, as well as proposals to strengthen the effectiveness of Arcom's control in terms of honesty of information.

The third proposal put forward by group no. 5 concerns the guarantees that must be provided to journalists, in order to promote the best possible conditions for the production of information. These guarantees are specific to the profession of journalist, in which ethical mechanisms (ethics committees, self-regulation) must be strengthened and networked in order to mesh the entire information space and integrate the expectations of the public. They must also provide a mechanism facilitating the alignment of journalists and shareholders on the subject of the intangible asset in which they participate jointly, which is the editorial line of the media. This alignment could be manifested around the choice of the editorial director, *via* the establishment of a right of veto for journalists on the choice of the shareholder; the existence of this right of veto would condition direct aid to the press. However, such a proposal should only apply to media outlets that disseminate information of a political and general nature and whose size exceeds a certain threshold.

The fourth line of proposals from Group No. 5 is to strengthen the obligations of new actors and content producers in a European information space, in order to limit regulatory asymmetries between traditional and new media. Specific and tailored regulation, in the form of a common core of obligations, could be imposed on the most influential information producers on social networks and platforms. Furthermore, consideration should be given to strengthening the liability of platforms hosting information content disseminated by information producers, beyond a certain audience threshold. To do this, it seems essential to revisit the Court of Justice's interpretation of the e-commerce directive, which threatens to obstruct any regulation of international platforms by Member States, contrary to the strong expectations of their citizens.

Finally, group No. 5 intends to put forward various proposals aimed at strengthening the economic base of traditional media to support them in the face of ongoing transformations, through advertising leverage and related rights, which are particularly topical in light of the rise of artificial intelligence. The objective here is to promote the reorientation of advertising resources from platforms to information media.

In most cases, the implementation of these proposals will be gradual, testing their effectiveness and relevance step by step. In all cases, an evaluation process will be put in place.

Summary of proposals

1. On the control of concentrations

Proposal 1:

Simplify the sectoral merger control system by retaining a single maximum threshold for multi-media ownership, the level of which would be set by the legislator.

Proposal 2:

On the occasion of the next revision of the EMFA regulation, make it mandatory for platforms to provide digital audience data for the media content they rebroadcast, according to a method specified by the regulation.

Proposal 3:

Introduce into the renovated merger control system a criterion allowing for the media audience to be taken into account by certain specific groups.

2. Reform the requirement for internal pluralism in favor of a reinforced requirement for honesty of information

Proposal 4:

In the short term, initiate a discussion on the possibility of including in the law a more precise definition of news channels or programs that contribute to information, in order to avoid the proliferation of opinion channels labeled as news channels.

Proposal 5:

In the long term, remove the obligation of internal pluralism resulting from the 1986 law as interpreted by the recent decision of the Council of State.

Proposal 6:

Strengthen the requirement for honesty of information and develop the Ar-com's sanction practices to strengthen the effectiveness of the implementation of its prerogatives in this area.

Proposal 7:

Support initiatives to certify journalistic production methods and the way information is developed to improve the quality of information, particularly online.

3. On the independence of journalists and ethics

Proposition 8 :

Establish specific media governance to guarantee the independence of journalists (journalists' right of veto over the choice of editorial director).

Proposal 9:

Develop the right of opposition, the assignment clause and the conscience clause of journalists.

Proposal 10:

Structure a self-regulatory body that unites sector players in matters of ethics, shares best practices and provides transparency.

Proposal 11:

Guarantee the effectiveness of the Bloche law by reviewing the operation of ethics committees.

4. An information space in the process of being recomposed

Proposal 12:

Create a minimum base of obligations applicable to all information media (media influencers, blogs, etc.), attached to the notion of information.

Proposal 13:

Strengthen the responsibility of platforms hosting information content disseminated by information producers whose publications are particularly viral.

Proposal 14:

Take a position at European level to provide for an exception to the application of the country of origin principle for general and regulatory obligations issued by Member States against platforms (see judgment of the CJEU of 9 November 2023).

Proposal 15:

Continue the political support of the partnership for information and democracy.

5. On the economic model of the media:

Proposal

Mandate interoperability of online advertising services intermediation.

Proposal

Redirect advertisers' advertising revenues thus reconstituted towards the media sector through CSR incentives.

Proposal

Support press publishers in the negotiation of related rights.

Definitions

A definition work prior to the reflection of the working group n°5 of the EGI appeared necessary to precisely identify the categories of actors concerned by the different provisions of a renovated regulation, and consequently by the recommendations formulated by the group.

We will define the following concepts, with regard to the issues identified for each category of actors by group no. 5, in order to best adjust the regulatory content to their characteristics:

- **Information:** underlying concept to be defined in order to establish the scope of the obligations applying to actors claiming to be “information media”;
- **Traditional information media:** these media constitute the essential scope of application of renovated mechanisms for regulating concentrations and pluralism;
- **New information media:** the scope of these actors is understood by working group no. 5 as those for whom it appears essential to set minimum obligations, particularly in terms of transparency and quality of information, to re-establish regulatory asymmetries with respect to traditional media;
- **Platforms that host information media:** the rules applicable to “media” do not apply to platforms that do not, at this stage, produce information; on the other hand, limiting the asymmetries between the different media players requires involving the platforms more in the economic rebalancing of the sector.

1. Information :

Objective of the definition proposed by working group no. 5: a growing number of actors claiming to be "information producers" or "information media", it is proposed to retain a definition of information making it possible to encompass a broad content and to link this content to its mode of production.

As the IGF and IGAC report on concentrations highlighted, there is no legal definition of information in the communications sector, although it is referred to in numerous texts such as the 1986 law¹, the 2018 law on combating the manipulation of information, and by the Constitutional Council itself².

On the other hand, we find a definition of the notion of political and general information (IPG) in law n° 47-585 amended on April 2, 1947 concerning the press. Its Article 4 thus states that: **"The following are considered to be political and general news media within the meaning of this law: newspapers and periodical publications that provide permanent information and commentary on political and general news, whether local, national or international, that aims to inform the judgment of citizens, devote the majority of their editorial space to this subject and are of interest that clearly goes beyond the concerns of a category of readers"**³ It is used by the Joint Commission for Publications and Press Agencies (CPPAP) to recognize as such press titles that meet three cumulative criteria for the printed press⁴, and an additional condition for the online press⁵, allowing the titles concerned to benefit from the investment provisions scheme, preferential postal rates, as well as a certain number of direct and indirect aids to the press.

¹ Article 3.1 of the law of 30 September 1986, as amended by law no. 2016-1524 of 14 November 2016 aimed at strengthening the freedom, independence and pluralism of the media, provides, for example, that Arcom "guarantees the honesty, independence and pluralism of information and the programmes which contribute to it".

² He consistently judges that: "The free communication of thoughts and opinions, guaranteed by Article 11 of the Declaration of 1789, would not be effective if the public to whom audiovisual means of communication are addressed were not able to have, both in the private and public sectors, programs that guarantee the expression of trends of a different nature while respecting the imperative of honesty of information."

³ The CPPAP's targeting criterion of the existence of an "interest that clearly goes beyond the concerns of a category of readers" pursues, as its website explains, two objectives: to exclude specialized publications; to indicate that only publications intended to interest a broad and diverse audience are eligible for the reduction. The idea is to make a distinction between publications that seek to reach a specific readership and specialized publications. The notion of "category of readers" is not intended to exclude publications targeting a specific readership based on age, gender, socio-professional category or political affiliation. This criterion seems, for example, prohibitive for the admission of publications aimed at a particular category, for example a specific profession (farmers, doctors, etc.), or those whose access is restricted to a limited readership, in particular due to the language in which they are written or the conditions of sale at a high price.

⁴ According to the CPPAP website, these criteria are: 1° To provide permanent information and comments on political and general news, local, national or international, tending to enlighten the judgment of citizens; 2° To devote the majority of their editorial space to this subject; 3° To present an interest clearly exceeding the concerns of a category of readers.

⁵ Under the terms of Article 2 of the decree of 29 October 2009: "Online press services whose main purpose is to provide, on a permanent and continuous basis, information, analyses and comments on local, national or international political and general news likely to inform the judgment of citizens are considered to be political and general information services. This information must be of interest significantly exceeding the concerns of a category of readers. The editorial team must include at least one professional journalist, within the meaning of Article L. 7111-3 of the Labour Code."

At this stage, and with a view to defining a regulatory framework, it seems that the definition of information that we will retain would benefit from satisfying three criteria: (i) taking into account the economic dimension of information, which results from a process of processing and formatting to become a "media product"; (ii) taking into account the sociological dimension of intentionality of the publication and subjectivity in this formatting; (iii) the broad public for which the information is intended. Without going as far as the criterion of information presenting an interest that clearly exceeds the concerns of a category of readers (which could have the effect of removing the specialized press from the scope, for example), the notion of a broad public could allow us to clarify the scope of our reflection by removing the most modest producers of information.

We therefore propose to define information as all facts brought to the attention of a wide audience and having been the subject, with a view to this dissemination, of journalistic processing, in particular in their research, collection, verification and formatting. This clarification should make it possible to include information presented during entertainment programmes, and to include in the scope of our regulation actors who participate in the production of information without this constituting their main activity.

In the audiovisual sector, for example, CSA resolution no. 2018-11 of 18 April 2018 on the honesty of information and the independence of the programmes that contribute to it requires publishers of information programmes to avoid any confusion between information and entertainment and to use journalists for their political and general information programmes, and this resolution, like Article 3-1 of the 1986 law, **includes in their scope of application all programmes that contribute to information, even if they only deal with current affairs issues in an incidental manner and are primarily intended to entertain the public.**

2. Media, traditional news media, new news media

Purpose of the definitions proposed by working group no. 5: the distinction between these two definitions, between traditional media and new information media, aims both to reflect the regulatory asymmetries applicable to these actors, and to enable these asymmetries to be addressed in such a way as to identify, for the group's various recommendations, who they are intended for.

2.1 Media

In absolute terms and on a theoretical level, the media designates all means of communication used to disseminate content to a wide audience. The word *media* thus comes from the Latin *medium* (means): the media is a means of communication, a means of information.

From a legal point of view, and even if no prior, general and precise definition has ever really been proposed¹, according to **Emmanuel Durieux, the media thus includes "all activities which, by means of writing, speech, image, sound, or any other form of sign, contribute, by whatever vector or medium, to making facts, data, ideas, knowledge, feelings, opinions public."**²

This is also the way in which citizens understand the media, as **the method of disseminating information** which necessarily involves particular treatment, either in terms of display and referencing (platforms), or in terms of substance (editorialization by an editorial team and by professional journalists).

With this definition, media are all forms of expression (written, oral, sound, visual, audiovisual) and public communication techniques (press, radio, television, films, books, posters, digital media, online public communication, etc.), whatever the content (current information, historical stories, teaching, documentation, fiction, entertainment, commercial messages, etc.).

¹ Let us note, however, that Article 34 of the Constitution was amended by the constitutional revision of 23 July 2008 to extend the competence of the legislator to the definition of guarantees in matters of "pluralism and independence of the media".

² "Media Law", Emmanuel Durieux

In EU law, the Commission's initial proposal for the *European Media Freedom Act* proposed a very broad definition: "For the purposes of this Regulation, **the definition of**

'media service' should be limited to services as defined by the Treaty and should therefore encompass all forms of economic activity. This definition should exclude user-generated content uploaded to an online platform, unless such content constitutes a professional activity normally carried out in exchange for consideration (whether financial or otherwise). It should also exclude strictly private correspondence, such as e-mails, as well as **all services not having as their primary purpose the provision of audio or audiovisual programmes or press publications**, i.e. those whose content is secondary and does not constitute their main purpose, such as advertisements or information about a product or service provided by websites not offering media services. **The definition of 'media service' should cover, in particular, radio and television broadcasting, on-demand audiovisual media services, on-demand audio services and press publications.** Corporate communication and the distribution of informative or promotional materials for public or private entities should be excluded from the scope of this definition.

All information is therefore disseminated by a medium from which it is inseparable, but not all media necessarily have the vocation to disseminate information exclusively. Thus, within the media thus defined, very broadly, **not all fall within the scope of the reflection of working group no. 5 of the États généraux de l'information.** Cinema, books, video games, on-demand audiovisual services, are media that do not directly fall within our scope.

2.2 Traditional information media:

The difficulty in defining traditional news media results from the absence of a legal definition of news.

Article 72 of Annex III of the CGI giving access to the super-reduced VAT rate of 2.1% defines "Newspapers and periodicals presenting a direct link with current events, assessed in relation to the purpose of the publication, and presenting original content composed of information which has been the subject of journalistic processing, in particular in the research, collection, verification and formatting of this information, and comprising an editorial team composed of professional journalists within the meaning of Article L.7111-3 of the Labor Code."

We could thus define a traditional information media as any media comprising an editorial team composed of professional journalists within the meaning of Article L.7111-3 of the Labour Code and contributing to the dissemination and processing of information, even when this dissemination and processing constitute a small part of the content broadcast.

Purpose of the definition proposed by Working Group No. 5: this definition should serve as a basis for the proposals on merger law, pluralism and independence.

2.3 New information media:

The concept of "new media" is often used in a confusing manner, the scope of this concept not being firmly established.

Group No. 5 of the États généraux de l'information proposes to consider **new media as media that constitute both digital supports (accounts on platforms and social networks, blogs, etc.) and producers of information, and that contribute to the dissemination and processing of information.** This definition therefore excludes digital platforms from the notion of new information media, since their initial purpose is not to disseminate information, even if they can contribute to this dissemination.

Information producers are all those who are at the origin of the choice of publication among which we find journalists, editors, programmers, media owners, but also influencers¹, bloggers, certain scientists and experts with a particular position in the media field...

The notion of information producers is thus broader than that of professional journalists alone, and covers **all individuals who choose to disseminate information to a wide audience and participate in the transformation of a fact into information.**

Also included in this category are atypical players such as **Le Crayon Média**. Founded in 2020 by four students, this "digital debate media" offers shows with different guests such as Elisabeth Borne, Tibo In Shape, Gad Elmaleh, Éric Zemmour and Rémi Gaillard. In 2023, the media Le Crayon has just raised nearly one million euros from several investors and *business angels* including Xavier Niel, David Layani, Emilie Daversin and Pierre-Edouard Sté-rin. Its team has also announced the finalization of the acquisition of a media (Pépites de France, a media on the subjects of heritage, tourism and the art of living).

Objective of the definition proposed by working group no. 5: to know whether it is relevant to impose minimum obligations on these new actors with regard to the role they play in the production of information and in the formation of public opinion.

¹ Under the terms of Article 1 of the law of June 9, 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks: "Natural or legal persons who, for a fee, use their notoriety among their audience to communicate to the public, electronically, content aimed at promoting, directly or indirectly, goods, services or any cause whatsoever, exercise the activity of commercial influence by electronic means."

“Political” influencers and info-influencers, new relays of information:

In a note published on March 15, 2022, Marion Waller drew up for Terra Nova a table of the "political potential" of influencers, in the context of the presidential election campaign, where Magali Berdah conducted her immersion program with the presidential election candidates "24h avec" on social networks, inviting E. Zemmour, A. Hidalgo, J.L. Mélenchon, Marine Le Pen. However, if influencers do not have the political culture and professional codes of journalists, they constitute powerful relays for the dissemination of information (or disinformation), and reach an audience that is not in contact with other media.

Some have a positioning close to that of journalists (those who could be described as in-fo-influencers).

Hugo Decrypte:

In 2015, while in his first year at Sciences-Po, this politics enthusiast launched Hugo-Décode, a small YouTube channel that decodes current events for young people, in a simple and educational way. Today, at the age of 24, he runs a fully-fledged media outlet that employs 13 people and has expanded. Followed by 1.5 million subscribers, his channel broadcasts a short daily newscast of around ten minutes. In addition, there are Instagram pages that summarize the news in images, TikTok videos and special broadcasts on Twitch. On May 24, 2019, on the eve of the European elections, he conducted a live, one-on-one interview with the President of the Republic.

Acropolis :

An elected official's collaborator and former pen of Health Minister Marisol Touraine, he wants to bring young people back into politics. His live commentaries on debates in the National Assembly are followed by a large community. Six years later, he also hosts a weekly show, Backseat.

Thinkerview :

Thinkerview is a French talk show, launched in January 2013 on YouTube, which produces long interviews between a voice-over host identified under the pseudonym "Sky" and his guests, without editing and first broadcast live. We could add other examples: Blast, Camille Decode... Others are more committed ("political" influencers).

Suggestion:

He became known for his web series 3615 Usul, which deals with video games and politics, broadcast from 2011 to 2014 on Jeuxvideo.com. He hosted Radio Usul on Twitch. He then turned to political video before joining Médiapart.

Tatiana Ventôse:

Tatiana Jarzabek contributes to Le Fil d'Actu, a weekly news program on YouTube that she co-created in 2015, and launched her own channel.

3. Platforms

Platforms fall within the scope of regulation through their role as hosts and, to a certain extent, publishers of information for which they are the medium for dissemination and publication. However, in the eyes of Working Group No. 5, they do not constitute media insofar as they do not produce information.

Objective of the definition proposed by working group no. 5: to target actors benefiting from both income through the dissemination of information content, without ensuring its production, but also concentrating advertising resources, with a view to establishing specific obligations for them with the aim of rebalancing the financing of information media.

**TOPICS COVERED
BY WORKING GROUP NO. 5:
PLURALISME, CONCENTRATIONS,
INDEPENDENCE, ETHICS,
BUSINESS MODEL**

I. Renovating the regulation of concentration

Findings:

Different degrees of concentration in the media sector:

The report by Senators Laurent Lafon and David Assouline of March 2022 and the IGF-IGAC report of March 2022 describe heterogeneous degrees of concentration according to the different types of media. In the television sector, despite the growing supply in this sector (30 terrestrial channels existed in 2022 compared to 3 in 1974), 17 were owned by the three private historic operators (TF1, Canal +, M6), and DTT had only allowed the installation of 3 new entrants on free channels (Next Radio TV, NRJ, Amaury). The degree of concentration in the radio sub-sector is low and stable, with only 4 private groups having more than one station (NRJ Group, M6, Lagardère and Altice Media, which owned 12 of the 28 national private radio stations in 2020).

Concentration in the press sub-sector is high but declining for the national daily press (the top 10 publishers, which represented 37.3% of copies sold in 2010, now represent only 25% in 2019); conversely, the local written press remains highly concentrated (seven large groups in France, often family-owned, totaling nearly 190 titles and 32% of the printed circulation of all the press in 2019).

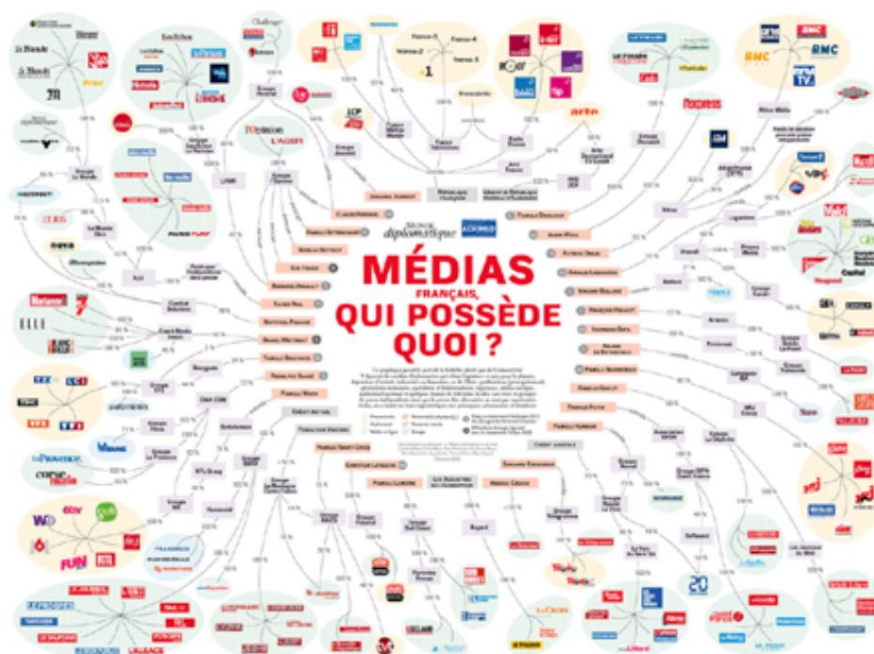
Sources :

• Report made on behalf of the commission of inquiry to highlight the processes that have allowed or could lead to a concentration in the media in France and to assess the impact of this concentration in a democracy, Mr. Laurent Lafon and Mr. David Assouline, March 2022; • Concentration in the media sector in the digital age:

from regulation to regulation, General Inspectorate of Finance and General Inspectorate of Cultural Affairs, March 2022.

Despite the increase in the number of titles and television channels, there is a risk of concentration of media ownership in the hands of a few players: Le Monde diplomatique produces an

infographic each year on the ownership of the major French media groups, the results of which for the year 2023 are given below.



Source: French media, who owns what? (Le Monde diplomatique, December 2023) (monde-diplomatique.fr)

This raises two issues: ensuring that the degree of concentration in the media does not increase; define the degree of independence that editorial offices should desire from their shareholders and the guarantees that this will be respected, in a context where 47% of French people who express doubts about the reliability of information disseminated by the media explain this doubt by the pressure from owners exerted on the media¹.

The anti-concentration system is based on two authorities with complementary approaches given the differences in the objectives they pursue . The Competition Authority

exercises ordinary law control of mergers and acquisitions exceeding a certain size prior to their completion. Its approach analyses the dominant position that would result from the transaction on the media market and on certain related markets ("relevant markets"), such as the advertising market or distribution, and on an analysis of the "diversity of products" offered on these markets following a concentration operation. This control carried out by the Competition Authority does not pursue any other objective than to guarantee a competitive balance between players on the same market, which is exclusive of any other consideration, even of general interest². This does not prevent the editorial line, for example, from being taken into account by the Authority among all the characteristics of a media as a factor in differentiating a product on a market.

The sectoral control exercised by Arcom in respect of media concentration operations, provided for by Law No. 86-897 of 1 August 1986 reforming the legal regime of the press and Law No. 86-1067 of 30 September 1986 relating to freedom of communication, aims to guarantee respect for pluralism and in particular the fact that the currents of national political life can be expressed in the media.

As presented in the IGF-IGAC report, this sectoral system broadly comprises three components:

- Single and multi-media thresholds at national and local level³, presented in the following table, with: a threshold limiting the share in the total national broadcasting for the daily written press of IPG; two maximum thresholds of population coverage at national level for radio; a limitation on the number of broadcasting authorizations and rules of a capitalistic nature for television; and the prohibition of issuing a radio or television broadcasting authorization to a multi-media group beyond thresholds specific to radio, television and the written press, at national and local level;

¹ Arcom, The French and information, March 2024.

² The power of evocation possibly implemented by the Minister of Economy and finances in accordance with Article L. 430-7-1 of the French Commercial Code.

³ Articles 39, 41 and 41 to 41-2-1 of Law No. 86-1067 of September 30, 1986; Article 11 of Law No. 86-897 of August 1, 1986.

Dispositions	Média(s)	Description
Règles applicables à l'audiovisuel (loi du n° 86-1067 du 30 septembre 1986)		
Seuil de détention capitalistique (art. 39)	Télévision	<ul style="list-style-type: none"> • seuil de détention de 49 % du capital ou des droits de vote d'une société titulaire d'une autorisation relative à un service national de télévision diffusé par voie hertzienne terrestre dont l'audience dépasse 8 % de l'audience totale
Limitation des cumuls d'autorisations pour une même personne (art. 41)	Télévision	<ul style="list-style-type: none"> • seuil de 7 autorisations de services télévision nationaux diffusés par voie hertzienne terrestre en mode numérique • seuil de couverture de 19 M d'habitants pour le cumul des autorisations de services de télévision locaux diffusés par voie hertzienne terrestre en mode numérique • non-cumul des autorisations de services de télévision par voie hertzienne terrestre en mode numérique pour une même zone
	Radio	<ul style="list-style-type: none"> • seuil de couverture de 160 M d'habitants pour les services de radio par voie hertzienne terrestre en mode analogique • seuil de couverture de 20 % des audiences potentielles cumulées de l'ensemble des services de radio, publics ou autorisés, diffusés par voie hertzienne terrestre pour les services de radio
Presse (article 11 de la loi n° 86-897 du 1^{er} août 1986)		
Limitation du cumul des quotidiens d'IPG	Presse	<ul style="list-style-type: none"> • seuil de 30 % de la diffusion sur le territoire national de toutes les publications quotidiennes imprimées d'information politique et générale (IPG)
Règles pluri-médias (loi du n° 86-1067 du 30 septembre 1986)		
Limitation des concentrations pluri-médias au plan national (art. 41-1 et 41-1-1)	Télévision Radio Presse	<p>Interdiction de délivrer une autorisation pour un service de télévision par voie hertzienne terrestre en mode numérique ou de radio par voie hertzienne terrestre en mode analogique à une personne qui se trouverait, de ce fait, dans plus de deux des situations suivantes :</p> <ul style="list-style-type: none"> • être titulaire d'une ou plusieurs autorisations de services de télévision diffusés par voie hertzienne terrestre en mode numérique permettant la desserte de zones dont la population recensée atteint 4 M d'habitants • être titulaire d'une ou de plusieurs autorisations de services de radio permettant la desserte de zones dont la population recensée atteint 30 M d'habitants • éditer ou contrôler une ou plusieurs publications quotidiennes imprimées d'IPG représentant plus de 20 % de la diffusion totale, sur le territoire national, des publications de même nature
Limitation des concentrations pluri-médias au plan local (articles 41-2 et 41-2-1)	Télévision Radio Presse	<p>Interdiction de délivrer une autorisation pour un service local de télévision par voie hertzienne terrestre en mode numérique ou de radio par voie hertzienne terrestre en mode analogique à une personne qui se trouverait, de ce fait, dans plus de deux des situations suivantes :</p> <ul style="list-style-type: none"> • être titulaire d'une ou plusieurs autorisations, nationales ou locales, de services télévision hertziens dans la zone considérée • être titulaire d'une ou plusieurs autorisations, nationales ou locales, de services radios dont l'audience cumulée excède 10 % des audiences potentielles cumulées • éditer ou contrôler une ou plusieurs publications quotidiennes imprimées d'IPG diffusées dans cette zone

Source : rapport IGF-IGAC, mars 2022

ÿ An approval procedure that must be obtained by any television or radio service publisher holding an authorization from Arcom in the event of a change in the direct or indirect control of the company holding the authorization¹. This approval is issued on the basis of an assessment by the Authority of the impact of the transaction on pluralism, and may be conditional on commitments made by the parties, which may, for example, relate to the format and content of programs or the independence of editorial staff;

ÿ A threshold applicable to non-European persons holding a maximum of 20% of the capital or voting rights of companies holding an authorisation relating to a terrestrial radio or television service provided in French and companies publishing a French-language publication². These provisions are in addition to the prior authorisation regime for foreign investments in France (IEF) which applies to the publication of press publications and to IPG's online press services.

Today, these two controls are exercised successively, but the two Authorities have equal blocking power: as soon as one of the two authorities opposes an operation taking place, it cannot take place.

¹ Article 42-3 of Law No. 86-1067 of September 30, 1986.

² Article 40 of Law No. 86-1067 of September 30, 1986 and Article 7 of Law No. 86-897 of August 1, 1986.

The limits of the sectoral anti-concentration system:

This anti-concentration system is therefore based on a logic of measuring audiences by type of media, for television (8% of the total audience) and for radio (20% of potential audiences for radio services broadcast over the air), **but the method of measuring it has never been specified**. For the written press, this audience measurement is expressed through the number of print runs (30% of national circulation). While this audience measurement is more easily measurable, this provision only concerns a limited scope of written press content, namely political and general news dailies (IPG), and not, for example, weekly IPG titles or magazines. In practice, the threshold set at 30% of the national circulation of IPG dailies is never reached.

This anti-sectoral concentration mechanism does not take into account changes in the media landscape since the 2000s:

- It does not allow for taking into account the audience of historical media on digital channels, even though digital uses (digitization in replay by the media itself, and sharing of *replays* via platforms) are increasing.
- This system, which is based on rules differentiated by type of media (print press, radio, television), does not take into account developments in media products which cover more and more media, a print press media being able, for example, to develop online radio or audiovisual content: e.g. *Décodeurs du Monde*, in view of the phenomenon of convergence of uses.

More fundamentally, it does not directly concern new media players.

Furthermore, this sectoral regulation does not provide for provisions on vertical concentrations, which are nevertheless likely to have a strong impact on the information value chain.

Propositions

In view of these various observations, the thresholds for assessing these merger operations by sectoral regulation are exposed to regular obsolescence in the light of rapid developments in the media market.

However, given the risks of legal uncertainty, negative incompetence of the legislator and in light of the provisions of Articles 21 and 22 of the draft European *Media Freedom Act* (EMFA)¹ regulation, maintaining a threshold logic, although lightened, nevertheless seems appropriate. The renovation of the sectoral control of media concentration could therefore *at a minimum* and initially be based on a simplification of this threshold logic, similar to the German merger control system (see sub-part 1 below).

However, a more comprehensive overhaul of the control should take place at a later date, with the aim of not limiting itself to the scope of traditional media, but also taking into account media dissemination tools, including platforms, given the growing role that these new media have in the formation of opinion. The system would therefore evolve towards a merger control system encompassing a part of qualitative assessment of the effect and potential risks of a merger operation on pluralism (see sub-part 2/ below).

An extra-audience threshold should also be retained, to take into account foreign shareholders outside the EU in the media (see subsection 3/ below).

¹ Draft Article 21 provides that Member States shall define in advance objective, non-discriminatory and proportionate criteria for the notification of such concentrations on the media market and for the assessment of the effect of such operations on media pluralism and editorial independence.

1. Firstly, simplify the current system by introducing a main threshold based on a multi-media approach

Proposition 1 :

Simplify the merger control system by retaining a maximum threshold for multi-media ownership, the level of which would be set by the legislator. Like the German model, the evolution of the French model could move towards a simplification of the threshold logic and a strictly multi-media and multi-market approach.

The German model works as follows:

The German anti-concentration sectoral model in the media, defined by Article 26 of the Interstate Agreement on the Media¹, aims to limit the "influence on public opinion" that a company and a media owner can have.

German law presumes that a dominant position over public opinion exists when a media owner, through its titles or channels, achieves an average annual audience share of 30% or more across all media. Furthermore, a dominant position over public opinion is presumed when a company achieves an audience share of at least 25% on television and, in addition, holds a dominant position on a relevant "related market" (e.g. radio, print media, etc.). The German Commission for Mergers in the Media Sector (*Kommission zur Ermittlung der Konzentration im Medienbereich* - KEK) points out that these thresholds do not characterise an influence on public opinion, but only a situation in which there is a risk of this.

The criterion for measuring the power of opinion is the audience share: this is what the legal thresholds refer to. The challenge is therefore to convert, for example, the audience shares of newspapers or the audience shares of radio in such a way as to assess their share in relation to that of an overall audience.

The German Constitutional Court has established, to this effect, that the extent of a media's power of influence on opinion is assessed through three criteria: their suggestive power (*Suggestivkraft*), their penetration (*Breitenwirkung*), and their degree of topicality (*Aktualität*). The suggestive power of a media is defined as the combined effect of a text, an image (inert or moving) and sound: the more a media combines these three effects, the stronger its suggestive power. Television therefore has the highest suggestive power. The penetration of a media results from the level of access and the ease (for example, accessibility) with which the public can consult it:

Thus a channel offering continuous news content will be considered as having a high degree of penetration in public opinion. The degree of topicality of a media is measured on a day-to-day basis.

Since television is the media that comes out on top in these three criteria of power to influence opinion, the television audience constitutes the reference audience and those of other media and other services owned by companies are measured in "annual television audience equivalents".

To convert each market share into annual television audience equivalents, the KEK therefore applies a coefficient, based on the assessment of the media's fulfilment of the three criteria mentioned.

	COEFFICIENT À APPLIQUER POUR LA CONVERSION EN ÉQUIVALENCE AUDIENCE TV
TÉLÉVISION	1
TÉLÉVISION / VOD	3/4
RADIO	1/2
RADIO / EN STREAMING	1/2
JOURNAUX QUOTIDIENS	2/3
JOURNAUX QUOTIDIENS / EN LIGNE	3/4
MAGAZINES GRAND PUBLIC	1/10
MAGAZINES GRAND PUBLIC / EN LIGNE	1/5
MAGAZINES DE PROGRAMMES TV	1/7

¹ 10. RÄndStV English (die-medienanstalten.de)

The case of the proposed acquisition by the Springer AG press group of the ProSieben Sat.1 group (free and pay TV channels, radio stations) in 2005 illustrates the method of calculating the overall multi-media audience carried out by the KEK, on the opinion market shares of the Springer group even before the opera

- On the daily press (*newspaper*) : the KEK estimated that the group's total market share was 26%, a total share determined from the market shares of the German national written press and the regional and tabloid market shares. To transpose this market share into television audience equivalents, the KEK applied a coefficient of 2/3: the resulting market share of Springer would therefore have been 17% in annual television audience equivalents;
- On television magazines: the KEK applies a coefficient of 1/7 to convert the audience of the magazine press into an equivalent TV audience. Thus the group's 29% market share on the magazine market corresponded to 4% in annual television audience equivalence;
- On other magazines: the coefficient applied was 1/10 to convert their audience into TV equivalents, which brought Springer's market share to less than 1% on this segment;
- In the online press market: the coefficient applied was 1/2 (in 2005) based on the market share identified from the number of pages loaded by German Internet users. With 6% of these market shares, the market share in equivalent annual television audience was 3% for Springer in this sector;
- 5% of the market share occupied by the "breakaway programmes" broadcast by the group should be deducted. These programmes correspond to the corrective actions proposed by the KEK when the concentration thresholds are exceeded: this involves the broadcasting of "neutral" programmes, designed independently of the main programme of the channel or radio, aimed at "making an additional contribution to the diversity of programmes, particularly in the areas of culture, education and information".

The resulting total media holdings of the group were therefore 42% in TV audience equivalence (or opinion market), well above the 30% level set by the regulation. The transaction was therefore not authorised by the KEK.

While this type of measurement can inherently be questioned (on the level of setting the threshold, on the way of establishing the coefficients, the indicator itself could be different: for example, in Italy, the criterion used is that of the market share of advertising revenues within the total advertising revenue of the media), **it would have the merit of offering a global view of the audience represented by a media group.** The measurement system can also be regularly supplemented to take into account changes in the media landscape (for example, the entry of new players such as Hugo Decrypte, at the top of the podcast audience; or new technologies or distribution channels).

A similar model could be adopted in France. However, the criteria used in Germany are not intended to be strictly replicated in the equation that would be used in France, particularly with regard to the TV audience equivalence coefficients. The renovated merger control system should naturally be set up in such a way as to take into account the specificities of the media landscape as it exists in France. In this respect, the setting of the equivalence coefficients for this calculation could be entrusted to a committee made up of experts in the analysis of media audiences and their adjacent markets, such as the advertising market.

The determinants of this calculation should, however, be established in such a way as to respect three conditions

1.1 Condition 1: The threshold set for sectoral merger control should correspond to the currently observed maximum level of audience shares held by a single media owner, so that without calling into question the economic situations established, the currently observed level of concentration is not exceeded in the future.

In view of the holdings mapped by *Le Monde Diplomatique* (see p.10), and by strictly applying the German calculation method, the total audience shares held by the largest media owners currently in France can be approximated using the audience data published by Médiamétrie for television and radio audiences, and those of the ACPM for audience data for the written press:

Saadé family audience share:

The Altice Media group is made up of BFM-TV, BFM Business, BFM Régions, BFM Radio, RMC, RMC Story, RMC Découverte, RMC Sport, RMC BFM Play.

The buyout structure is as follows: CMA CGM, which the Saadé family owns 73% of, will take 80%.

Altice Media, with the remaining 20% being acquired by Mr. Saadé's holding company, Merit France. According to the infographic in *Le Monde diplomatique* (see p.10), the Saadé family already owned, via CMA CGM, 100% of the Hima group, which owns 72% of *La Tribune*, and 100% of the *La Provence* Group, which fully owns *La Provence and Corse Matin* to the tune of 65%.

On the other hand, the audience of the M6 group, in which CMA CGM holds 10% of the shares, would not be included in the calculation of the audience share by applying the German model of merger control, the accounting of media properties being carried out only from a holding threshold of 25% of the shares (see development in condition 2 below). Since the shareholding share held by CMA CGM in the Brut media is not known, it is also not possible to include it in this calculation.

The total share of television audience equivalent ultimately held by Mr. Saadé would be 11.05%, broken down as follows:

• Television audience share (including *replays*)¹: BFM TV represented 3% of the TV audience in 2023; RMC Story 1.9% and RMC Découvertes 1.7%. The audience shares of BFM Business and BFM Régions are not specified by Médiamétrie because they are less than 1%. An audience share hypothesis of 0.5% is proposed for these two channels combined. The total television audience share held by Mr. Saadé would therefore be 7.1%.

• Radio audience share (not including podcasts, counted separately by Médiamétrie)²: RMC represents 6.2% of the weekday radio audience and 3.9% of the weekend radio audience. It is proposed as a hypothesis to consider its audience share over the 7 days of the week as the average between these two audience shares, i.e. 5.05%. BFM Radio's audience share is not specified by Médiamétrie because it is less than 1%; it is proposed to retain an audience share hypothesis of 0.25%. The total radio audience share held by Mr. Saadé would be 5.3%; in TV audience share equivalence, applying a coefficient of 50% as used in Germany, this would be 2.65%. Written press audience share³: with 22,551 paid daily broadcasts per day on average, *Corse matin* represents 0.5% of the audience of the regional daily news press; *Provence* accounts for 62,741 paid daily broadcasts per day on average, or 1.4% of this audience. The total audience share held by Mr. Saadé in terms of PQRI would therefore be 1.9%; which would represent 1.3% in television audience equivalent by applying the coefficient of 2/3 used for the written press in Germany.

By applying this same method of calculation, with regard to the possessions mapped by *Le Monde Di-plotmatique* (see p.10), the total shares of television audience equivalent of some media owners would be as follows:

• Bouygues: 25.4% (exclusively TV audience: with TF1 18.6% TV audience, LCI 2%, TMC 2.7%, TF1 Séries Films 1.7%);

• Mr. Bolloré: 10.95% (including 6.6% TV audience; at least 3.7% magazine audience and 6.9% audience radio);

• Mr. Niel: around 20% (including at least 19% national daily press audience; at least 0.7% regional daily press audience and at least 0.6% magazine audience).

By strictly applying the German criteria, the maximum threshold of 30% would not be reached today in France.

¹ Audience share is defined by Médiamétrie as the share that the viewing time of a channel represents in the total viewing time of the television media. The Day of Viewing audience is the sum of the audiences of the programs viewed live, delayed, preview and replay on a given day, regardless of the live broadcast date.

² Assuming that the radio audience for November-December 2023 is representative of that for the whole of 2023.

³ Assuming that the audience for the second half of 2023 is representative of that for the whole of 2023.

1.2 Condition 2: the threshold not to be exceeded should be calculated in such a way as to reflect the power of influence on opinion which would result not only from the concentration operation for the shareholder(s) of the groups holding these media, but also from their entire portfolio of holdings following the operation, and this independently of the structure of the companies.

In this regard, information on media ownership by shareholders must be made more transparent. Proposal No. 19 of the Senate report of March 2022 is therefore taken up by working group No. 5 of the États généraux de l'information.

In this calculation, the actual influence that a natural person can in practice exercise through his portfolio of media companies should be understood both in terms of his direct or indirect ownership of a company, but also of the control that he can exercise over a company.

This is the approach adopted for the current merger control rule in the written press sector: Article 11 of the law of 20 September 1986 thus prohibits *"under penalty of nullity, the acquisition, takeover or management lease of a daily printed publication of political and general information when this operation has the effect of allowing a natural or legal person or a group of natural or legal persons to own, control, directly or indirectly, or publish under management lease daily printed publications of political and general information whose total circulation exceeds 30% of the circulation on the national territory of all daily printed publications of the same nature. This circulation is assessed over the last twelve known months preceding the date of acquisition, takeover or management lease". In practice, this control is assessed in light of the criteria set out in Article L. 233-3 of the French Commercial Code or is understood to mean any situation in which a natural or legal person or a group of natural or legal persons has placed a publication under its authority or dependence.*

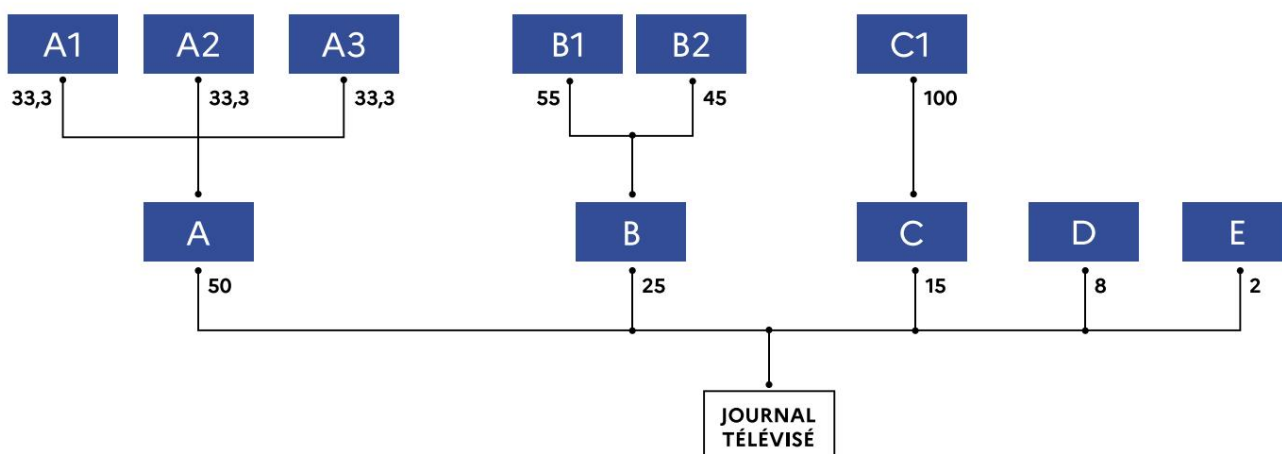
The German system also takes into account both aspects of the influence that can be exercised by the owner of a media outlet, both from the point of view of direct and indirect participations and from the point of view of influence comparable to that of a power of shareholder control, for example through personal relationships at management level, reservations of approval or close relationships with suppliers of a media outlet.

In practice, a channel or title is attributed to a company and falls within the scope of this control if:

• the company is itself the organizer of the program or title; • the company directly holds 25% or more of the capital or voting rights of a program or title broadcaster (certain veto rights in corporate law are linked from 25%);

• the company holds, directly or indirectly, a majority interest in a company which directly holds 25% or more of the capital or voting rights of a programme broadcaster. The majority rule continues at all higher levels of participation.

Thus in the following diagram, the audience of the Super TV program would be attributed to: company A and company B which directly hold 25% or more; company B1 which is a majority partner (> 50%) of company B;



A similar mechanism, involving a minimum threshold of direct or indirect participation in a company, could also be retained in the French model, the level of which could be established by this committee of experts.

The control that any shareholder is likely to exercise over a media company, even if they hold a number of stakes below the review threshold, must also be able to be understood to ensure that any shareholder likely to exercise real influence over the media company is also included in this renovated control system. Understanding the concept of control, which depends on the provisions of the shareholders' agreement that is not systematically made public, assumes that this agreement is transmitted to the sectoral authority responsible for anti-concentration regulation during operations of this type.

In order to be able to apply this renovated control mechanism, Working Group No. 5 also takes on board Proposal 19 of the Senate report of March 2022, which consists of requiring the declaration, to Arcom, of all shareholders – direct or indirect – holding more than 5% of the capital, by security and group, and of shareholders' agreements, so that Arcom publishes annually a centralized database of the composition of the capital of audiovisual communication services and the identity of the members of the management bodies. Working Group No. 5 completes this recommendation by also adding an obligation to communicate the shareholders' agreement during merger operations in the media sector.

The proposal for the level at which to set these different thresholds and coefficients could be entrusted to a committee made up of economists and media experts.

1.3 Condition 3: Strengthen the conditions for producing audience measurement

a. The current measurement of media audiences, oriented according to an advertising market logic, presents certain limits which must be lifted in order to implement this renewed control of concentration operations.

Audience measurement is carried out in France by Médiamétrie, for television and radio, and by the Alliance for Press and Media Figures (ACPM) for the written press; ACPM also plays the role of trusted third party in certifying the quality of television and radio audience data.

Audience data on historical channels are known, as well as on digital media distribution channels, although measurement methods differ depending on the type of media and must continually adapt to take into account new uses. The audience of TV and radio channels is measured using the digital watermarking method *and* provides a measurement in terms of individual listening time and audience share. These measurement methods are becoming more robust: since January 1, 2024, Médiamat, the benchmark measurement of TV audiences, takes into account television consumption on all screens. For the written press, the ACPM bases its assessment on questionnaires aimed at measuring the audience for a title on all distribution channels, which, however, need to be increasingly extensive ("mega panels") to reflect consumption in the context of growing digital supply and fragmentation of uses.

The calculation of the overall audience of the media in the context of a renovated merger control could therefore be based on this type of data, diverting them from their initial purpose. Indeed, these data are developed by Médiamétrie and the ACPM, respectively owned and constituted by publishers and advertisers, with the aim of providing transparent information likely to shed light on transactions carried out on the advertising spaces of the media. However, this use has some limitations:

- It is not currently mandatory for a media to have its audience certified by a third party, as these are provided for advertising purposes. The change in logic would involve making this third-party certification mandatory. Reconciling this obligation with business confidentiality would involve guaranteeing a level of confidentiality for this data, which may present a difficulty since the third parties that are Médiamétrie and the ACPM come from publishers and advertisers.
- It is also not guaranteed that the characteristics of this data are provided continuously over time (frequency, etc.) by the certifying third parties, which could make it more difficult to calculate the overall audience over time, once the methodology has been established.

The renovated merger control system would therefore require providing for a delegation of public service between the regulator and the audience measurement players.

b. A complete measurement of the multi-media audience then requires including audience data from media on platforms

Proposal

On the occasion of the next revision of the European Media Freedom Act (EMFA) regulation, make it mandatory for platforms to provide audience data for the media content they rebroadcast, according to a method specified by the regulation.

Audience data for media content broadcast on platforms are only known through "proprietary audience" measurements. Unlike most national media, which open all their information to trusted third parties in order to have both a comparable measurement and a certification or labeling, platforms do not currently submit to this type of control of their audience and choose the data they communicate: these are "proprietary measurements". However, since the extraction methods are not harmonized, these are not directly comparable: for example, they are delivered on a monthly basis, while the media provide daily figures, or the nature of the traffic behind this data is not specified (territorially, depending on whether it is generated by a robot or a natural person). Netflix also offers its own type of indicators, in millions of hours of viewing, while the others provide information in terms of number of subscribers.

Article 24 of the draft *European Media Freedom Act* (EMFA) Regulation sets out a first framework for harmonisation in terms of transparency on the methodology used for this measurement by establishing that, without prejudice to the protection of companies' business secrets as defined in Article 2(1) of Directive (EU) 2016/943, platforms using proprietary audience measurement systems shall provide accurate, detailed, complete, intelligible and up-to-date information on the method used to carry out these measurements. However, this provision does not provide a harmonised measurement of the audience of media content on these platforms. Médiamétrie aims to develop specific tools for measuring viewing audiences on audiovisual on-demand service platforms, such as the Net-flix platform, by 2025. However, the absence of direct provision of audience data by the platforms therefore requires the regulator to go through private services that can establish the data necessary for their calculation, and subjects it to several uncertainties as to the availability of this data (replicability of the measurement tool on other platforms and on different types of content, availability of funding for other developments, etc.).

However, at least some of the data required to measure the audience of media content on platforms is not covered by business law, and could be used by the regulator to establish the digital audience of media on this platform. This is the case, for example, for the number of impressions and the number of clicks, which the Competition Authority ordered Google to communicate to press publishers and press agencies under Article L. 218-4 of the Intellectual Property Code, unlike additional information that was only shared with the agent and its experts to protect business secrets, such as the advertising revenue generated by this content.

Pending access to this data, the use of audience measurements on platforms developed by IPSOS (*MediaCell for Cross-Platform solution* - MXP) or by Nielsen (Nielsen Audience Segments) could make it possible to deploy this renovated merger control system by including an approximation of the audience of media content enabled by the relay of platforms.

c. Better measure the audience of certain media among specific audiences:

Proposition 3 :

Introduce into the renovated merger control system a criterion allowing for the media audience to be taken into account by certain specific groups.

Audience data for media content broadcast on platforms are only known through "proprietary audience" measurements. Unlike most national media, which open all their information to trusted third parties in order to have both a comparable measurement and a certification or labeling, platforms do not currently submit to this type of control of their audience and choose the data they communicate: these are "proprietary measurements". However, since the extraction methods are not harmonized, these are not directly comparable: for example, they are delivered on a monthly basis, while the media provide daily figures, or the nature of the traffic behind this data is not specified (territorially, depending on whether it is generated by a robot or a natural person). Netflix also offers its own type of indicators, in millions of hours of viewing, while the others provide information in terms of number of subscribers. Article 24 of the draft *European Media Freedom Act* (EMFA) regulation establishes an initial framework for harmonisation in terms of transparency on the methodology used for this measurement by establishing that, without prejudice to the protection of companies' business secrets as defined in Article 2(1) of Directive (EU) 2016/943, platforms using proprietary audience measurement systems shall provide accurate, detailed, complete, intelligible and up-to-date information on the method used to carry out the measurement.

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Pending access to this data, the use of audience measurements on platforms developed by IPSOS (*MediaCell for Cross-Platform solution* - MXP) or by Nielsen (Nielsen Audience Segments) could make it possible to deploy this renovated merger control system by including an approximation of the audience of media content enabled by the relay of platforms.

2. In the future, one area for consideration would be to develop the sectoral mechanism for controlling concentrations to supplement the quantitative logic of the threshold approach with an examination of qualitative criteria aimed at assessing the risks to the pluralism of concentration operations.

In order to ensure the free formation of opinions, the renovated merger control system could be further restructured to include, in addition to the strict quantitative logic of thresholds, a more qualitative approach to the potential risks raised by a merger operation from the point of view of respect for pluralism.

Indeed, the strict logic of thresholds may not be sufficient to grasp certain issues, including: ÿ the challenge of

taking into account early on changes in the media landscape: for example
example, for the creation of a new media with a growing audience;

ÿ the challenge of measuring the real influence exerted by a media owner on certain specific audiences, such as young people or inhabitants of certain regions;

ÿ the challenge of understanding the power of influence of a broadcast channel which, although not currently having its own audience share, would acquire a media outlet and/or choose to relay certain informational content rather than others through algorithmic parameters.

This control of concentrations extended to the examination of the effect of an operation on pluralism would then logically have a broader scope than that of traditional media alone, and would encompass new media and their distribution channels, including platforms.

By definition, the guidelines for this more qualitative control would be structured over time and as the concentration operation files are examined, in a rather *a posteriori construction logic*.

With regard to the risks to certain specific audiences, in the longer term, the concept of "attention share", although difficult to use in the short term in the context of merger control, would constitute a useful avenue for revising the measurement of media audiences and better identifying typical media audiences. This concept, developed by the economist Andréa Pratt, makes it possible to take into account the public's information consumption structures, in order to measure the different levels of influence that a media outlet can exert on opinion depending on whether the public obtains its information from a single source or from several sources of information.

¹ Clicks: Number of times a user clicked on a link provided by Google to a site.

² Decision 20-MC-01 of April 9, 2020.

Example of attention share measurement from the IGF-IGAC report (2022)

We assume a population of 20 million inhabitants divided into three consumer segments: segment 1 has 5 million inhabitants, who consume information on four media for a total of 3.0 hours per week; segment 2 has 5 million inhabitants, who consume information on three media for a total of 2.5 hours per week; finally, segment 3 has 10 million inhabitants, who consume only one source of information for 1 hour per week.

The time spent by each segment on each information source is specified in the table below. For each media, consumption is calculated for all media combined. The audience share of each media can be calculated by adding up the time spent by the population on each media, then dividing it by the total time spent by the entire population consuming information, i.e. 37.5 million hours. In this example for television 2: $(1 \text{ hour} \times 5 \text{ million} + 1 \text{ hour} \times 5 \text{ million}) / (37.5 \text{ million hours}) = 27\%$.

The attention share of each medium is calculated differently from the attention share of this medium for each segment of the population, whose consumption patterns differ, taken in isolation. For example, segment 1 spends a third of its time watching television 2, i.e. an attention share of 33% of this medium within this population segment. Similarly, segment 2 spends 40% of its time watching television 2, i.e. an attention share for the latter of 40%. Segment 3 does not watch television 2. In total, the attention share of television 2 is calculated by weighting the attention share of this medium by the weight of each segment in the total population, i.e.: $(33\% \times 25\%) + (40\% \times 25\%) = 18\%$. This example clearly illustrates that two media can have the same audience (television 1 and television 2) but different attention shares depending on the weight of what consumers give them in their information consumption. Channel 1 is the only source of information for 10 million people, or half the population. Its attention share is therefore 50%. For channel 2: segment 2 devotes half of its time to it, or 2.5 million people, segment 3 a quarter of its time, or 1.25 million people. The attention share is therefore the division of 3.75 million listeners by the total number of people (20 million), or 18.75% attention share. Press title 1 is followed by half of segment 2 (2.5 million people), or an attention share of 12.5%.

	TÉLÉVISION		RADIO		PRESSE	
	TV 1	TV 2	RADIO 1	RADIO 2	PRESSE 1	PRESSE 2
SEGMENT 1 (5 M D'HABITANTS) (EN H.)	-	1,0	-	0,5	1,0	0,5
SEGMENT 2 (5 M D'HABITANTS) (EN H.)	-	1,0	1,0	-	0,5	-
SEGMENT 3 (10 M D'HABITANTS) (EN H.)	1,0	-	-	-	-	-
PART D'AUDIENCE	27%	27%	13%	7%	20%	7%
PART D'ATTENTION POUR LE SEGMENT 1	-	33%	-	17%	33%	17%
PART D'ATTENTION POUR LE SEGMENT 2	-	40%	40%	-	20%	-
PART D'ATTENTION POUR LE SEGMENT 3	100%	-	-	-	-	-
PART D'ATTENTION	50%	18%	10%	4%	13%	4%

Source : rapport IGF-IGAC, 2022, à partir d'A. Prat, 2019, « Measuring and Protecting Media Plurality in the Digital Age », Columbia University.

In practice, the United Kingdom introduced a first measure of this type as part of its control over the acquisition of Sky by Twenty-First Century Fox. At the request of the Secretary of State for Communications, Ofcom carried out a "public interest test" on this transaction, based on the analysis of several quantitative and qualitative indicators including, beyond the audience of the two groups as sources of information on all media, that of their share in consumers' sources of information ("share of reference"). This indicator was calculated from the statements of a panel of people questioned on their consumption habits, indicating what their sources of information are and how often they use them. However, this assessment did not take into account audience data resulting from consumption through intermediaries such as social networks and online aggregators (see 2/b above). Ofcom's assessment found that after the deal, Fox/Sky and News Corp would have together accounted for 10% of news source share, the same as the ITN television network (9%) and twice as much as the *Daily Mail* and *General Trust* (DMGT) (4%), leading OFCOM to issue a negative opinion.

3. The renovation of the criteria for analyzing concentrations should be carried out without prejudice to the threshold of holding of a media by a shareholder outside the European Union.

Working group No. 5 of the États généraux de l'information shares the observation made in the 2022 IGF-IGAC report according to which *"the thresholds specific to non-European persons must be retained because they pursue an objective of sovereignty as much as of pluralism"*.

He also shares the recommendations of this report according to which: *"They should be extended, with regard to the press, to online press services. In the context of media convergence, the regulation of foreign investments in France (IEF) could be, in the medium term and as elsewhere in Europe, extended to all information media, beyond the sole press sector as is the case today."*

4. With regard to the examination of merger control under competition law: the "opportunity" of an operation must not be assessed by the regulator but by the political power.

The approach to merger control under competition law has been criticized¹ in the context of the examination by the French Competition Authority of the proposed merger between TF1 and M6 in 2021-2022. This control in fact leads to blocking a transaction when the economic effects that it would induce on a relevant market (the advertising market in this case) constitute a risk of harm to competition. In the context of this analysis, these potentially negative effects are not weighted in relation to those, considered more positive, resulting from the transaction such as the creation of a national media champion in the context of the TF1-M60 transaction.

Group No. 5 of the States General of Information considers that, from the point of view of legal stability and the readability of its decisions, it does not appear desirable that criteria of "general interest", subjective by nature and assessed on a case-by-case basis, are integrated into the technical analysis carried out by the regulator with regard to competition law.

On the other hand, it is possible to rely on another procedure to integrate this type of consideration.

The "evocation" procedure established in Article L 430-7-1 of the French Commercial Code appears to be the most appropriate for taking into account this type of criteria and considering a media merger operation through a broader prism of general interest and removing the blockage resulting from the competitive analysis of the operation. This article provides that:

"Within twenty-five working days from the date on which he received the decision of the Competition Authority (...), the Minister responsible for the economy may raise the matter and rule on the transaction in question for reasons of general interest other than the maintenance of competition and, where appropriate, compensating for the harm caused to the latter by the transaction."

The reasons of general interest other than the maintenance of competition which may lead the Minister responsible for the economy to raise the matter are, in particular, industrial development, the competitiveness of the companies in question with regard to international competition or the creation or maintenance of employment."

(...) It takes a reasoned decision ruling on the transaction in question after hearing the observations of the parties to the concentration transaction. This decision may possibly be conditional on the effective implementation of commitments."

¹ Failure of the TF1-M6 merger: [the president of the Competition Authority explains himself to the Senate - Public Sénat \(publicsenat.fr\)](https://publicsenat.fr/publics/publicsenat.fr)

II. Reform the requirement for internal pluralism in the audiovisual sector in favor of a reinforced requirement for honesty of information

Proposition 4 :

In the short term, start thinking about the possibility of including in the law a more precise definition of news channels or programmes which contribute to information, in order to avoid the proliferation of opinion channels labelled as news channels.

Today, Arcom's agreements with news channels specify the terms of news coverage and regulate the duration and frequency of broadcasting news bulletins to prevent the development of opinion channels (which are, moreover, not defined, and whose prohibition is based on the requirement of pluralism and the 2018 deliberation which imposes a form of clarity in the labeling of news content or those which are not, and which results from a tradition and classic ethical principles on the absence of confusion between information and debate).

Recent debates around the CNews channel model raise questions about the need to strengthen information requirements in the audiovisual sector. The LCI channel model is particularly interesting¹, in that it devotes a minimum programming time to news, provides that television news and headline reminders do not exceed 23% of the total broadcast time (ceiling applicable between 6 a.m. and midnight), that it provides that programs must include no more than two news bulletins or headline reminders per clock hour, and that 40% of the total broadcast time must be devoted to specialized news magazines (article 3-1-1 of the agreement between Arcom and LCI).

¹ csa.fr

¶ **Does the replication of this model for other channels necessarily require a legislative basis?**

The need to strengthen Arcom's negotiating position in the agreement of DTT channels by means of a legislative text is rather uncertain: the agreements entered into by Arcom with DTT channels are unilateral acts¹, on which the economic model of said channels depends entirely.

It can therefore be considered that Arcom already has sufficient prerogatives, through the provisions of the 1986 law, to force channels which claim to be information channels to broadcast a minimum share of programmes contributing to information in order to justify this qualification.

¶ **If a law were to be adopted, it could clarify the notion of information channel and the obligations which should weigh on such channels;**

However, it is possible to supplement the law with a provision specifying what constitutes an information channel or a programme contributing to information, which may be presented in the form of an entertainment programme (in order to capture the reality of *infotainment*)².

Once this definition has been established, the idea would be to ensure that news channels include a minimum share of information that is not presented solely in the form of debates, through a minimum percentage of broadcast time dedicated to news bulletins, headline reminders, or specialized news magazines. If the idea of setting such a percentage were to be retained, it would be preferable for it to appear in the law, since it is likely to infringe on freedom of expression³.

Proposition 5 :

In the long term, although this is not unanimous, the majority of the group agrees that, given the proliferation of channels and the diversification of the offer, the obligation of internal pluralism will no longer be justified. External pluralism guaranteed by effective merger control and pluralism of exposure permitted by media education systems must allow citizens to be confronted with a diversity of opinions.

However, there is no consensus within group no. 5 on the practical implementation methods for internal pluralism in the short term, following the recent decision of the Council of State.

Access for all to a diversity of points of view and opinions on information, which contributes to the honesty and quality of information, must be guaranteed through the objective of the constitutional value of pluralism.

If external pluralism applies to all media, internal pluralism - a rule specific to the audiovisual sector - is linked to the mass media nature of the audiovisual sector and, historically, to the scarcity of the radio spectrum: the regulator grants free of charge the right to use the audiovisual frequencies in the public domain, and ensures respect for honesty, independence and pluralism of information.

As a result of this justification, a majority within group no. 5 agrees on the obsolescence of the obligation of internal pluralism in the long term, if only with the announced disappearance of DTT by 2030.

¹ CE, November 25, 1998, Luxembourg Broadcasting Company, No. 168125.

² In this regard, the EC decision, 21 December 2023, Société C8, no. 470565, takes into account, with regard to the obligation of honesty of information and the programmes which contribute to it, a fairly broad concept of a programme which, without having as its sole object the presentation of information, contributes to its processing.

³ In accordance with Article 34 of the Constitution, the legislature is competent with regard to civil rights and the fundamental guarantees granted to citizens for the exercise of public freedoms.

⁴ DTT relies on a resource protected until at least 2030 at national level (article 2 of the law of 14 October 2015 relating to the second digital dividend and the continued modernisation of digital terrestrial television) and European level (article 4 of the decision of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union).

In the long term, it therefore seems possible to defend pluralism in another way.

The changes in the panorama and the increased supply of audiovisual media (end of restrictions on supply linked to frequencies with the development of channels accessible by satellite, cable and in services managed by internet access providers - ISPs; rapid development of services accessible in OTT¹; uncertain future of terrestrial supply) tend to invalidate the basis of this obligation of internal pluralism. In addition, this regulation is asymmetrical insofar as it only applies in practice² to DTT television channels, subject to authorisation by the regulator, and not to television channels broadcast outside DTT, nor more broadly to the production of audiovisual informational content exclusively broadcast digitally.

The majority of members of group no. 5 propose to consider that in the long term, it will no longer be necessary to guarantee internal pluralism, since external pluralism should be ensured in light of the multiplication of information producers and the diversity of information media, which will reduce the gap between the situation of the press and that of the audiovisual sector, and will justify an alignment of the two regimes. It is also very interesting to note that in the recent debates on the decision adopted by the Council of State on the methods used by Ar-com to ensure pluralism, the difference in legal framework between the written press and the audiovisual sector was often questioned, which already reflects a form of incomprehension regarding the persistence of obligations in the audiovisual sector.

The scenario preferred by the majority of group No. 5 would therefore consist in drawing, in the long term, the consequences of current technological developments and the end of the existence of an advantage derived from the granting of a frequency in the public domain with regard to the plurality of broadcasting methods, by amending the 1986 law to limit the requirement of pluralism to that of external pluralism. Such a development would certainly carry a conventional risk with regard to the case law of the ECHR, and constitutional, pluralism being an objective of constitutional value, but could be justified by concrete elements drawn from the reality of the audiovisual offer after the end of DTT, guaranteeing reinforced external pluralism, and by maintaining a requirement for diversity of points of view.

Indeed, the requirement to present a sufficient diversity of points of view would not disappear. It would persist in the form of the reinforced requirement of quality and honesty of information, of which the diversity of opinions on a subject is an intrinsic component, and of course, of respect for journalistic ethics. Deliberation No. 2018-11 of April 18, 2018 of the Higher Audiovisual Council relating to the honesty and independence of information and the programs that contribute to it already indicates that it is the responsibility of the publisher to "ensure compliance with an honest presentation of controversial issues, in particular by ensuring the expression of different points of view by journalists, presenters, hosts or on-air collaborators."

¹ The majority of French people today have the possibility of watching television (or more broadly videos) directly on the open internet – over the top or OTT – on screens connected to the internet: connected televisions, computers, smartphones and tablets.

² In law, Article 3-1 of the 1986 Act has a very broad scope of application, and concerns all accessible channels. Deliberation No. 2018-11 of 18 April 2018 relating to the honesty and independence of information and the programmes that contribute to it targets audiovisual communication services as a whole, which covers radio, television and on-demand audiovisual media services (a service such as Cafeyn could, for example, fall within the scope), for which the application of the principle is particularly delicate in the absence of any agreement (unlike DTT, which is subject to agreement).

However, this position is not unanimous within Group No. 5, with some of its members considering that the renunciation of internal pluralism would inevitably allow the emergence of opinion channels, with serious consequences for the formation of opinions and the quality of information, as observed in the United States with *Fox News*, while viewers do not necessarily have the same socio-demographic characteristics as users of social networks or platforms on which the information content is indeed extremely rich. In the short term, there is no consensus within Group

No. 5 on the methods of guaranteeing the requirement of internal pluralism.

It would seem that there are artificial intelligence tools (*classifiers*) that can classify content according to criteria, which could make it possible to apply the requirement of pluralism and to assess the diversity of points of view on a channel in a more rigorous manner. The classification that could be envisaged would not focus on a binary political classification between left and right, but on the content of the speeches (pro or anti-EU, pro- or anti-ecology, etc.). It seems reasonable to propose the implementation of research partnerships on these new technologies, between Arcom and INA, as exists on other subjects¹, or with the Pôle d'Expertise de la Régulation Numérique (PEReN), whose data *scientists* could assist Arcom in an experiment.

However, these tools will not be available to the regulator for a few years, and their implementation methods require high-level skills and human resources (*data scientists*, engineers) that the regulator does not necessarily have. **It is therefore important to strengthen the quality of information and its honesty, as well as ethics, which is the subject of the following proposals (proposals no. 9 and 10).**

Regarding the decision of the Council of State last February (CE, 13 February 2024, *Reporters Without Borders*, No. 463162), it seems to some to lead the regulator, and the channels, to a rather problematic census of the political leanings of its speakers. Faced with this risk, a proposal on the table is to amend the law to return to this status quo and specify that Arcom must exclusively control the balance of speaking time granted to political figures.

The conclusions of the public rapporteur F. Roussel are quite eloquent on the difficulty of implementing the decision and implementing a more global control of pluralism:

"Thirdly, if we are well aware that the more global control of respect for the pluralism of schools of thought is difficult to implement, this does not justify the regulator's refusal to enforce it. It would be up to him, if you follow us, to determine its concrete modalities, in view of the great latitude that you recognize him in this matter. **Your decision would thus only have the consequence that the regulator could not abstain from any control in this matter, just as your decision of the Hollande assembly (CE, Assembly, April 8, 2009, n° 311136, A) implied that he could not exclude any form of taking into account the interventions of the President of the Republic. We will limit ourselves to observing that only lasting and manifest imbalances, revealing a deliberate intention on the part of the publisher to favour a current of thought or opinion, whatever it may be (there can obviously be no question of variable geometry control), should be able to be sanctioned.**

¹ As there is for the measurement of diversity or the presence of women on television.

Based on this notion of controlling "sustainable and manifest imbalances, revealing a deliberate intention on the part of the publisher to favour a current of thought or opinion, **group no. 5 considers that the only acceptable position is that of examining manifest imbalances in terms of internal pluralism, without it being clear on what criteria this should be based.**

While some have suggested that Arcom might consider adopting a " *French-style fairness doctrine* " in the form of a deliberation by its college, it is not clear that this would be effective. The " *fairness doctrine* " was a policy of the US Federal Communications Commission (FCC), introduced in 1949, which required radio and television licensees to present controversial issues of public interest, and to do so, in the words of the commission, in an honest, fair and balanced manner. The principle of impartiality had two components: on the one hand, broadcasters were to devote a portion of their airtime to the discussion of controversial issues of public interest, and on the other hand, they were to broadcast the different points of view on these issues, in a free form, without requiring equal airtime for each point of view, as long as these different points of view were *at least* presented. The main purpose of this doctrine was to ensure that viewers had access to a plurality of points of view. In 1969, the United States Supreme Court confirmed the FCC's general right to enforce this principle of impartiality where channels were limited¹. It justified its opinion by the fact that the scarcity of the broadcast spectrum, which limited the possibilities of access to the airwaves, created the need for such a principle². **This doctrine of the regulator was however abandoned in 1987.**

In any event, it seems that Arcom has already carried out a more precise count of pluralism in the past on the occasion of certain crises or major events (attacks, bioethical issues), in an unpublished form allowing it to assess the honest presentation of controversial issues, which could be an avenue to explore in the context of the debates. **current.**

Proposition 6 :

Strengthen the requirement for honesty of information and develop Arcom's sanction practices to strengthen the effectiveness of the implementation of its prerogatives in this area.

The honesty of information is already at the heart of the 1986 law, which gives ARCOM a sufficient legal basis to act, by taking action on its own initiative or upon referral by citizens. For example, it did so last July, by imposing a fine of 500,000 euros on the C8 channel due to a problematic sequence in the show "Touche pas à mon poste!" during which a guest had mentioned the consumption of an alleged drug based on children's blood by leading political figures.

Arcom could draw inspiration from OFCOM's practice to strengthen its requirements in terms of honesty of information.

Through the concept of " *due impartiality* ", OFCOM exercises a control of the impartiality of information appropriate to the subject and the nature of the programme. The OFCOM website thus expressly states that "impartiality does not mean that all participants must be given equal speaking time, but that all arguments and all facets of all arguments must be represented. The approach to impartiality can thus vary depending on the nature of the subject, the type of programme and channel, the likely expectations of the public regarding the content, and the extent to which the content and approach are signalled to the public." (translation by the rapporteurs).

¹ Red Lion Broadcasting Co. v. FCC, June 8, 1969.

² Note, however, that the doctrine was revoked by the FCC in a 1989 Syracuse Peace Council decision, precisely because of the plurality of available sources of information.
La décision relève ainsi que : « The intrusion by government into the content of programming occasioned by the enforcement of [the Fairness Doctrine] restricts the journalistic freedom of broadcasters ... [and] actually inhibits the presentation of controversial issues of public importance to the detriment of the public and the degradation of the editorial prerogative of broadcast journalists. »

The criteria applied by OFCOM¹

1. Information, in whatever form, must be reported with due accuracy and pre-felt with the required impartiality.
2. Significant errors in information should normally be recognized and corrected promptly. Corrections must be programmed appropriately.
3. No politician may be used as a presenter, interviewer or reporter in a news programme, except, exceptionally, where this is justified from an editorial point of view. In such cases, the political affiliation of that person must be clearly indicated to the public. Special requirements for impartiality: television news and other programmes. Matters of political or industrial controversy and matters relating to current public order. Exclusion of views or opinions.
4. Programmes of television and radio services, except for restricted services, shall exclude any expression of the views and opinions of the person providing the service on matters of political and industrial controversy and on matters relating to current public policy (unless that person is speaking in a legislative forum or before a court). Views and opinions relating to the provision of programme services are also excluded from this requirement. Preservation of impartiality
5. Impartiality on matters of political or industrial controversy and matters of current public policy must be preserved by any person providing a television programme service, teletext, national radio and digital sound programme services. This may be achieved in the course of a programme or series of programmes taken as a whole.
6. The broadcast of editorially related programmes dealing with the same subject (as part of a series in which the broadcaster endeavours to be impartial) should normally be clearly indicated to the public on air.
7. Views and facts must not be distorted. Views must also be presented in a with due importance within appropriate time frames.
8. Any personal interests of a journalist or presenter, which would call into question the impartiality of the programme, must be clearly indicated to the public.
9. Presenters and reporters (except newscasters and reporters), presenters of "personal opinion" or "author" programs or topics, and chairmen of discussion programs may express their own views on matters of political or industry controversy or on matters of current public policy. However, other views must be adequately represented either in the program or in a series of programs taken as a whole. Furthermore, presenters must not use the advantage of regular appearance to promote their views in a manner that compromises the requirement of impartiality. Presenters' phone-in programs must encourage and not exclude other views.
10. A personal point of view or a broadcast or subject whose author is a journalist must be clearly indicated to the public at the outset. This is a minimum requirement and may not be sufficient in all circumstances. (Radio phone-in hosts are exempt from this provision unless their personal opinion status is unclear.) Matters of major political or industry controversy and major issues of current public policy.
11. In addition to the above rules, impartiality must be preserved on questions on subjects of great political or industrial controversy and on matters of importance relating to current public order by the person providing a service (listed above) in each programme or in programmes clearly linked together and broadcast in good time.
12. Where matters of great political or industrial controversy or important issues of current public policy are concerned, a sufficiently wide range of significant points of view shall be included and given due weight in each programme or programmes which are clearly linked and disseminated in a timely manner. Opinions and facts shall not be distorted.
13. Prevention of undue prominence of views and opinions on matters of political or industrial controversy and matters of current public policy. Rule 13 applies to local radio services (including community radio services), local digital audio programme services (including community digital audio programme services) and licensed radio content services. Broadcasters must not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters of current public policy in all the programmes included in a service (listed above) taken as a whole.

¹ Translation by the rapporteurs.

This approach, if it were included in guidelines, for example, could enable Ar-com, like OFCOM, to assess compliance with the principle of honesty of information in the light of a particular sequence, but also of a series of programmes, in order to strengthen its control.

ȳ Develop Arcom's sanctioning practices to strengthen the effectiveness of enforcement implementation of its prerogatives in terms of honesty of information.

Arcom is an independent administrative authority, and therefore controls the way in which it applies the law, under the supervision of the Council of State, which in particular controls the proportionate nature of the sanction imposed in light of the breach noted¹.

As recalled by the Council of State in its opinion on a draft law relating to the regulation and protection of access to cultural works in the digital age², "the sanction procedure in audiovisual matters involves **three stages: the sending of a formal notice by the college of the regulatory authority, the initiation of a prosecution procedure by an independent rapporteur appointed by the Vice-President of the Council of State who decides whether to notify grievances and propose a sanction, the pronouncement of the sanction by the college of the authority.** This procedure is the result of several changes to the law of 30 September 1986.

Although no general principle of law requires an independent administrative authority to serve a formal notice on the perpetrator of a breach to put an end to it before sanctioning him and although Article 42 of the law of 30 September 1986 makes formal notice before the imposition of a sanction by **the Higher Audiovisual Council an option, the Constitutional Council, in its decision No. 88 248 DC of 17 January 1989, established it, in the audiovisual field, as a constitutional requirement with regard to Article 8 of the Declaration of the Rights of Man and of the Citizen, noting that Article 42 generally defines the breaches of publishers and distributors of services as those resulting from the fact, for these persons, of not having complied "with the formal notice to respect the obligations imposed on them by the legislative and regulatory texts and by the principles defined in Articles 1 and 3 - 1".**

The purpose of this formal notice is to inform the recipient of the nature and scope of the obligations that he has failed to comply with.

The Council of State has also ruled (Société Lebanese Communication Group, 6 January 2006, no. 279596) that, **in order to avoid a prejudgment which would contravene the requirement of impartiality recalled by Article 6-1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the sanction procedure followed before the CSA can only be initiated on the basis of facts subsequent to the formal notice.** The law was brought into line with this conventional requirement by the amendments made to Article 42-1 by Law No. 2013-1028 of 15 November 2013, the first paragraph of which states that "if the person who is the subject of the formal notice does not comply with it, the Higher Audiovisual Council may impose a sanction on him, taking into account the seriousness of the breach, based on facts that are distinct from or covering a period that is distinct from those that were the subject of the formal notice". This procedural structure, which distinguishes Arcom from other regulatory authorities, is explained by the specific nature of the regulated sector and by the guarantees surrounding freedom of expression, which exclude anything that could be considered censorship.

However, by keeping in mind all of these procedural guarantees, it is possible, according to Group 5, to make the procedure followed by Arcom more efficient.

During his hearing by the Bloche law evaluation mission, Olivier Schrameck, former president of the CSA, returned to the Arcom sanction procedure, set out in articles 42-1 et seq. of the law of 30 September 1986, the cumbersomeness and complexity of which do not allow Arcom to be responsive. For example, a penalty of 50,000 euros was imposed on the publisher of the CNews channel in January 2024 due to a sequence from the program Face à l'info, broadcast a year and a half earlier, on 24 September 2022, which presented the results of a "ranking" of the safest international cities as established facts, even though they were devoid of scientific character and based on unofficial data.

¹ CE, November 29, 2022, Diversity TV Company and Monte Carlo RMC Company, no. 452762, 452763; CE, November 22, 2019, RT France Company, no. 422790.

²conseil-état.fr

Without calling into question the essence of the sanction procedure, the balance of which meets the important procedural guarantees mentioned above, working group no. 5 considers that the Ar-com doctrine could evolve in order to eliminate the use of sending "warning letters" or "firm reminder letters to the regulations" sent as a preventive measure¹ but not provided for in the texts, which delay the issuing of sanctions and are likely to give the impression of the Authority's inaction on these sensitive subjects.

With regard to formal notices², currently, the 1986 law provides, in its articles 42 and 42-1, that any sanction is necessarily preceded by a formal notice, which must relate to facts different but of the same nature as those which justify the sanction.

In light of what has just been explained and in particular the constitutional constraints mentioned, it would seem difficult to exempt oneself from any formal notice, for example in the form of an immediate warning not preceded by a formal notice. Once the formal notice has been issued, Group No. 5 considers that its publicity should be more widely reinforced, in particular by broadcasting by the channels and programmes that are the subject of it. On the other hand, it does not seem desirable, contrary to what is notably recommended by the parliamentary report on the assessment of the Bloche law, that a publisher formally notified for a breach of its ethical obligations should be sanctioned in the event of a new breach of ethical obligations, of a different nature, on the basis of the same formal notice, since the formal notice is a fundamental procedural guarantee of respect for the adversarial system, which is the subject of special protection in the audiovisual sector.

Proposition 7 :

Support initiatives to certify journalistic production methods and the way information is developed to improve the quality of information, particularly online.

The JTI (*Journalism Trust Initiative*) is a certification tool for news media that wish to be transparent about their organization and editorial practices, particularly in terms of ethics and professional conduct. It was initiated by RSF and designed as an ISO standard, developed by a panel of 130 international experts (including AFP, Associated Press, BBC, Guardian, journalists' unions, etc.) under the aegis of the European Committee for Standardization (CEN) and published as Workshop Agreement CWA 17493 to reward trusted journalism and compliance with professional standards. **The France Médias Monde group recently obtained certification, receiving a score of 100% on the entire assessment³.**

For the promoters of the approach, it is about encouraging the media to engage in a process of transparency. It is not a standard that infringes on the editorial freedom of a media, but a certification of media whose governance and operating methods guarantee the quality of information, to move from a logic of *name and shame* to a logic of *praise*.

The process is done in two stages:

- **A self-assessment of its compliance with the JTI standard, based on the international standard (CWA 17493), which includes 18 clauses and 130 criteria** (which assess transparency: media owners, management, distribution channels, revenue sources, data collection, etc.; and production methods: editorial charters, correction mechanisms, training of journalists, responsibility for content provided by the general public, internal procedures, etc.). **This self-assessment is free, takes about 2 weeks and a month, and is done via the JTI platform, available to all media. Its validity is two years (with a mandatory update clause for the media in the event of major changes, e.g. change of shareholder).**

¹ See the Arcom doctrine on this subject: arcom.fr

² Article 42: "Publishers and distributors of audiovisual communication services and Satellite network operators may be formally notified to comply with the obligations imposed on them by the legislative and regulatory texts and by the principles defined in Articles 1 and 3-1. The Audiovisual and Digital Communication Regulatory Authority shall make these formal notices public. (...) » Article 42-1: « If the person subject to the formal notice does not comply with it, the Audiovisual and Digital Communication Regulatory Authority may impose one of the following sanctions on them, taking into account the seriousness of the breach, and on condition that it is based on separate facts or covers a period distinct from those already subject to a formal notice »

³ france24.com

• **An external audit, independent assessment by an accredited certification body¹:** following the verification of compliance during the self-assessment, media outlets can obtain official certification by submitting to an audit. The audit verifies that this compliance of practices with the international standard CW 17493 is not only declared but also implemented within the editorial offices: 130 criteria verified by independent certifiers, external audit carried out by accredited certifiers² (Deloitte and Alliance for Audited Media) according to a standardized procedure (audit process program). Certifications are issued to media outlets that comply with the *Journalism Trust Initiative*. **The process lasts from 1 to 3 months. The validity of the certification is two years (with a mandatory update clause for the media outlet in the event of major changes, e.g. change of shareholder³). The cost is between 6,000 and 8,000 euros per media depending on the size of the editorial office and the daily rate of the certifiers.**

It should be noted that in its study on social networks⁴, the Council of State considered *"this form of self-regulation"* as *"promising insofar as it focuses on the internal process of developing the information delivered by the media, that is to say, their internal organization and the guarantees it offers in terms of the seriousness of the information delivered, and not on the content published on a case-by-case basis."*

However, this system has three limitations that are difficult to overcome: a legal risk of excessive infringement of freedom of expression; a high cost for small structures; moderate usefulness for recognized brands, which do not need this certification.

Such certification cannot be imposed.

In law, the mandatory imposition of this mechanism is likely to cause an unjustified infringement of freedom of expression, which is constitutionally guaranteed, since the purpose pursued (right to information, quality of information) does not appear sufficient to compensate for the extremely intrusive nature of the device. The term certification, which group no. 5 uses in this report, could also be revised to avoid any ambiguity about a "certification" or "labelling" of information as such and to refocus this tool on the guarantee provided to the operating methods of a media outlet, and not on the content it produces.

Taking the proposal to European level, apart from its uncertain nature (the DMA, the DSA, the EMFA are behind us, and the revision of the SMA directive is only imperfectly suited to the inclusion of such a mechanism in law), would not make it possible to overcome the constitutional difficulties identified, since freedom of expression is also protected by European Union law.

¹ Deloitte for France Media World.

² All the most recognized certifiers have been contacted to make them aware of the launch of JTI. Any certifier wishing to certify media with the JTI standard must first certify themselves or provide guarantees on the seriousness of their processes and the competence of their teams. The *program document* approved by the certification council convened at the request of JTI provides the conditions for exercising certification, so that the offers of the different players are harmonized. Given the size of the media market (and also its economic weight and general health) compared to other sectors of activity, Deloitte has long operated certification alone in France. Recent developments being very positive, various players present in France have recently indicated their interest. An accreditation system (approval of certifiers) could be set up.

³ RSF's JTI team monitors the validity deadlines of reports and audits and contacts media outlets that need to renew their certifications. With regard to significant changes occurring within the 2-year validity period of the audit (such as a change of shareholders), three mechanisms are in place. First, it is the media outlet that undertakes when signing its transparency report and validating its audit to report any substantial changes and to renew them if necessary. Then, the JTI team in charge of raising awareness among the media and the certifiers themselves know the audited media outlets well enough to be aware of these changes. Finally, the certification board can also receive referrals on serious doubts that may be communicated about a certification.

⁴ Annual study, 2022.

As an opportunity, in view of the lively debates on freedom of expression in the context of the recent decision of the Council of State, **it does not seem desirable to make such certification mandatory, which could give the impression of a first step towards a logic of control or censorship incompatible with freedom of expression**, even if the spirit of the system is not to date to impose any control over the editorial line of a media outlet, or its content. The risk is also to create a costly "gas factory", therefore difficult for small players to respect. For brands, this system is fairly useless, because their reputation already allows them to guarantee the quality of the information they produce. It seems difficult to identify the added value of this certification in view of the weight of reputation and brand image (of newspapers, TV or radio channels), which are in themselves guarantees of quality of information. It honestly seems difficult to consider that a reader of *Les Echos*, *Le Monde*, *Le Figaro* or, once upon a time, *Minute* ... is not aware of the quality of the information he finds there (nor of the editorial line of the newspaper for that matter).

The question of articulation with the CPPAP could finally arise, although the criteria applied by the CPPAP have nothing to do with certification, since no mechanism is intended to prevent a divergence.

In any event, the assessment of the CPPAP cannot be made conditional on obtaining the JTI.

There are also other existing and legally sound levers (ethical lever, reinforced conditionality of press aid¹ to encourage investment in editorial offices) which could be strengthened to encourage the production of quality information.

An optional media membership in this initiative could nevertheless be beneficial on social platforms and networks.

The implementation of a certification could be an **interesting lever to strengthen the quality of information available online, provided that this certification is recognized by Google, Meta and X**, in particular, so that the content of certified media can be pushed into recommendation algorithms and better referenced than non-JTI certified accounts, which would not necessarily be easy to obtain from these players, who are in the habit of charging for better referencing, on the one hand, and who have their own system for identifying verified news content² (less demanding), on the other hand.

The JTI criteria could take into account some of the proposals made regarding ethics and independence

In light of what has been mentioned above, it is clear that the JTI could serve as a vector to promote ethics or media independence, if it took into account, for example, the existence and dynamism of a media's ethics committee, membership in the CJDM, the existence of a code of ethics, the number of journalists holding a press card, the governance of the media (effectiveness of mechanisms intended to guarantee the independence of journalists, for example vis-à-vis the shareholder), the transparency of the media vis-à-vis its users in terms of financing. The possibility of taking into account the legal concept of "journalistic treatment of content", known in the field of press aid, could also be considered.

It goes without saying that all of these criteria could only be transparent and made known to the public.

¹ Contribution of Laurence Franceschini on the strengthening of the requirement for journalistic treatment to access press aid.

² Today, Facebook or Meta have their own identification system with the News Page Index ([facebook.com](https://www.facebook.com/newsindex)). People who wish to be referenced by this index have their application examined according to criteria established in collaboration with editors, academics and industry players (operational website, with a verified domain; concordance of information; journalistic content; editorial team composed of several people).

The terms and conditions

Currently, certification is carried out by an approved independent certification body. It seems desirable that certification be issued independently of the State and the sector. At this stage, **Group No. 5 proposes that such a system remains flexible, optional and independent of the State**, although it could integrate into its assessment compliance with existing legislative or regulatory obligations elsewhere (ethics, independence, etc.), which would be consistent with our other proposals elsewhere.

It does not seem desirable elsewhere that the State or the European authorities commit to forcing social networks to take into account a label resulting from such self-regulation.

Indeed, while this proposal seems simple from a technical point of view, it is nevertheless quite binding from a political point of view and could have dangerous side effects, in that it would require social networks and platforms to prioritize content, not based on advertising revenue, but on a self-regulatory mechanism not subject to state control, which would create a fairly risky precedent for other areas (pharmaceutical products, health, etc.).

III. On the independence of journalists and ethics

Proposition 8 :

Establish specific media governance to guarantee the independence of journalists with a right of veto for the choice of the director of editorial offices above a critical size.

There is a public fear of manipulation of information by shareholders who own the media, whereas journalists claim to be the primary producers of information, which gives them, according to them, a form of property right over the "intangible asset"¹ that is the editorial line of a media outlet. It is reasonable to think that the viability of news media and the quality of journalistic work, and therefore *ultimately* of information, is based on the absence or limitation of "misalignment" between editorial and shareholder logic². A situation of misalignment leading, for example, the shareholder to intervene in the editorial line cannot in fact be a normal mode of management of a news outlet. It should be noted that, although it has been little commented on on this point, the aforementioned decision of the Council of State will also have the effect of requiring Arcom to make an overall assessment of the independence of information. Article 6.2 of the EMFA also includes, in its latest version, obligations relating to guarantees of editorial freedom of the media. To address this concern, the establishment of a right of approval is often mentioned. It could allow editorial offices to approve the arrival of new shareholders, or to choose the name of the editorial director. In recent weeks, the operating model of the newspaper *Le Monde* has often been taken as an example, in that it combines these two mechanisms of shareholder approval and choice of the editorial director.

Relations between journalists and shareholders at the newspaper *Le Monde*³

Le Monde has long belonged to its "internal shareholders", and in particular to its journalists, united within the Society of Editors of *Le Monde* (SRM), created in 1951.

When, in 2010, for financial reasons, the *Le Monde* group had to seek external shareholders and sell the majority of its capital, the personnel companies and the Société des lecteurs du *Monde* (SDL) interviewed the various candidates for the takeover and voted to choose the successful offer. This is how Pierre Bergé, Xavier Niel and Matthieu Pigasse became owners of the *Le Monde* group, within a *holding company* called *Le Monde libre* (LML). The historical shareholders then came together in the independence pole of the *Le Monde* group, which controlled, in 2020, 25.4% of the capital of the Société éditeurs du *Monde*. 72.5% of the capital is held by LML, which includes Xavier Niel, Matthieu Pigasse and the Spanish press group Prisa.

In April 2021, the shares held by Xavier Niel were transferred to an endowment fund (the "Press Independence Fund") and are statutorily non-transferable: they cannot be sold to a new shareholder. Another protection is that the modification of these statutes cannot take place without the approval of the independence pole.

¹ Intangible capital can be defined as the sum of human, relational and intellectual property of a company.

² "Given their nature, the obligations of a service publisher in terms of information independence are among those whose failure to comply may be noted by Ar-com not only with regard to a given programme, but also with regard to all of its operating conditions and the characteristics of its programming. In its request addressed to the CSA, the applicant association referred in particular, on the part of the channel's main shareholder, to interference in the channel's programming contrary to the requirements of independence. It follows from what was said in the previous point that by limiting itself, in order to reject the request addressed to it on this point by the applicant association, to noting that it could only intervene if the materiality of a breach was established during an identified sequence, Arcom made an inaccurate application of the provisions of the law of 30 September 1986."

³ Source: " *Le Monde* ", total and absolute editorial independence, January 27, 2021.
Source: " *Le Monde* ", total and absolute editorial independence, January 27, 2021.

The SRM also has the power to validate, or not, the designation of the newspaper's director proposed every six years by the shareholders, the latter having to collect at least 60% of the votes of the journalists. With the chairman of the board appointed by the shareholders, the director of *Le Monde* forms the board of directors of the *Le Monde group*, which runs the company.

These measures were strengthened in 2017 by obtaining an "independence share" protecting the rights of the independence division (and therefore of the staff), even in the event of dilution of the latter in the group's capital. **If it were to retain only one share of capital, the independence division can: block the arrival of a new shareholder of the Société éditeur du *Monde* beyond 33.34%; prevent a modification of the statutes if this has an impact on its rights; have a right of first offer in the event of a change of control of LML with a period of six months to constitute the offer.**

In 2019, following the surprise arrival of a new shareholder, Daniel Kretinsky, in the legal structure holding Matthieu Pigasse's shares, and after a mobilization of the editorial staff, staff, readers and external personalities, the independence center obtained a "right of approval" applying to all companies directly or indirectly controlling the *Le Monde* group. This new right gives the pole **the ability to block the entry of a new shareholder who does not respect the balance between the editorial staff and the owners of the company.**

The implementation of a shareholder's right of approval is also at the heart of the work carried out by Julia Cagé and Benoît Huet, who recommend it in their book *Information is a public good* - re-establishing media ownership (2021).

Several bills have been tabled in Parliament on this subject, all of which lead to the establishment of a right of approval for the editorial director, or even for new shareholders, for the benefit of journalists and employees, thus seeking to duplicate the model of *Le Monde* for the media: **• A bill relating to the independence of the media (no. 4999, registered on February 8, 2022 in the National Assembly)**

Article 1 establishes new counterparts to the granting by the State of numerous advantages which publishing companies can currently benefit from: press aid, specific postal rates, etc.

With the exception of very small structures (those with fewer than 10 employees), press publishing companies will have to comply with several rules designed to promote the independence of journalists and improve the quality of information. They will have to have a joint governance body, composed of half employees, at least two thirds of whom are journalists. This body will be able to oppose, through a right of approval, the arrival of any new controlling shareholder in the capital.

Then, in order to guarantee the independence of the editorial staff, they will have to have a right of veto over the appointment, proposed by the joint governance body, of the editorial director.

Under the terms of Article 8, in order to obtain an audiovisual frequency, the channels must provide, in the agreements concluded with Arcom: a right of veto for journalists in the appointment of their editorial director; a right of approval allowing the editorial staff to approve the new purchaser, or, failing that, to propose an alternative purchaser; greater transparency on shareholders.

• bill to end concentration in the media and cultural industry (no. 327, registered on October 11, 2022 in the National Assembly)

With regard to the press, this bill aimed to establish a mechanism for mandatory approval by the social and economic committee of any transfer or sale of securities for consideration resulting in a change of control for press companies with more than eleven employees, above certain distribution thresholds defined by decree.

With regard to the audiovisual sector, this proposal aimed to establish a mechanism for mandatory approval by the social and economic committee of any transfer or sale of securities for consideration resulting in a change of control for companies publishing an audiovisual communication service with more than eleven employees, above certain average audience thresholds defined by decree.

• **A bill aimed at protecting the editorial freedom of media seeking aid of the State (no. 1638, registered on September 12, 2023 at the National Assembly)**

This is a cross-party proposal, which aims to generalize a mechanism for approval of the editorial director by the qualified majority of journalists working in the media who request financial aid from the State, or who request the provision of a terrestrial broadcast channel (radio and television). The implementation of this approval mechanism would thus be made mandatory in the form of a condition of press aid (direct and indirect) for companies publishing publications of a political and general information nature, and a condition imposed on the agreement of radio and television channels whose programs include programs of a political and general information nature with Arcom.

• **A bill to strengthen requirements for information and media independence (No. 821, registered on June 30, 2023 in the Senate)**

Article 7 of the proposed law aims to make press aid and the allocation of audiovisual frequencies conditional on the following measure: the shareholder grants journalists a right of veto over the choice of the editorial director. This same article also proposed the implementation of a shareholders' right of approval.

The difficulties with these proposals are of two kinds:

• **on the one hand, of a constitutional nature: the system put in place must respect freedom of enterprise and the right to property;**

• **on the other hand, of an economic nature: it is very difficult to understand ex-ante the economic impact of the proposed reform, particularly on the attractiveness of investments in the media sector and a possible "flight of investors".**

The risk is thus to lead to an undercapitalization of the media sector, while the shareholder, who brings a vision complementary to that of journalists in the management of a media (strategy, marketing, advertising, etc.) is necessarily interested in the editorial line of the media that he owns.

Forcing the shareholder by law in his choices and in his editorial line could *ultimately* prove less effective than the dialogue which already exists in the majority of editorial offices between the journalists' society and the shareholder on the appointment of the editorial director.

Therefore, Group 5 recommends rather than a right of approval the establishment of a right of veto for journalists on the appointment of the editorial director. The objective is also to facilitate the alignment of shareholder and editorial logics but in a slightly different dynamic. This right of veto gives journalists a power of action but by exception;

It also protects the shareholder by refusing him an "illegitimate" appointment.

Concretely, the shareholder should submit to the journalists the name of the editorial director he wishes to appoint. If this name is the subject of a first veto, he could make a new proposal. In the event of a second veto, group no. 5 proposes a crisis exit mechanism in the event of persistent disagreement between the shareholder and the journalists: thus, **if the shareholder were to decide to override the two successive vetoes of the journalists, his "forceful passage" should mark the starting point of the conscience clause (see following proposal).**

This proposal for a right of veto carries a real risk of unconstitutionality, since the mechanism thus envisaged would constitute an unprecedented attack on the freedom of enterprise of the shareholder and owner of the media, with a justification that is rather uncertain from a constitutional point of view, given the absence of an underlying constitutional requirement and the rather questionable nature of the general interest motive that could be put forward. While the vector of conditioning direct aid to the press and the inclusion in the agreements entered into by Arcom with the channels could be such as to reduce this risk (see below), it nonetheless remains real.

In view of the proposed terms, Group No. 5 nevertheless considers that the constitutional risk is sufficiently limited for the proposal to be acceptable and legally feasible.

ȳ The implementation of such a proposal should only apply to media outlets whose size exceeds a critical threshold, so as not to block the activity of the smallest media outlets, which disseminate information of a political and general nature.

Several different thresholds are possible: (i) a simple threshold of employees (in this respect, the proposed laws converge to retain a threshold of ten employees, which group no. 5 considers too low); or of permanent journalists and freelancers (with a possibly quite restrictive effect on the scope of application of such a reform); (ii) the combination of a threshold of employees or journalists and audience (with an effect, again, rather restrictive).

Group No. 5 believes that the threshold to be retained should concern exclusively salaried journalists and permanent freelancers and that it should be between 10 and 50 days in the press company concerned.

This threshold could be set at 24, by reference to the threshold of 24 employees applicable to the social and economic committee of companies.

The question also arises of the inclusion of the public audiovisual service. At this stage, there is no real obstacle to this new right also applying to the public sector, although it could be envisaged that the independence of journalists is guaranteed in a different way, by the independence that constitutes the method of financing the sector as well as by the method of appointing its leaders.

ȳ The scope of application should be limited, as the cross-party bill does, to companies publishing publications of a political and general information nature, and to radio and television channels whose programmes include programmes of a political and general information nature.

ȳ The holders of this right of veto could be either journalists holding a press card, or all employees of the media, or the entire editorial staff, or a governance body composed equally of journalists holding a press card and employees, or the CSE.

At this stage, a rather restrictive mode is proposed: the holders of the right of veto envisaged by group no. 5 will be journalists holding a press card working permanently for the media and permanent freelancers whose seniority within the press organ concerned is more than one year, in order to avoid the effects of "free riders".

of freelancers possibly attached to another media and the risks of circumvention linked to the sudden recruitment of new journalists.

ȳ The majority required to implement this veto should be set at two thirds (66%)

Several of the proposed laws discussed converge towards a qualified majority set at 60% of journalists for the approval of the editorial director, in accordance with the model of *Le Monde*. Group No. 5 proposes a right of veto of two-thirds of journalists to make it impossible to designate the editorial director chosen by the shareholder. **ȳ The establishment of this mechanism would condition direct aid to the press, and would be included**

in the agreement between the channels and Arcom.

Unlike the cross-party bill, group no. 5 proposes to condition only direct aid, in order to limit the risk of constitutional infringement of freedom of enterprise.

Proposition 9 :

Develop the right of opposition, the assignment clause and the conscience clause of journalists.

On the right of opposition of journalists. The law aimed at "strengthening the freedom, independence and pluralism of the media" (Bloche law) of 14 November 2016 generalises to the entire profession the right of opposition of journalists, in force in public broadcasting since 1983. Article 2 bis of the law of 29 July 1981 on freedom of the press now provides that "Any journalist has the right to refuse any pressure, to refuse to disclose his sources and to refuse to sign an article, a programme, part of a programme or a contribution whose form or content has been modified without his knowledge or against his will. He cannot be forced to accept an act contrary to his professional conviction formed in compliance with the code of ethics of his company or publishing company."

Implementation is, however, delicate, both in terms of the characterization of the breach likely to justify the deprivation of public aid, and in terms of the procedure (possibility of referral to the industrial tribunal or the administration). This right of opposition therefore materializes very little, but it nevertheless seems inappropriate to remove it, since it was considered in 2016 as a significant step forward that journalists can take advantage of.

On the conscience clause. Today, the conscience clause is very difficult to apply because in practice neither the starting point nor the duration of application is fixed by the texts.

Under the terms of Article L. 7112-5 of the Labor Code: "If the termination of the employment contract occurs at the initiative of the professional journalist, the provisions of Articles L. 7112-3 and L. 7112-4 are applicable, when this termination is motivated by one of the following circumstances:

• 1° Transfer of the newspaper or periodical;

• 2° Cessation of publication of the newspaper or periodical for any reason whatsoever; • 3°

Significant change in the character or direction of the newspaper or periodical if this change creates, for the employee, a situation likely to harm his honour, his reputation or, in general, his moral interests. In these cases, the employee who terminates the contract is not required to observe the notice period provided for in Article L. 7112-2.

The journalist must justify the termination of his employment contract by one of the three hypotheses of the labor code, which allows him to benefit from severance pay.

When the journalist invokes the conscience clause (3°) on the basis of the significant change in the character or orientation of the newspaper or periodical, if this change creates, for the employee, a situation likely to harm his honour, his reputation or, in general, his moral interests, no notice period is imposed on him. A simple registered letter addressed to the management of the publication is sufficient to invoke the conscience clause, and to provide the journalist who activates it with severance pay.

On the assignment clause. The assignment clause (1° of article L. 7112-5 of the aforementioned labor code) is, like the conscience clause, a provision that allows a journalist to leave a press company on his own initiative, while still receiving severance pay. It is criticized by publishers who consider that it weakens their operation.

ÿ **Develop journalists' right to object**

Consideration could be given to **clarifying the methods of implementing journalists' right to appeal to the industrial tribunal.**

ÿ **Make the conscience clause more operational and frame it more closely over time**

Currently, the activation of the conscience clause presents two difficulties, for journalists, on the one hand, and for press publishers, on the other.

For journalists, in the event of a significant change in the character or direction of the newspaper, the lack of a reference point and starting point for the conscience clause is problematic. Thus, the JDD journalists were unable to rely on their conscience clause before any "significant change" was proven, although the appointment of a new editorial director was confirmed and in fact likely to lead to this change. For press publishers, the difficulty lies in the lack of time frame for the conscience clause, since no deadline is required to implement a conscience clause.

To address this difficulty, two proposals can be made:

ÿ **Frame the activation of the conscience clause in time** (for example, by setting a condition of a reasonable period of six months);

ÿ **Clarify the starting point by better objectifying** the significant change in the character or direction of the newspaper or periodical in the event of a change of editorial director or the takeover of the media by a shareholder. Shareholders could be forced to explain their editorial line, on the model of the purpose of companies, for example in the form of an internal document (charter, etc.), enforceable by journalists, which would make it possible to identify the editorial line and to objectivize a change in this line in a procedure for activating the conscience clause. *At a minimum*, the choice by a shareholder of an editor-in-chief who has been vetoed one or even two times by journalists should automatically trigger the starting point of the conscience clause.

ÿ **Develop the transfer clause to provide a more timely framework**

The assignment clause is the subject of two main criticisms from press publishers: on the one hand, its automatic nature; on the other hand, the absence of a time limitation.

Article L. 7112-5 1° of the French Labor Code does not impose any deadline on journalists to implement this so-called assignment clause as long as the termination is motivated by the assignment. Moreover, the Court of Cassation has repeatedly rejected the argument that the decision should be made within a reasonable time (Cass. soc. 30 November 2004, no. 02-42.437; 16 February 2012, no. 10-18.525). However, the late implementation of the assignment clause can sometimes defeat the journalist's rights if the circumstances allow the absence of a causal link to be noted between the assignment and the termination of the employment contract (Paris Court of Appeal, Division 6 - Chamber 7, June 6, 2019, no. 17/09081; Cass. soc. July 8, 2020, no. 18-21.460).

Some advocate a change in the rules to better protect publishers, such as removing or modifying the journalists' assignment clause to make it a "reverse" conscience clause where the publisher would have to prove that the change in editorial policy will not offend journalists. On this point, it seems necessary to further regulate the assignment clause in time, with a shorter period than the conscience clause since the starting point is more certain. A period of three months could be proposed. Regarding automaticity, it seems necessary to preserve it.

Proposition 10 :

Structure a self-regulatory body that unites the sector's players and involves the public in matters of ethics, shares good practices and provides transparency.

The CDJM was created on December 2, 2019 in the form of an association under the 1901 law, following a discussion initiated by an initial report by Marie Sirinelli¹, followed by a report by Emmanuel Hoog and Sylvie Clément-Cuzin², who were fairly aligned with the need to create a self-regulatory body in the media, drawing inspiration from the various models that exist in Europe. Today, this council, which brings together journalists and publishers, aims to restore trust and advance ethics. It is responsible for press and audiovisual ethics (a sector for which Arcom also has jurisdiction, in particular under the ethical obligations that appear in the agreements it enters into with television and radio channels). Its funding is currently based mainly on subsidies from the DGMIC. It has been seized 741 times in 4 years by the public, which represents 459 journalistic acts. It is a self-regulatory body, since the profession of journalist is not a regulated profession.

It is not currently enjoying the expected success, which explains the persistence of funding through subsidies, due to a form of disinterest on the part of the media, in particular because they already have ethics committees (although in reality they are only slightly functional, see the following proposal) and prefer to examine ethical issues internally, without necessarily seeing the added value that membership of an external "press council" would represent. However, our various hearings allow us to converge on the need to strengthen self-regulation in the sector, either by the CDJM or by a redesigned national self-regulatory body, transmedia and complementary to the systems set up by the Bloche law. In any case, the articulation of this Council with the regulator that is Arcom and with the ethics committees created by the Bloche law must be carefully thought out.

Where appropriate, strengthen the CDJM by increasing incentives for the media to join. The scope of intervention of the CDJM must be as broad as possible.

Given the diversity of media and information media, the CDJM's information scope should be as broad as possible, and include all information producers (journalists, media, influencers, bloggers), as long as they exceed a residual audience (number of subscribers, audience, etc.). Its composition should reflect this diversity.

The terms of referral should be broad and relate to questions of ethics in the strict sense.

The CDJM should be able to be referred to both the public and journalists. The referral could go beyond just publications, and could concern the operating measures of press companies likely to undermine or jeopardize the ethics of the journalists concerned (manipulation of the editorial line by the shareholder, for example). It also seems important to preserve the possibility of a referral by the public, particularly in the area of *fake news*, subject to the articulation between the various competent bodies (Arcom, ethics committees of the Bloche law, CDJM).

The composition of the CDJM could be strengthened by the presence of a college of experts (jurists, lawyers, law professors, magistrates) in order to strengthen the legitimacy of decisions. The ethics committees of the Bloche law should also be represented there.

Strengthen incentives for membership in the CDJM. Since the profession of journalist is not regulated, it seems difficult to directly impose the membership of a media or editorial team in the CDJM. Any proposal in this sense could be examined by the Constitutional Council in the light of freedom of expression, which requires a certain amount of caution.

¹ "Self-regulation of information: How to embody ethics?", submitted to the minister of Culture in February 2014.

² "Trust and Freedom - Towards the creation of a self-regulation and information mediation body", submitted to the Minister of Culture on March 27, 2019.

Several models seem possible:

• A condition of aid to the press with regard to the written press as well as a condition relating to membership in the agreements between Arcom and radio and television channels;

• A mechanism for contractual adhesion of the media to this structure; • **The**

interest of associating the public with the functioning of the CDJM.

Group No. 5 believes that the public should still be able to refer matters to the CDJM so that it can fully play its role in line with citizens' expectations. • Consider

the link with the ethics committees and Arcom.

The CDJM should operate as a network. In order to strengthen the legitimacy of internal media ethics committees, it could be considered, provided that the referral procedures are aligned, to make prior referral to the internal ethics committee mandatory when it exists.

Greater coordination should be considered between Arcom (which can also be contacted by the public on a sequence¹, as is regularly the case) and the CDJM, on subjects of common interest, for example *via* the systematization of an exchange prior to the rendering of decisions on the scope common to Arcom and the CDJM, and a mechanism for referring requests for which Arcom is incompetent to the CDJM.

Proposition 11 :

Guarantee the effectiveness of the Bloche law by reviewing the operation of ethics committees.

The impact assessment mission of Law No. 2016-1524 of November 14, 2016, aimed at strengthening the freedom, independence and pluralism of the media, recently submitted its findings and concluded that these committees are not very dynamic:

	NOMBRE DE RÉUNIONS		NOMBRE DE SAISINES HORS ORGANE DU GROUPE		AVIS SUR LES SAISINES	
	2021	2022	2021	2022	2021	2022
RADIO FRANCE	8	5	81	73	1	6
FRANCE TÉLÉVISIONS	NON RENSEIGNÉ	NON RENSEIGNÉ	11	2	2	2
FRANCE MÉDIAS MONDE	3	2	0	0	0	0
TF1	2	2	0	0	0	0
ALTICE MEDIA	2	2	NON RENSEIGNÉ	1	8	1
M6	NON RENSEIGNÉ	3	1	0	1	0
CANAL PLUS	NON RENSEIGNÉ	NON RENSEIGNÉ	0	2	0	2
EUROPE 1	NON RENSEIGNÉ	NON RENSEIGNÉ	2	0	2	0

• **The establishment of ethics committees could be more constrained in the written press** Group No. 5

proposes to oblige actors who benefit from more than one million euros of press aid to establish functional ethics committees, which could create a knock-on effect for smaller actors.

• **The functioning of ethics committees would benefit from being reviewed fairly extensively**

Several avenues could be followed to strengthen the visibility and dynamism of ethics committees:

- In the audiovisual sector, an annual conference of ethics committee members could be hosted by Arcom to create a network and "referents" logic in ethics and professional conduct. The self-regulatory body - or the CDJM - could co-host this conference. • In the press, a network of ethics committee members could be set up and hosted by the CDJM;
- the principle of publication on the media website of the composition of the committees for- could be enacted in law;
- the creation of a mechanism for referral to these committees that is easily accessible and simple to use. tion could be made mandatory;
- members of ethics committees should be remunerated in order to increase the attractiveness of these functions.

In both cases, the channels for referral need to be clarified in order to guarantee the possibility of referral by the public and by journalists, while preserving the capacity for self-referral. Better coordination should be considered in structures where there are also mediation bodies. On the other hand, group no. 5 is not in favour of a proposal to appoint members of ethics committees in the audiovisual sector on the advice of Arcom, which would go against the logic of accountability of publishers that presides over their creation.

IV. An information space in the process of being recomposed

On this point, it does not seem appropriate for Group No. 5 to adopt strong proposals to reverse the edifice built by the DMA and the DSA, since it has only just come into force and it is still too premature to evaluate its results¹. An evaluation must, however, be considered now and brought to the Commission, in order to measure its effectiveness.

Proposition 12 :

Create a minimum base of obligations applicable to all information media (media influencers, blogs, etc.), attached to the notion of information.

During our hearings, we were able to note a considerable gap between the real or supposed rigour of the obligations imposed on the audiovisual sector (and to a much lesser extent, on the written press), which contrasts with the deregulation of all the other players that we considered to be producers of information, although they cannot be characterised as information media in the strict sense (due to the lack of professional journalists and an editorial team if this is the definition used, or a role of disseminating information in the strict sense if we take a looser approach).

The category of information producers would include professional journalists, of course, but also influencers and bloggers.

The difficulty with this category is undoubtedly its heterogeneity.

On the one hand, journalists are subject to ethical obligations that cannot be sanctioned by the judge. In France, they must respect the charter of professional duties of French journalists and the Munich Charter of 1971. It seems inconceivable to impose stricter obligations on them, at the risk of undermining their status, which is the subject of special legal protection with regard to the status of freedom of expression in French and European law.

On the other hand, the various and varied producers of information that are influencers, media accounts on social networks, media companies and other bloggers are not subject to any particular obligation when they produce information. They are even exempted from responsibility since it is the hosts (platforms and social networks) who are subject to an obligation to fight against *fake news*, to remove or make invisible the content that they produce and that contravenes the law.

However, since the contribution of these information producers to freedom of expression and public debate, while in no way comparable to that of journalists, cannot be ignored, it would seem possible to set them some minimum obligations by law, on the model of those laid down by the law of 9 June 2023 on consumer protection², without disregarding the principle of equality. In view of the recent decision of the CJEU³, these obligations will have to be brought to the European level for actors established outside France, but for those established in France, it is possible to define rules.

¹ On February 17, the DSA began to apply to all online intermediaries.

² See appendix.

³ CJEU, 9 November 2023, Google Ireland, see annex.

The scope of application

The difficulty is to define a predictable scope of application which allows us to effectively grasp the reality of these "information producers" who are not professional journalists.

The law of June 9, 2023 defines influencers as "natural or legal persons who, for a fee, mobilize their notoriety among their audience to communicate to the public, by electronic means, content aimed at promoting, directly or indirectly, goods, services or any cause." (Article 1 of the law).

We could start from a similar definition to define the information producers targeted by our regulation as follows: "natural or legal persons who, free of charge or for a fee, use their notoriety among their audience to communicate to the public, by electronic means, information content of which they are the authors, with the exception of professional journalists within the meaning of Article L.7111-3 of the Labor Code, carry out an activity of media influence."

The exception provided for professional journalists within the meaning of Article L.7111-3 of the French Labour Code would only apply to the extent that they express themselves on social networks and platforms in the exercise of their duties within an editorial office. A professional journalist who produces content in his own name, without the newspaper to which he belongs being considered responsible for his publications, could be subject to this base of common law obligations.

It would be appropriate to set a threshold (number of subscribers, readers, connections, "views"), in order to target only those information producers whose audience justifies their being regulated.

A charter relating to these minimum obligations could initially be put in place under the aegis of Arcom. ARCOM could initially initiate and

supervise a self-regulation process for info-influencers, and for all producers of information content, for example in the form of drafting a collaborative charter ("information producers' charter") endorsed collectively, which could take up, at least in part, the major ethical principles of the profession of journalist.

The ARPP and the Ministry of Economy and Finance have already developed a Good Conduct Guide for Influencers & Content Creators¹. These recommendations focus in particular on the distinction between editorial content and advertising content, the protection of minors, the veracity of the information disseminated² and respect for copyright and intellectual property. This guide could be updated and consolidated by strengthening the details relating to the ethical requirements imposed on information producers in the processing of information. The responsible influence certificate³, also developed by the ARPP, could also be supplemented by an "Information" option in order to take into account the increase in the number of information producers.

Adherence to this charter, the content of which would be intended to evolve over time to strengthen its scope and provisions, and adapt them to changes in the media landscape, would thus send a signal of quality and reliability of the information they convey to those actors defining themselves as "information producers".

¹ economie.gouv.fr

² On the "information" section, we find only the following clarification: "People exercising the activity of commercial influence, in view of their large audience, have a responsibility in protecting the public. It is therefore essential to verify information yourself before publishing or relaying it, especially since online platforms now play a major role in the mechanisms of information and formation of public opinion."

³ arpp.org

The definition of minimum obligations by the legislator

In a second stage, this regulation could be enshrined in law, through the establishment of limited obligations.

These obligations could only be minimal. First, because they would necessarily undermine free expression, and should therefore be proportionate to the general interest objective pursued, which would be, in this case, the quality of information and public debate, the fight against the manipulation of information and foreign interference.

The Constitutional Council thus regularly recalls its traditional case law, at the end of which the exercise of freedom of expression and communication is a condition of democracy and one of the guarantees of respect for other rights and freedoms, and that "this is particularly true, taking into account the current state of the means of communication, of its exercise through online public communication services, in view of the widespread development of these services as well as their importance for participation in democratic life and the expression of ideas and opinions." However, "the legislature is free to enact rules concerning the exercise of the right of free communication and the freedom to speak, write and print. It is also permissible, in this respect, to institute provisions intended to put an end to abuses of the exercise of freedom of expression and communication which undermine public order and the rights of third parties."¹ **However, it would seem difficult to impose on these actors obligations such as pluralism or compliance with specific ethical obligations, without disregarding their property rights and their freedom to undertake.**

The obligations that could be prescribed should therefore essentially concern transparency and the fight against fake news, in order to better hold information producers accountable, although many provisions already exist in this regard. This would make it possible in particular to target accounts that simply relay information without verifying it (for example Médiavénir, Alertes Infos, etc., present on X).

For example, we could consider subjecting them to an obligation to process information honestly, under the control of Arcom, similar to the control it exercises over TV and audio channels, with the possibility of citizens filing a complaint. However, this individual responsibility of information producers should be carefully articulated with the responsibility of the platforms.

¹ Decision No. 2018-773 DC of December 20, 2018, Law relating to the fight against manipulation information

The law applicable to *fake news* disseminated by information producers¹

"Today, these actors are already subject to a certain number of common law provisions. Article 322-14 of the Criminal Code punishes the act of communicating or disclosing false information with the aim of making people believe that destruction, degradation or deterioration dangerous to people will be or has been committed. Article 224-8 of the Criminal Code criminalizes the act by anyone, by communicating false information, of knowingly compromising the safety of an aircraft in flight or a ship. Article 443-2 of the Commercial Code punishes the act of disseminating by any means whatsoever false or slanderous information aimed at altering prices. Article 97 of the Electoral Code punishes the offense of disseminating false news by punishing with one year individuals who have shared false information that has influenced the vote.

In addition, the French legislator wanted to equip itself with specific tools, in addition to those already provided for by the penal code and press law. Law No. 2018-1202 of December 22, 2018 relating to the fight against the manipulation of information known as the fight against "*fake news*", set up a system for reporting false information, as well as transparency and loyalty obligations for platforms. The CSA, which became Arcom on January 1, 2022, was given the task of ensuring that these measures are followed up. To this end, the regulatory authority adopted a recommendation on May 17, 2019, intended for platforms, to encourage them to take concrete measures to combat false information. In addition to these measures, ARCOM can invite platforms to raise awareness among users about the world of social networks, but also to establish a dialogue allowing it to access information relating to the dissemination of *fake news*. In this respect, platforms are asked to appoint a contact person, with whom the authority can establish contact.

Furthermore, in order to address the specific problem of the dissemination of false information during an election period that could then affect the sincerity of the vote, this law imposes transparency obligations on online platform operators during an election period (Article L. 163-1 of the Electoral Code) and establishes an "anti- *fake news* " summary procedure aimed at stopping any dissemination of false information during the three months preceding a national election in the context of elections (Article L. 163-2 of the Electoral Code). The applicants for summary proceedings may be the Public Prosecutor, any candidate, any political party or group or any interested person. The defendants may be the hosts or internet access providers. The decision will be rendered within 48 hours of the referral. By two decisions of 20 December 2018 (No. 2018-773 DC and No. 2018-774 DC), the Constitutional Council ruled that the new interim relief procedure aimed at stopping the dissemination of false information during the three months preceding a national election was compliant. However, it expressed a reservation of interpretation on the concept of false information by ruling, knowing that interim relief may have the effect of stopping the dissemination of certain content, that "the allegations or imputations in question cannot, without disregarding freedom of expression and communication, justify such a measure unless their inaccurate or misleading nature is obvious. The same applies to the risk of altering the sincerity of the vote, which must also be obvious." No application of this text is currently known.

¹ Source: Annual study of the Council of State on social networks, 2022.

Consideration could also be given to strengthening the requirements applicable to transparency on the nature of the content broadcast, whether advertising or informational.

Today, Article 20 of the law of 21 June 2004 on confidence in the digital economy already specifies that: "Any advertising, in whatever form, accessible by an online public communication service, must be clearly identifiable as such. It must make clearly identifiable the natural or legal person on whose behalf it is produced."

This rule could thus be clarified in the case of media and political influencers, in order to emphasize that the distinction between advertising content and information content must be precisely made by these "info-influencers"¹. Moreover, new *pure-player* media should also submit to it: according to a study carried out in 2015 by the marketing agency Contently among American readers, more than 70% of users cannot recognize that " *native advertising*"² type content is advertising and equate it with "real" journalistic content³.

Finally, it could be considered to confer on information producers, when it turns out that they contribute to journalistic treatment of information and that their accounts exceed a certain audience, an *ad hoc publisher status*.

Fifteen years ago, at the closing of the States General of the Written Press, on January 23, 2009, the President of the Republic announced the creation of an online press publisher status based on the criteria defined by the press and Internet working group, chaired by Bruno Patino, in particular the employment of professional journalists and the journalistic nature of the treatment of the information offered to the Internet user. Following this reflection, the law of June 12, 2009 promoting the dissemination and protection of creation on the Internet made it possible to lay the foundations of a specific legal and economic regime for online press services, whether they are sites linked to a printed press title or fully online information sites.

The online press service is defined by Article 1 of the law of 1 August 1986 reforming the legal regime of the press. It must meet several criteria established by Decree No. 2009-1340 of 29 October 2009: "Online press service means any online public communication service published professionally by a natural or legal person who has editorial control over its content, consisting of the production and making available to the public of original content, of general interest, regularly updated, composed of information related to current events and having been the subject of journalistic processing, which does not constitute a promotional tool or an accessory to an industrial or commercial activity."

¹ This is in practice respected by the most serious of them: jai-un-pote-dans-la.com

² Paid advertising whose formats match the appearance of the site on which they are broadcast.
The ads are therefore native since they are very integrated, generating engagement from Internet users in a non-intrusive way.

³ contently.com

For the recognition of an online press service which opens the right to press aid, the publisher must make available to the public: ÿ the legal

identification obligations, by analogy with the legal notices required for the press printed;

ÿ a service published “professionally”;

ÿ content, mainly using written mode, regularly renewed and dated, in order to exclude simple one-off and partial updates;

ÿ “original content, composed of information relating to current events and having been the subject of [...] journalistic processing” (it is specified that “this processing, which may be provided by approved press agencies within the meaning of the order of 2 November 1945, is carried out by an editorial team composed of professional journalists within the meaning of Article L. 7111-3 of the Labour Code”);

ÿ content of “general interest”, this being defined in terms close to those used for the printed press (article D18 of the Postal and Electronic Telecommunications Code);

ÿ content that is not violent or pornographic;

ÿ an online service which does not constitute an “advertising or communication tool” and does not appear as “an accessory to a [...] commercial activity”.

ÿ The publisher must also have editorial control over the content and provide a system allowing to report illegal content in contribution spaces.

The information producers that we are seeking to regulate do not necessarily respect these criteria, and are for the most part not eligible for press aid for this reason: the requirements of content using mainly written mode, of the professional nature of the service, of an editorial staff of professional journalists are in particular obstacles to their qualification as an online press service.

However, the growing influence of these new information producers justifies imposing legal identification obligations on them, for example, in order to limit their anonymity. On the model of 1 of III of Article 6 of the Law of 21 June 2004 on the digital economy, the following should be made available to the public: if they are natural persons, their surnames, first names, address and telephone number and, if they are subject to the formalities of registration in the trade and companies register or the national register of companies as a company in the trades and crafts sector, their registration number; if they are legal entities, their name or business name and their registered office, their telephone number and, if they are companies subject to the formalities of registration in the trade and companies register or the national register of companies as a company in the trades and crafts sector, their registration number, their share capital, the address of their registered office; the name of the publication director (Article 93-2 of Law No. 82-652 of 29 July 1982 specifies that when the online public communication service is provided by a natural person, the publication director is that natural person).

These obligations, which seem proportionate in view of the growing influence of influential actors on social networks, would be likely to facilitate the engagement of the liability of information producers in the event of non-compliance with the law, and thus respond to a strong public policy reason likely to guarantee their constitutionality.

Proposition

The DSA already imposes a certain number of obligations on platforms and their liability is likely to be incurred as content hosts.

In particular, platforms must: ÿ be transparent

about their content moderation policies, their recommendation systems and the advertising they broadcast;

ÿ guarantee user rights *through* reporting and internal processing mechanisms complaints;

ÿ take stronger measures to protect minors online; ÿ for marketplaces, be diligent with sellers who put their products on sale or services on their online platform.

In accordance with Articles 34 and 35 of the DSA, very large platforms and very large search engines will also have to conduct an annual analysis of the systemic risks they generate (on online hate and violence, fundamental rights, civil discourse, electoral processes, public health, etc.), and take the necessary measures to mitigate these risks (compliance with codes of conduct, removal of fake accounts, increased visibility of authoritative sources of information, etc.). This is the DSA's sole entry point for disinformation and respect for fundamental rights.

As this text is still recent, the provisions and advances permitted by the DSA, like those contained more broadly in the DMA, will have to be the subject of an evaluation of their effects in the years to come.

However, in addition, group no. 5 proposes to strengthen the responsibility of platforms and social networks in the event of the dissemination of false information or information manipulated by the accounts of information producers (excluding traditional media or online press services) whose audience exceeds a certain level: which would amount, when certain conditions are met, to recognizing their editorial responsibility with regard to the content they disseminate, while obviously protecting the case of traditional media and online press services.

The Court of Justice has already, albeit in a rather restrictive manner, accepted that a court of a Member State may order a host provider to prevent the reappearance of illegal content in a "specific case": it has thus ruled that EU law does not preclude a host provider such as Facebook from being ordered to delete comments that are identical and, under certain conditions, equivalent to a comment previously declared illegal (CJEU, 3 October 2019, C-18/18 Eva Glawisch-nig-Piesczek/Facebook Ireland Limited).

This proposal should be taken to European level (see following proposal), with the support of other Member States that may be interested, such as Germany.

Proposition 14 :

Take a position at European level in order to provide for an exception to the application of the country of origin principle to the general and regulatory obligations issued by Member States against platforms (see judgment of the CJEU of 9 November 2023).

While citizens are demanding, as the citizen meetings have shown, greater regulation of platforms, the CJEU judgment of 9 November 2023 (Google Ireland) seems to mark a halt in the possibility of implementing these regulations at national level, in that it applies the country of origin principle to prohibit the enactment of general and abstract rules by a Member State concerning a service located in another Member State. At a time when the European Commission is considering the proposals that could be put on

the European political agenda after the elections, **it seems important to propose to the European legislator to amend Directive 2000/31 in order to expressly allow the adoption of general and abstract measures by Member States against platforms without disregarding the freedoms guaranteed by the Treaty.** Such an exception to the country of origin principle was for example provided for by the AVMSD, in a different context.

This development could in particular make it possible to strengthen the obligations imposed on platforms, by reinforcing their editorial responsibility.

In this regard, the preliminary questions referred by the Council of State on 6 March¹ should **give France the opportunity to mobilise before the Court of Justice to assert a less restrictive interpretation of the directive than that of the Court.**

It should be noted that such a proposal, while it could be supported by other Member States, would probably encounter some reluctance from the European Commission and the European Parliament. This is all the more true since Regulation (EU) 2022/2065 on a single market for digital services and amending Directive 2000/31/EC (DSA), which aims to make intermediary service providers, and in particular digital giants, accountable within the internal market, has only just entered into force on 25 August 2023 after two years of intense negotiations for adoption.

Proposition 15 :

Continue the political support of the partnership for information and democracy.

The Partnership for Information and Democracy was launched on 26 September 2019 in New York. Participating States commit to promoting national and international legal frameworks that encourage the exercise of freedom of opinion and expression and access to free, plural and reliable information. They invite companies that structure the global information and communication space to respect the principles of transparency, accountability and neutrality and to ensure the compatibility of their activities with human rights in order to promote reliable information.

In order to implement the principles of the Partnership, a Forum on Information and Democracy was created on 10 November 2019 by *Reporters Without Borders* (RSF) and ten independent civil society organisations. The Forum has published several reports and launched an Observatory on Information and Democracy, tasked with functioning as an “IPCC of information” and producing assessments on the global information space.

Group No. 5 proposes to continue the political support, which could be thought of as a place for public-private cooperation on the model of the Internet Rights Forum².

¹ council-state.fr

² Co-regulatory body set up in 2001 to bring together and organize consultation between businesses, civil society and public stakeholders on regulatory issues related to the Internet.

V. Economic model: towards better capture of advertising resources I,II,III, etc

Findings:

The concentration of the advertising market results in lower advertising revenues in the media sector, as described in the IGF's report Online Advertising: For a Market on a Level Playing Field in 2020: Concentration of the advertising market: 75% of the turnover and 90% of the annual growth of the sector in France are captured by two players, Google and Meta.

Loss of media revenue:

- The contribution of digital to historical media only represents 6% of the revenues of the digital advertising in France, with 16% of total *display* and 36% of non-social *display*.
- In the case of the press, advertising revenues on paper media fell by 71% between 2000 and 2017 (constant euros), without transfers to digital advertising being able to compensate for the loss of corresponding resources.

Publishers, and in particular the media, are placed in a situation of economic dependence on the platforms due to the destabilization of their economic model: they are forced to be referenced on Google Search and on social networks, under penalty of being made invisible; and the increasing automation of online advertising space purchases leads to advertising intermediaries, including Google, capturing a portion of advertising revenue at each link in the value chain: only between 40% and 50% of advertisers' investments are actually received by publishers.

Proposition 16 :

Enforce interoperability of online advertising intermediation services.

“Online advertising intermediation services” means any digital service aimed at facilitating real-time contact between an advertiser, or its agent, and a seller of advertising space on the Internet, or its agent, in order to purchase or sell advertising space on the Internet, or to ensure the monitoring or effectiveness of advertising campaigns on the Internet.

In practice, on *Walled gardens*, such as Facebook, Instagram, Google or YouTube, advertisers can only buy space on proprietary inventories through the platforms' integrated advertising agencies, or through their buying-selling solutions: for example, on Google or YouTube, the act of purchasing must go through AdSense. The platforms reserve the majority of their advertising space offering for advertisers using their own online intermediation services.

Mandating interoperability of services would reduce the competitive advantage that Google derives from the interconnection of all its advertising services and would ultimately facilitate the emergence of other competing services that could offer media outlets services equivalent to those of Google, thereby reducing the media outlets' dependence on Google.

Although very ambitious obligations have been put in place within the framework of the *Digital Markets Act* (DMA), and will allow for better regulation of “*gatekeepers*”, the interoperability obligation is limited to operating systems and virtual assistants, and therefore does not address the challenge of online advertising intermediation services.

Proposal No. 16 aims to extend to online advertising intermediation services the interoperability obligation as established for operating systems in Article 6.1.c) of the DMA, in order to allow access to advertising inventories without the condition of using a specific technological tool.

Online advertising intermediation service providers would thus be required to ensure that their services are interoperable with the services provided by other online advertising intermediation service providers for the same type of functionalities. However, this provision would likely constitute a general and regulatory obligation issued against platforms, and could therefore not be taken by France unilaterally in light of the country of origin principle (see Part 6). This provision should therefore be introduced during the next three-yearly review of the DMA, unless an exception is made to the country of origin principle in the media sector.

This proposal should also be read as complementary to another proposal concerning the possibility of imposing a ban - for access controllers within the meaning of the DMA (therefore META, AMAZON and GOOGLE to date) - on favouring their own advertising services, the scope of which, however, goes beyond the scope of this report.

Proposition 17 :

Redirect advertisers' advertising revenues thus reconstituted towards the media sector through CSR incentives.

A binding provision seems ill-suited. Conversely, a

CSR-type provision, extended to democratic issues, appears more effective, on the model of "climate contracts" which constitute voluntary environmental commitments by companies in terms of advertising.

How the CSR system works:

This system would be aimed at advertisers who would like to use it: ÿ on

the one hand, to be transparent about their advertising channels and the share of advertisements devoted to the media;

ÿ on the other hand, to preserve a share of announcement, in terms to be defined by the legislator, in the media sector.

Scope of the media concerned by this CSR system: this scope should initially be sufficiently broad so that the system can be deployed to benefit numerous media players.

Media that meet the following conditions (non-cumulative or exhaustive) could benefit from this:

- ÿ Have SPEL (Online Press Service) status issued by the CPPAP (Joint Commission) Publications and Press Agencies)
- ÿ Have the status of SMAD (Audiovisual Media Service on Demand) whose obligations are controlled by the CSA (Superior Audiovisual Council)
- ÿ Demonstrate the existence of a process for validating the content distributed by an editorial committee. tion and/or a publication director
- ÿ Demonstrate the existence of a validation process for user-generated content before publication

Once this system is operational, this scope could be revised in order to strengthen the conditionality of the benefit of these resources, for example by reserving the allocation of these revenues to actors respecting other criteria of quality information (for example, percentage of professional journalists within an editorial office, respect for labor law, adoption of a code of ethics, submission to a certification process, etc.).

Proposal

Support press publishers in the negotiation of related rights.

Neighboring rights and information:

Working Group No. 5 agrees to support the principle of strengthening the effectiveness of related rights with regard to the remuneration of information due to its dissemination by digital platforms.

New issues are emerging, such as the remuneration of the use of information by artificial intelligences both for their training and for the production of content: for these uses, and to the extent that it is not a given that related rights constitute the most efficient vector of legal protection of information, working group no. 5 is committed to reaffirming the importance that each use of information is accompanied by remuneration for its production at its fair value.

A recent legal framework:

Directive 2019/790 of 17 April 2019 on copyright and related rights in the digital single market created a related right for publishers and press agencies and introduced a system for negotiating paid licenses for platforms that use their articles, in order to share the revenues generated. France was among the first countries in the European Union to transpose the directive with Law No. 2019-775 of 24 July 2019.

The difficult implementation of this right in practice has led to the clarification of certain frameworks within which negotiations between platforms and publishers and press agencies must be conducted, which the platforms continue to circumvent. In November 2019, several organizations representing press companies (APIG, SEPM and AFP) referred the matter to the Competition Authority because of Google's refusal to continue negotiations. The Authority considered that there was a practice likely to create a dominant position on the search engine market¹, which led it to order Google to enter into negotiations with publishers and press agencies regarding the remuneration due under the law on related rights and to issue interim measures, validated by the Paris Court of Appeal, requiring Google in particular to provide a certain amount of information and data as part of these negotiations, set out in the appendix to this decision.

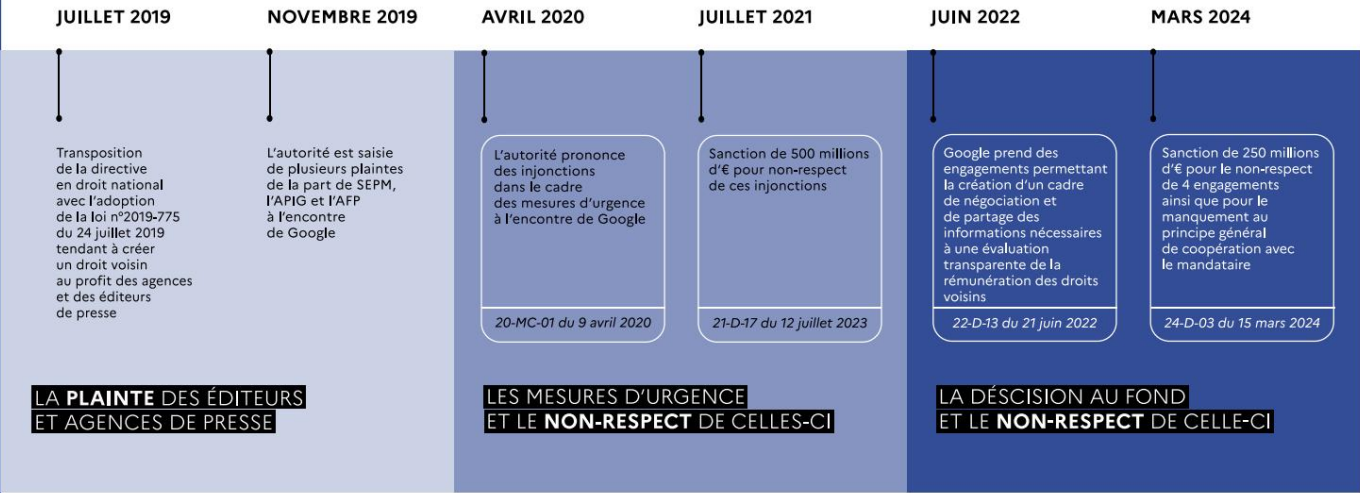
In July 2021, the Competition Authority then imposed a €500 million fine on Google due to its lack of transparency and good faith in the negotiations. At the end of this procedure, which closed on June 21, 2022, Google had notably undertaken to undertake negotiations on the basis of transparent information, under the supervision of an independent trustee whose opinions will prevail, with the possibility of resorting to an arbitration tribunal in the event of a blockage. **In March 2024, however, the Competition Authority fined Google €250 million for failing to comply with certain commitments made mandatory by Decision 22-D-13 of June 21, 2022.**

¹ The Competition Authority noted in particular the imposition of unfair transaction conditions (101 A of the TFEU – threat of delisting), the discriminatory nature of the conditions imposed by Google (price applied indiscriminately to everyone), the difficult to circumvent nature of this referencing, and concluded that "Google is likely to hold a dominant position on the French market for general search services. Indeed, its market share in monthly number of queries is around 90% at the end of 2019. There are, moreover, strong barriers to entry and expansion in this market, linked to the significant investments required to develop search engine technology, and to network and experience effects that make Google's position difficult to contest."

DROITS VOISINS / GOOGLE

AUTORITÉ
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RAPPEL DES PRÉCÉDENTES ÉTAPES



Source: Neighboring rights: the Authority imposes a penalty of 250 million euros against Google for non-compliance with some of its commitments made in June 2022, Competition Authority

The system of related rights of the press is therefore weakened by several elements:

First, while several agreements have been concluded between Google and French press players in this context, including APIG, other platforms are not playing the negotiation game: Microsoft and the social network X have not yet signed an agreement guaranteeing the remuneration of press companies for the use of their production. In August 2023, AFP and several press groups, including *Le Monde* and *Le Figaro*, brought an interim action before the Paris judicial court in order to obtain from X elements allowing them to negotiate the use of their content on the social network.

Furthermore, the amount of neighboring rights actually obtained by press publishers is disputed, both in light of the lack of transparency of GAFAM on their figures.

Finally, the use of press content by artificial intelligence (AI) tools on certain platforms, such as Google, raises questions about the legal regime applicable to protect intellectual property around this content.

Related rights of the press and artificial intelligence tools: the case of the decision of the Competition Authority against Google (March 2024)

"In July 2023, Google launched a new artificial intelligence service in France called "Bard" (called "Gemini" since February 8, 2024), taking the form of a conversational agent capable of providing answers to questions asked by users.

The investigation revealed that Google used content from the domains of press publishers and news agencies at the stage of training the founding model of its artificial intelligence service, grounding (the sending of a query by the artificial intelligence service to Google Search with a view to proposing an answer to the question asked by the user) and displaying the answers to the user without either the publishers and news agencies or the Authority being informed of these uses.

The question of whether the use of press publications in the context of an AI service falls under protection under the regulation of related rights has not been decided at this stage?

The Authority considers, at the very least, that by failing to inform publishers of the use of their content for their Bard software, Google has breached commitment no. 1 [obligation to negotiate in good faith on the basis of transparent, objective and non-discriminatory criteria].

Furthermore, Google has not proposed, at least until September 28, 2023 and the launch of its "Google Extended" tool, a technical solution allowing publishers and press agencies to oppose the use of their content by Bard without affecting the display of this content on other Google services. Indeed, until that date, publishers and press agencies wishing to oppose this use had to insert an instruction opposing any indexing of their content by Google, including on the Search, Discover and Google News services which were specifically the subject of a negotiation under the remuneration of related rights. In the future, the Authority will pay particular attention to the effectiveness of the opt-out mechanisms put in place by Google.

Source: Neighboring rights: the Authority imposes a penalty of 250 million euros against Google for non-compliance with certain of its commitments made in June 2022, Competition Authority.

Directive 2019/790 suspends the monopoly on exploitation of copyright and related rights for data mining by artificial intelligence, unless the copyright holder objects. However, it is not yet clear whether related rights constitute the most appropriate legal regime for the protection of the intellectual property of content used as *input* by generative artificial intelligence software, and the remuneration of this use.

Other rights could be mobilized by press publishers such as literary and artistic property law and database law. With regard to press content that would be produced by generative AI (*output*), the question of their protection by related press rights also arises, while the attribution of an author is the necessary prerequisite for the activation of related rights. This author, identifiable in the case of creations assisted by a generative AI, is no longer identifiable in the case of creations generated autonomously by the AI.

Therefore, with regard to the distribution with AI editing of press content, the system of related rights may not be sufficient. On the other hand, and initially, with regard to the distribution of press content by platforms without AI editing, the effectiveness of related rights of the press can usefully be strengthened: A bill aimed at strengthening the effectiveness

of related rights of the press has been submitted to the Senate, which is based on the following statement of reasons: *"digital companies do not play the negotiation game. Publishers and press agencies are forced to take them to court to try to obtain any discussion. If this judicialization of the procedure may have worked, it remains too long and uncertain to allow the effectiveness of the law. The only company truly sanctioned could only be so because of its dominant position on its market."*

This bill introduces two main changes in particular:

- The proposed law aims to impose on the platforms concerned the mandatory transmission of a certain number of information elements determined by decree, as press companies lack reliable data to negotiate in good faith with these companies.

Group No. 5 considers that the mandatory transmission of certain information imposed on platforms would be likely to strengthen the effectiveness of related rights.

Currently, the last paragraph of Article L. 218-4 of the Intellectual Property Code provides that: "Online public communication services are required to provide press publishers and press agencies with all information relating to the use of press publications by their users as well as all other information necessary for a transparent assessment of the remuneration mentioned in the first paragraph of this article and its distribution."

They propose to supplement this paragraph with the following provisions: "After consulting the publishers, press agencies and online public communication services concerned, a decree shall determine the list of elements that must necessarily be transmitted by the public communication services to the persons mentioned in Article L. 218-1. /The express or tacit refusal of an online public communication service to transmit the elements mentioned in the third paragraph of this article, or the partial transmission of these elements, shall be punishable by a fine not exceeding 2% of its global turnover./ A tacit refusal shall be considered the failure of an online public communication service to deliver these elements within six months of the first request for access to information sent by one of the persons mentioned in Article L. 218-1."

In principle and subject to the legislative improvement of the proposal, group no. 5 considers that such precision is likely to strengthen the position of press publishers in their negotiations with the platforms. The list of information to be transmitted by the online public communication services could be consolidated on the basis of the commitments made by Google before the Competition Authority, for example.

ÿ The text introduces a mediation procedure by the Competition Authority, in the event of failure of negotiations within one year of their request for opening. Press companies could refer the matter to the Competition Authority, which would then seek a compromise solution with all stakeholders, and then, in the event of persistent disagreement, set the terms of remuneration.

Group No. 5 is in favour of creating a mediation procedure in the event of failure to conclude an agreement within one year of the opening of negotiations. On the other hand, the Competition Authority does not appear to be the appropriate institution to do this. Indeed , such a procedure does not correspond to the mandate given to the Authority by the Commercial Code, and it does not seem desirable to extend these prerogatives in this way in a particular sector, although its control of the competitive nature of a practice, and in particular that of platforms, may have led it to control de facto compliance with the related rights of press publishers.

Given the technical nature of the subject, it seems appropriate to use the services of a service provider who is able to carry out this mediation, appointed under the aegis of the Competition Authority and the Ministry of Culture and remunerated by funding in order to ensure the independence of the mediator in relation to both parties. His role would be to ensure that the publisher has received the necessary information, but also to request any data that appears to be missing in the context of the negotiation. In view of the risk of capture that may exist in the event of funding by the parties, one possibility would be to remunerate him from a dedicated fund, which would for example be supplied by the revenue from fines imposed by Arcom.

CITIZEN REPORT OF THE STATES GENERAL INFORMATION

Read the citizen report of the General States of Information



Over four days, 100 citizens drawn at random from among the more than 4,000 participants in the online consultation conducted with the Economic, Social and Environmental Council produced proposals that were sent to the five EGI working groups in order to feed and enrich their work.

**LABORATORY REPORT
OF INNOVATION BETWEEN
COLUMBIA UNIVERSITY
AND PO SCIENCES**

Innovation Laboratory on Artificial Intelligence and Democracy: 5 areas of action

In order to feed into the thinking of the États Généraux, Maria Ressa and Camille François have set up an Innovation Laboratory on subjects related to AI and democracy within the *School of International and Public Affairs* at Columbia University, in partnership with Sciences Po.

This action-research space made it possible to involve journalists, academics and experts in order to make precise diagnoses and find innovative solutions to the growing media crisis, and the accelerating role of AI in this crisis.

This work took place in a tense context on university campuses in France and the United States, highlighting the importance of information in a world in conflict. It opened up discussions about the hopes and fears of younger generations facing our hyperconnected landscape.

Researchers, professors, journalists, civil society and technology figures participated in collaborative *red teaming exercises*. Red *teaming* is a practice of simulating attacks or adversarial scenarios in order to identify the vulnerabilities and weaknesses of a system or organization, with the aim of improving their resilience and security. Several research seminars to understand the immediate threats of new AI systems on contemporary democracies were also organized and helped identify the opportunities offered by these technologies to address them.

Five main areas of action have emerged from the conclusions of this work, which call for urgent action to preserve democratic space in the face of current deployments of new forms of generative AI:

1. Give the media the means to achieve technological sovereignty

The major platforms have long treated the world of information as territories to be conquered, and today, more than ever, they continue to court the media to conclude various partnerships.

This trend accelerates the dependence of media on large platforms for their own digital strategy, which reduces their ability to influence innovation on tomorrow's information, affects their intellectual property and their ability to monetize their services, and can give platforms indirect control over what their media partners produce (for example, through the conditions of use of these tools). There are alternatives to this model, urgent to support, which give information actors the means for their own technological sovereignty. Rappler, an independent Philippine news media launched by Maria Ressa, for example, wanted to launch its own discussion application for its readers outside of Facebook and the social media platforms that have so far been used for this purpose. Several media have also launched generative AI projects using *open source models*, and entirely under their control. In conclusion, it is urgent to better support and finance these initiatives and technological alternatives that give media and information actors the means to innovate technologically while maintaining control and sovereignty in their digital environment.

2. Defend the intellectual property of the media against the excesses of AI

It is also essential to equip the media to defend their intellectual property and copyright against the abuses of generative AI tools. The experience of integrating generative AI into Google search results shows a possible future that deprives media of the internet traffic of their readers, who are offered a watered-down (and sometimes misleading) version of the answers they are looking for, versions based on training data that may have contained the articles from the sites now "summarized" by AI. Recent months have also seen the proliferation of new platforms offering alternative versions of articles written by journalists, without crediting them: the lawsuit launched in the United States by Forbes against Perplexity AI, which presents several Forbes reports as its own and re-formats them into multimedia content using AI, is a good illustration of these abuses.

These legal actions must be supported, regulatory frameworks strengthened, and mechanisms and instruments for collective negotiation between media must be developed in order to protect the intellectual property of journalists in the face of these new abuses.

3. Strengthen platforms' accountability for online hate and disinformation

These new AI technologies also exacerbate existing problems on major platforms and social networks related to online hate and harassment, and the spread of disinformation and information manipulation campaigns. Generative AI tools make the production of this type of content on a large scale faster, easier, and more accessible: “*deep fakes*” are an example of this trend. Distributed online since the early 2010s, these fake photos (or videos) using AI to create believable images are increasingly accessible and used in online harassment campaigns. This is particularly the case for *deep fakes* of a sexual nature, often generated to intimidate and harass female politicians and journalists, and which can now be produced for a very modest sum *via* dedicated applications.

Protecting the democratic and informational space against the excesses of these new AI tools first requires strengthening the obligations of platforms regarding hateful content, particularly targeting journalists, and campaigns explicitly intended to manipulate public debate.

4. Make safety, security and moderation tools available in open source

Most platforms, influenced by Elon Musk who very publicly dismantled Twitter/X's safety and moderation infrastructure after its acquisition, continue to reduce technical and human resources dedicated to moderation and “*Trust and Safety*” teams.

Google, Facebook, and other major platforms have announced a series of layoffs in recent months within these teams, as well as a clear relaxation of some of the rules and tools applicable to issues related to harassment and disinformation. As part of the innovation lab, we have launched an action research project on the provision of reliable and auditable open *source* safety and moderation tools. Indeed, regulatory frameworks strengthening the responsibility of platforms on moderation issues (e.g. DSA) require us to think about better provision of the means for this responsibility if we want new platforms (small and large, commercial and public interest) to be able to continue to build alternative discussion spaces to those of the Silicon Valley giants. Any application or platform hosting user-generated content must be able to set up moderation tools in order to exist (beyond the DSA, it is now a condition of distribution of the Apple and Google App Stores and several technical suppliers). However, these tools require significant financial resources: they are often proprietary, opaque and inaccessible to new entrants. Companies in the field of security and moderation are often bought out by large platforms, and made inaccessible or withdrawn from the market. In short, it is essential to make this technological building block accessible to allow favorable competitive conditions and to support an ecosystem of innovation and research around moderation. This idea is gaining ground among certain technological platforms, which have notably made a commitment to *open source* certain technological building blocks for moderation and the fight against deceptive content during the Munich security conference in 2024: it must be supervised and accelerated so that its potential can be realized.

5. Support open source AI and public interest AI

Open source AI guarantees the pluralism of tomorrow's information society: without it, we risk a world dominated by an AI "monoculture", with models concentrated in a handful of American companies in Silicon Valley. This scenario is not desirable for citizens, nor for the media, which will then be forced to adopt these proprietary models. *Open source* AI offers an alternative by guaranteeing the sovereignty of media that wish to experiment while maintaining control of their data, results and infrastructures. It also allows researchers to continue testing the informational impacts of dominant models using *open source research*, and for everyone to build alternatives reflecting a diversity of perspectives. This is an essential element of the right to "pluralism of algorithms". While emerging French and European texts recognize the importance of *open source* AI and the need to protect these efforts, a fundamental issue remains: no one agrees on what "*open source*" means in the context of generative AI models, a concept initially developed for software. Our work on this topic has brought together several key players in the open source AI community to move towards a common framework and a definition taxonomy. This work proposes to recognize that *open source* is neither a binary property (a model would be open or not), nor a spectrum (models would be more or less open according to a linear and progressive logic). Open source in the context of AI must be understood as a set of dimensions considering the different "layers" of an AI system (notably composed of models, training data, user interfaces) and taking into account the different advantages conferred by an opening of these different components. It is crucial for democratic pluralism that open source and public interest initiatives continue to be supported in AI.

————— RAPPORT PROSPECTIVE —————

THE WORLD OF INFORMATION IN 2050 : POSSIBLE SCENARIOS

————— A report coordinated and piloted by the
National Audiovisual Institute (INA) —————

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Introduction

Humility

What will the world of information look like in 2050? Answering such a question can only start with a declaration of humility: we do not know. And no one could seriously claim otherwise. Everything leads to this humility. First, a retrospective look. As many years separate us from 1998 as from 2050. However, if we had been asked in 1998 what the world of information would look like in 2024, we have to assume that we would have had difficulty imagining what it has actually become. In 1998, the Web was just opening up to the general public. Mark Zuckerberg celebrated his 14th birthday. Certainly, the first blogs and online newspapers, the first news channels announced a changing world. This was without taking into account the upheavals to come: multiplication of television channels, new terminals (smartphones, tablets, voice assistants, etc.), new formats (podcasts, real, vlog, data visualization, etc.), new players in information distribution (search engines, social networks, etc.), new transmitters (influencers, content creators, media, companies, users, etc.). In twenty-six years, the information landscape has been completely reconfigured and uses have been turned upside down.

In order to conduct our prospective work and detect weak signals announcing major developments, between mid-December and mid-March, we interviewed around forty personalities working in the world of media (journalists, managers), prospective studies, research, studies, the army, regulation and science fiction¹. All our interviews naturally began with an overview. Where is information today? Then, we came to what, for each of the people interviewed, had proven decisive in the evolution of the information landscape over the last two or three decades. Finally, we tried to look towards 2050. Almost all of the people interviewed consider that the changes to come will be at least as important as past (r)evolutions. We are still in the cauldron. What can come out of it? Everything, or almost.

Beyond the diversity of analyses and perspectives exchanged during these interviews, three observations surprised us. First, the deep and widely shared concern over the sum of risks weighing on information: indistinguishability of truth and falsehood, manipulation, submersion, fragility of economic models, foreign interference, information wars and even the death of democracy. Then, the crucial importance of education – in the media and information but not only – to prevent these perils. Finally, the difficulty, which we all experience, in projecting ourselves towards such a distant horizon. We touch here on the strictly prospective humility. No scenario, however wild it may seem today, can be categorically dismissed. Fortunately, humility does not mean powerlessness.

¹ The authors would like to thank all the personalities interviewed, the list of which is as follows: available in the appendix, for their availability and the quality of the exchanges.

Ambition

In the absence of being able to describe the world of information in 2050, the ambition of this work, conducted within tight deadlines, is to shed light on its determinants and issues. To our knowledge, there was no prospective work yet devoted specifically to information in 2050. It was therefore necessary to clear the way. To do this, we began by targeting the field of possibilities.

In the current state of prospective thinking, the future of the world seems to lie somewhere between the collapse of thermo-industrial civilization (collapsology scenario) and the replacement of man by machine (transhumanist scenario). Strictly speaking, the future of information is also there. But, clearly, our mission was not to think about information in a collapsed world à la *Mad Max* or in a world of Terminator robots. We considered that our mandate was limited to considering the futures of information in a world not radically different from ours. No doubt a world different from the one we know, but still retaining a link with it. Which excludes these most extreme scenarios. Did such a reduction imply a drying up of prospective material? No, because even in this restricted space, the range of possibilities remains immense.

Challenges

To establish this, we need to define information. Information responds to a human need, that of knowledge. It is a means of understanding the world around us, of learning beyond our direct and personal experience. Crucial in our democratic societies, it allows individuals to make informed decisions, to keep up to date with current events, to form an opinion and to participate in the debate. Its veracity is constitutive of the quality of our living together.

The recent Arcom study (March 2024) devoted to the French people's relationship with information notes that *"information allows us to maintain a link to reality (understand the world, educate ourselves, etc.) and, to a lesser extent, a social link through a shared knowledge of current events (discuss and debate them, learn other opinions, etc.)"*.

However, the nature of information is infinitely diverse. It can concern the announcement, the narration, the commentary of facts – including unfinished or live –, with complex origins and uncertain consequences. It also transmits information whose source is identified and whose meaning is unambiguous, responding to specific needs. This information therefore refers to facts, data or knowledge that are communicated or shared with other people. Information can also take different forms, such as news, reports, articles, videos, images, etc., thus responding to several functions: to educate, inform, persuade, entertain or influence audiences.

Journalism, Bill Kovach and Tom Rosenstiel tell us in *The Elements of Journalism* (4th edition 2021), is nothing more than the system that societies have set up to provide this information. Journalists must provide independent, reliable, accurate and complete information to citizens.

The challenge is to provide them with the information they need to be free and independent.

The gatekeeper function of information, previously assigned to the media since the emergence of mass media, is being undermined. Digital technology and the smartphones in our pockets have made us all potential producers of information, new sources, new vectors for its dissemination. Here is the information diluted in an ocean of content of diverse nature.

Information is, finally, considered a public good – in the sense that economists call it. It meets the principles of “non-rivalry” (the consumption of a good by one individual does not prevent the consumption of the same good by other individuals) and “non-exclusion” (one cannot exclude from the consumption of a good a person who has not participated in its financing). Because the market fails to produce public goods, the State supports in different forms the production, diffusion or distribution of media companies. In addition, the media are of general interest.

In the background, this definition allows us to determine the conditions that must be met for information, as we conceive it in the West, to exist. First, it is obvious that facts must be selected, verified and presented. That is to say, someone who produces the information, who is accountable for its reliability or good faith. Then, this production must be, at least theoretically, accessible to all. Information is structurally torn between objectivity (the facts) and subjectivity (their selection and presentation). A contradiction that can only be overcome through independence, ethics, the pluralism of information producers and their responsibility.

Transformations

By 2050, we have analyzed that our societies will be exposed to five decisive shocks. These will affect the entire information ecosystem. First, a technological shock. Can generative AI alone challenge the entire information ecosystem? Second, an economic shock. How will information be financed tomorrow? Who will be its producers? Third, a political shock. How will information evolve in changing political and geopolitical contexts? Fourth, a societal shock. How will demographic change, education level or trust weigh in the configuration of the information landscape? Finally, an ecological shock. What will information look like in an era of very rapid global warming?

advanced and a scarcity of natural resources?

Method

As a discipline, foresight relies on a series of approaches and tools. As part of the États Généraux de l'Information, in order to build hypotheses about the world of information in 2050, we opted for the creation of an impact matrix. This projects the effects of the five major transformations (technological, economic, political, societal and ecological) on the information ecosystem taken in these five dimensions.

These interactions give rise to hypotheses, sometimes ambivalent, as to their possible effects.

Let's take an example to illustrate the approach. We identified, through interviews and our monitoring system, a transformation variable in the technological field: the development of cognitive sciences. We then sought to evaluate its potential impact on the information ecosystem. This allowed, still as an example, to build a hypothesis: tomorrow, economic actors will be able to offer information *via* a neural implant. This raises a certain number of questions, including: How would this then transform information consumption?

Would this open the door to "sensory" information? To a risk of *hacking* perceptions and emotions? The answers to these questions contribute to the development of scenarios. Is this hypothesis realistic? Not immediately, not in the near future, as the obstacles are numerous.

Will it ever be? We don't know. Can we rule it out? No. Is it desirable?

It is not for us to say. Should the public authorities take up the issue? Certainly.

The addition and articulation of these hypotheses makes it possible to generate scenarios. In this report, we have decided to propose three of them:

- a very optimistic, or "bright" scenario, which promises a golden age of information;

- a very pessimistic, or "dark" scenario, which envisages the death of information;

- a median scenario, or "chiaroscuro", in which the information is fragmented.

We know full well that there is every chance that none of them will come to fruition as they are.

The future will be found in the interstices and other combinatorial surprises. These scenarios serve us above all, by forcing the line, to alert about critical risks, to draw attention to opportunities and to identify possible levers of action. We assume, in their construction, a creative use of the matrix.

Scenarios

“Clear” scenario

The information miracle

In 2050, information is living a golden age. Citizens have taken their informational destiny into their own hands.

In 2050, information is experiencing a golden age. The world has become peaceful. The tipping point came from China: the Chinese Communist Party was never able to celebrate the hundredth anniversary of the 1949 revolution. The regime disintegrated, unable, after the death of Xi Jinping, to overcome the combined challenges of slowing economic growth and demographic decline. The regimes previously in Beijing's orbit then collapsed. In 2050, democracy has conquered almost the entire globe.

Of course, cybercrime has continued to grow in power, including in the information field.

But the United Nations has equipped itself with the instruments of intervention and cooperation necessary to contain the threat. And, above all, international appeasement has considerably attenuated the information war.

On the domestic front, citizens took their informational destiny into their own hands, after going through a major crisis in 2032. At the time, significant manipulation of information of internal origin, skillfully exploited by foreign powers, had led to an unprecedented suspension of the electoral process by the Constitutional Council. From then on, both public authorities and citizens became aware of the vulnerability of democracies and the importance of having independent and verified information.

Most citizens have thus reestablished a relationship of trust with the media. They participate in financing the production of information – paying to be informed is now considered a civic responsibility – and intervene in its production. Journalists, content creators and other information producers can indeed rely on a base of commitment from citizens who mobilize in the construction of the public debate, as whistleblowers or by conducting investigations in networks.

A real leveling up has taken place, described by all as an "information miracle".

A new stability

Professional media has benefited from significant technological advances. Generative AI has significantly boosted the productivity of media and all information producers.

Most technical journalistic tasks (writing, image production, editing) have been largely automated by AI, under human control. Journalists therefore focus on analysis, investigation, editorial choices, exploration of new themes, new formats, new services, and media education.

This costly technological investment is not offset by advertising revenues, which have experienced an inexorable decline. Unlike the model of Émile de Girardin, so well described by Balzac in *Lost Illusions*, the media can no longer rely on advertising to cover their production costs and make a profit. Users have in fact developed an aversion to advertising due to the negative ecological impacts of excessive consumption and a greater sensitivity to the capture and exploitation of personal data.

Information producers therefore rely on the remuneration paid by major tech players in the form of royalties and related rights, as well as on direct financing by consumers. In fact, in 2050, a large proportion of citizens contribute to the financing of information.

They are helped by the diversification of financial contribution formulas offered by information producers: donations, payment for content, cross-subscription to a range of digital services, personalized pricing over the course of life.

Public authorities continue to supervise the information ecosystem to guarantee the production of independent, quality and plural information. A major consequence is that information has ceased to be a matter of capitalistic predation for economic powers. It is not very profitable, but sufficiently so that it does not require investors. The independence of the media is no longer threatened and many more or less ephemeral, more or less thematic information channels are flourishing in perpetuity.

manence.

RISE is the new RSE

For their part, the public authorities have pursued an active policy of regulation. On the one hand, by establishing digital sovereignty measures consisting of deploying powerful safeguards at European and national level and disciplining powerful tech firms. First, in the wake of the first European AI Act, the major digital players (platforms, recommendation services, social networks, generative AI solutions) have been geographically partitioned. Each social network therefore has a European version, interoperable with the original version.

Second, their algorithms are audited and constantly controlled by AIs whose mission is to make them comply with specific specifications. These audit AIs are real algorithm commissioners. They exercise control while protecting the secrecy of private interests, in this case the secrecy of the audited algorithms. At the forefront of the obligations imposed on social media algorithms is that of promoting content whose producers have been previously labeled and certified by a trusted third party. One of the criteria taken into account is the fact of sourcing the information. Producers thus use, for example, blockchain to guarantee the authenticity of their public sources.

This transparency has helped to rebuild trust with a large part of the public.

Unlike the functioning of the first social networks, the "right to amplification" (right to mass dissemination) is no longer a function of the emotional - and therefore outrageous, demagogic - nature of the information delivered, but of its relevance.

The public authorities have, on the other hand, engaged in an active policy of education in media, information and digital citizenship. It is no longer reserved for schoolchildren alone, because it continues throughout working life. It has become a criterion in its own right of corporate information and social responsibility (RISE).

As part of the construction of a powerful Europe, the need for which was demonstrated by the war in Ukraine, education has become a shared competence between the European Union and the Member States. The *"One Europe, One Education"* programme, the backbone of European education policy, has consisted of dividing school time into two parts, the balance of which varies according to age groups. Part of the learning is thus reserved for national pedagogies and programmes, without screens and in the language of the country. The second part consists of European teaching in English (which has become a neutral language within the EU), entirely focused on mastering the digital world.

Ecology, Trojan horse

Information has finally benefited from an unexpected ally... The environmental crisis! The massive effects of global warming, eco-anxiety and the sense of urgency to act have fueled a strong civic investment in the face of this universal danger. All the more so since ecological transition policies have been adopted *via* increasingly participatory governance instruments. Ecology has been the Trojan horse of direct democracy. To the point that the latter has become, in 2050, the dominant decision-making mode in the environmental field at the local and national levels. Finally, decarbonization could only be carried out thanks to massive policies of support for the economy and redistributive policies for the benefit of the least favored territories and populations. *Ultimately*, the ecological transition, like digital education, has strengthened the social bond. It has played its role as a green "New Deal" well.

Collective civic investment, direct democracy and social justice, all political and social inflections which have contributed to revitalizing the media field.

As a result, information is, in 2050, like the air we breathe. It is everywhere. Even more accessible than it was thirty years ago. Access to and consumption of local, even micro-local, information (information from the neighborhood, the street, the block) is more important than in the past. The same goes for information from around the world thanks to simultaneous translation AI. This access to information can take place in real time *via* the dematerialization of connection devices.

No need for a screen. Simple glasses or headphones connect us to our personal assistant, a digital clone that selects the information to present to us, if necessary adapting the language register or the level of detail to its user, in a progression path.

But the role of the personal assistant is broader and more essential. It is not only there to serve its user. It also has the mission of limiting as much as possible its confinement in information bubbles. It fulfills an educational role of restricting confirmation bias. It is a tool for strengthening social ties. Its algorithm obeys specifications like those of other major digital service providers. Finally, the personal assistant is also designed to protect the population: from information fatigue (by identifying the most suitable times and formats for getting information), from disinformation, from scams, from cyberbullying.

It's a firewall.

THE RIGHT TO AMPLIFICATION

The power of social networks comes from their ability to act as a sounding board. They give certain content visibility, and therefore a force of influence, that is disproportionate. We can talk about a real power of amplification. Symmetrically, they condemn other messages to confidentiality.

However, today, the algorithms of the most popular digital platforms prioritize the visibility of content based on opaque criteria and oriented towards a single objective: to capture the user's attention for as long as possible. The result is a heavy trend towards the amplification of the most demagogic, extreme posts or those likely to arouse indignation. Which stirs up all kinds of hatred and allows all kinds of manipulation.

Developing a “right to amplification,” as suggested by Lê Nguyễn Hoàng and Jean-Lou Fourquet in *La Dictature des algorithmes*, would remedy this profound evil. Considering that the power of amplification cannot be conferred on any content, this right would reverse the current logic: no content would a priori have the right to amplification. Only content validated for its factual solidity or its capacity to calm social tensions could be, as is already the case on platforms such as Pol.is or Tournesol. The emergence of this right to amplification implies the control of platform algorithms by “algorithm commissioners” – themselves algorithmic in nature – in the same way that auditors validate companies' accounts without infringing their trade secrets.

“Dark” scenario

Liquefied information

In 2050, there is information chaos. Citizens have disconnected from information, which has become too volatile.

RIP l'info

In 2050, information is dead three times.

The conditions for information independence were the first to be swept away. By the end of the 2020s, large digital companies had definitively captured the advertising market. The drying up of advertising revenues led all those who depended on it, even partially, to bankruptcy. Several formerly essential information players have become a target of choice for those who deprived them of this source of income. Some have been integrated, in a logic of horizontal concentration, into these large digital firms that now control the entire value chain, from raw materials to terminals and infrastructure. The others are reduced to the role of subcontractors, suppliers of so-called "clean" data. Once endowed with direct commercial value (through advertising, single-issue sales or subscriptions), information now has only indirect value for these large digital players. First and foremost, information summarized to its strictest expression, its strictest use value: data – and again: data less qualified than that collected directly by these tech companies from the public, by sucking up their data (emotional, health, communication, work, consumption, etc.) from the cradle to the grave. Information independent of economic interests therefore no longer exists.

Then verification became impossible. The disintermediation initiated by social networks at the beginning of the 21st century, coupled with progress in generative artificial intelligence, gave rise to an unprecedented industry of falsehood. Talking about "facts", "true" as opposed to "false", has, since the beginning of the 2030s, become impossible. Beyond attempts at geopolitical manipulation, beyond its exploitation by internal political actors, it was ultimately the public themselves who gave the final blow to the notion of verification, by disconnecting from information. They simply ended up turning away from it completely, helpless in the face of the increasingly high cost of verification that fell to them at the end of the chain. Caught between the deluge of information and the indistinctness of content, citizens made a radical choice: avoidance.

Logical consequence: the ability of journalists to take on the slightest responsibility for information has fallen by itself. What sense can be given to any commitment on the part of journalists when no one is able to distinguish truth from falsehood? How can we imagine the possibility for a journalist to commit to producing information that is as true as possible? To correct an error or false information that he may have relayed? This concept of correction and transparency with regard to audiences has disappeared at the moment when information has become devoid of value in itself.

And no salvation to be found on the side of public service media! Under the effect of a double increasing pressure, both budgetary and political, they were dismantled. Unable to mark their singularity and their usefulness, they were purely and simply ceded at the very beginning of the 2040s, after ten years of concession, like motorways.

Overwhelmed by technological progress, forced into economic impotence, the State has decided to delegate the regulation of the information space to the tech oligopoly. Without managing to impose anything other than a *minimum obligation of means*.

Volatility

Informational instability has become total. In its June 2030 report, the *Reuters Institute* coined a new key concept: *liquefied information*. Understand: information whose conditions of production, consumption or financing change, even before the slightest procedures or habits are adopted.

Proof of the relevance of the *Reuters Institute* 's 2030 vintage observation? A simple glance at the landscape of media innovations in the year 2031:

- First, in the United Kingdom, there is the birth of *ContextAI*, which develops algorithms capable of rewriting information contextually in real time. These algorithms analyze social, political and economic environments and modify articles, reports and all content, even those posted ephemerally on social networks, according to these contexts. Result: information changes continuously, to adapt to new data and new contexts, preventing any form of stabilization. This perpetual rewriting makes facts elusive and analyses impossible, users are constantly exposed to different and changing versions of reality.
- In Lyon, in the premises of Station R, the latest offshoot of the Parisian Station F, in France, it is *VolatiChain*, which offers a blockchain solution in which content and information are recorded in a decentralized manner, but with programmed volatility. The data recorded on this blockchain changes automatically after a given time, or in response to specific events and prevents the information from being fixed: the data and transactions recorded are designed to constantly evolve. The use of this technology for the distribution of information creates an environment where facts and data are in perpetual flux, making any form of consolidation or stability impossible.
- In Frankfurt, just a stone's throw from the stock exchange, the sensation of the year 2031 is *InfoTrade*, a high-frequency information trading platform. It functions like a stock exchange where news and data can be bought, sold and exchanged instantly. The prices of information fluctuate according to demand and current events, making information highly volatile and ephemeral. Journalists, but more generally all content producers, become information *traders*, modifying and adapting their production to maximize short-term profits. Information consumers are constantly exposed to rapidly changing data, with no possibility of stabilizing or consolidating reliable knowledge.
- Finally, in Los Angeles, since January 2031, all the creatives on the West Coast have been talking about *StoryFlow*: dynamic storytelling algorithms capable of rewriting stories and articles in real time, based on user feedback, but also on new trends and information. These dynamic narratives are constantly changing, adapting to the emotions and reactions of readers, making each version of a story unique and ephemeral. Users can never read the same version of an article or news story, because the content is constantly evolving. This narrative instability prevents any form of stabilization or memorization of information, reinforcing the idea of liquefied and elusive information.

Techno-informational classes

Result? Twenty years later, in 2050, information pits techno-informational classes against each other.

With, on the one hand, a total integration of production in tech companies, where liquefied and worthless information reigns. The big tech players offer their users a minimum level of information, in the middle of content and services (banking, insurance, e-commerce, etc.) of all kinds which are themselves hyper-personalized. All this, in a closed universe, limiting interoperability .

On the other hand, a few rare independent media outlets remain and produce more traditional information . But they have obviously lost any generalist aim, and any universalist character. They are financed by an elite, capable of paying, dearly, for information. More than truly interested in information, it uses it primarily for professional purposes, even for social distinction. In the vast majority of cases, this niche information, produced by consortia of hyper-specialized international journalists, is designed for hyper-targeted communities – when it is not produced directly from a demand! – slipping from the niche economy to that of luxury and tailor-made.

The key interface for accessing information? Our personal assistant, who accompanies us in all aspects of our lives. There is of course a whole range of them. From the most basic to the most sophisticated. Logical consequence? Personal assistants have become a reflection of the social hierarchy within society and AI, present in all spheres of life, has made this picture more rigid. If, under the Ancien Régime, we could identify an individual's order or corporation thanks to their clothes, in 2050, it is from the type of personal assistant an individual has that we will infer their social position: "Tell me who your personal assistant is , I will tell you who you are!"

The big tech players want to go even further. They have thus started to market neural implants, which promise to recover or even increase our attention spans, our cognitive capacities... So many arguments that carry weight, particularly with a population that has become largely elderly. They also open the way to a new dimension of information: sensory information. This becomes an entertaining or frightening experience – a new type of *infotainment*, with high addictive value. Initially accessible to the wealthiest, these implants naturalize social inequalities , by dividing the world between those who can afford them and the others. This increases tensions within society. Neo-Luddite movements are emerging and attacking various sensitive infrastructures and other implant insertion centers. Recently, some equipment manufacturers have been offering low-cost implants , of inferior quality, whose objective is to capture as much personal data as possible for commercial purposes. Mostly manufactured abroad, these chips also offer an unprecedented lever for destabilization (disruption of reasoning, distorted perceptions, cognitive fog, etc.).

AUTOPLAY OR THE BIRTH OF LIQUEFIED INFORMATION

After much debate, academics in the 2030s have managed to pinpoint the precise innovation that brought information into this new era of liquefaction. To the day. And everyone, at the time, missed it. It was September 12, 2013, when the then dominant social network on the planet, Facebook, announced for the first time that it would allow its users to consume videos using the *autoplay* feature – meaning: videos that started by themselves, with no other action required from the user than a simple scroll on their smartphone, and almost exclusively viewed without sound. Harmless? At first, clearly. This change, made in a product team at a tech giant, was intended to meet the expectations of advertisers.

But by changing the conditions of information dissemination on one of its main distribution channels, this butterfly wing beat was going to cause unprecedented consequences on the information itself! Because, with *autoplay*, a new grammar of the image was born: producing information in video form to be read without sound and understood through text. The need for the beginnings of ultra-*catchy* videos whose only objective was to exceed three seconds of viewing, the key metric to trigger the counting of a video as a "view", had to follow - no more question of nuance in these conditions. And with autoplay, it was finally new media that, more adept than others at understanding this revolution in progress, prospered. In short, on September 12, 2013, what no one had really understood was that an entire information ecosystem, which proved to be flourishing until the mid-2020s, was born. A real textbook case of liquefied information...

“Chiaroscuro” scenario

The information exploded

In 2050, information is fragmented. Citizens are partially disconnected from common information.

The bubble has burst. Technology, particularly generative AI, has not kept all its promises. It has not managed to take a decisive step: producing truth. Answer engines are thus confined to specific areas and have not supplanted search engines. In the same way, productivity gains in information production, while not anecdotal, have not compensated for the decline in advertising revenue or the colossal investments required by this illusory promise.

This failure, which has blunted the technological *hype* in the information sector, has facilitated, in Europe, the adoption of a measure that would have been unthinkable twenty or thirty years ago: the limitation of the number of terminals per household, motivated by the imperative of drastically reducing greenhouse gas emissions and public health concerns. At the same time, distrust of progress in cognitive science and the experimentation abroad of brain implants has led to the establishment of neuro-rights.

Herd immunity

AI, on the other hand, has indeed generated a saturation of the information field through an infinite growth in the number of available contents, the nature of which remains indiscernible. The population has learned to live with it. For the most part, by developing a sort of collective immunity to information manipulation. It manifests itself in skepticism in the face of the mass of information not confirmed by the media or whose source is unknown, and in caution regarding sharing or impulsive reactions on social networks. The others, a minority, have definitively disconnected from a direct relationship with information.

The major mass media capable of addressing the entire population have disappeared. They have suffered from the competition of a myriad of players (amateurs, influencers, niche media, entertainment producers, etc.) in capturing the public's attention, from the near-disappearance of advertising revenue, from the dissatisfaction or even distrust of a part of the population regarding information (quality, angles, themes, etc.) and its producers, and from the drastic reduction in public aid.

Several have merged after a phase of network collaboration. These few brands, whether they are backed by an industrial group with multiple activities, owned by foundations, or independent, manage to maintain general information, aimed at a solvent audience, therefore necessarily smaller than in previous decades. Automation has prevented journalists from overheating in the exercise of their functions, thus allowing them to concentrate on investigation and analysis. In this context, public media strive to remain a pole of stability and accessible to the greatest number but are, like the others, confronted with contradictory social dynamics (centripetal and centrifugal).

The segmentation of the information landscape also stems from a social demand not for "tailor-made" information, as some imagined or dreamed of in the past, but for "comfortable information" that does not disrupt the well-being or value system of citizens. In other words, it reflects a concern or even a requirement not to be confronted with disturbing, trashy, distressing information (global warming, political and geopolitical instability, etc.) or offensive/contrary to personal convictions. While younger people aspire more to information that is reliable, independent, common and unrelated to any cause other than that of knowing and understanding what is happening around them in order to find their way in the world, the aspiration for "comfortable" information, in line with their values or interests, is particularly strong among 40-60 year-olds. It feeds an increased supply of affinity and service media capable of covering previously neglected niches for which there was unsatisfied demand. These media can benefit from financial support from major economic players in a given sector of activity whose interests or commitments coincide with their approach.

A minimum information guarantee

The effects of this movement are ambivalent: in some cases, it nourishes civic sense, particularly at the local level, while in other cases it fuels a temptation to withdraw and tensions between groups driven by different or even incompatible values.

Faced with this phenomenon, large companies are taking out subscriptions for their employees with a few major media outlets. This decision was imposed on them not for altruistic reasons, but by economic calculation. Guaranteeing a minimum level of common information appears essential for collaboration between employees, for understanding the environment and the market of companies, and therefore for their activity.

There remains a section of the population which, due to disinterest, financial constraints or because they are not employed by large companies, no longer benefits from direct access to information as could exist in the past thanks to media financed by advertising. For this large number of people, information is therefore indirect and essentially conversational.

The fragmentation of the information field, leading to the weakening of the "social synchronization" function previously assigned to the media, and the fragmentation of the public space are destabilizing democratic functioning. It is becoming increasingly difficult, not to agree on the responses to be provided to this or that collective issue, but simply to agree on the issues to be addressed. Governing involves managing to form a coalition on each decision. The risk of institutional blockage is high. This new context is also changing the forms of foreign interference. It is more difficult for them to *hack* the national media agenda, which is now less centralized. On the other hand, the development of affinity information producers offers them a lever of influence with certain segments of the population (diasporas or others) that they seek, by contributing to their financing, to steer towards a logic of subversion or separation .

NEURODRIGHTS

Neurorights, according to researcher Marcello Lenca, author in 2021 of a report on the issue for the Bioethics Committee of the Council of Europe, *refer to "the ethical, legal, social or natural principles of freedom or law in what concerns the cerebral and mental domain of a person. These are therefore the fundamental normative rules governing the protection and preservation of the human brain and mind."*

Recent advances in neuroscience are at the origin of these reflections, in particular the development of technologies for decoding and modulating brain activity. Researchers have thus succeeded in implanting false spatial memories in a mouse. Others, in provoking, still in mice, hallucinations that led them to behave as if they were seeing something that... does not exist. *"We can finally manipulate a mouse as if it were a puppet. What we can do today with the mouse will be possible tomorrow in humans,"* warned Professor Rafael Yuste (Columbia) in 2022 at UNESCO, who predicted : *"The iPhone of the future, instead of being in your pocket, will be worn on your head, or perhaps will be a chip implanted in your*

brain."

The stakes? Nothing less than guaranteeing a right to mental privacy, mental integrity or cognitive freedom. Chile is the first country to have legislated on neurorights, in 2021. More recently, Colorado enacted a law this year aimed at preserving the confidentiality of neural data.

Matrix

It's your turn to imagine what the expansion of AI, global warming, the end of advertising, the aging of the population or even the evolution of regulation are likely to have as an effect, by 2050, on the world of information. Everyone is therefore free to re-appropriate this matrix of impacts to formulate their vision of the future of information.

BIG	IMPACTS				TECHNOLOGICAL TRANSFORMATIONS
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	SOCIETAL		ECOLOGICAL		
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BIG	TRANSFORMATIONS			
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TECHNOLOGICAL		ECOLOGICAL		

BIG TRANSFORMATIONS	IMPACTS				ECOLOGICAL
	TECHNOLOGICAL		POLICY		
	ECONOMIC		SOCIETAL		
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BIG	TRANSFORMATIONS	ECONOMIC	TECHNOLOGICAL	<p> Hierarchy information Multiplications Independent . </p> <p> Globalisation consumer . </p>
			IMPACTS	
			ECONOMIC	
			POLICY	
			SOCIETAL	
			ECOLOGICAL	

BIG TRANSFORMATIONS	IMPACTS			
	TECHNOLOGICAL	ECONOMIC	POLICY	SOCIETAL
<p>Industrial Revolution</p> <p>Regime</p> <p>•</p> <p>•</p>	<p>• factories</p> <p>• urbanization</p> <p>• population growth</p> <p>• pollution</p> <p>• hygiene</p>	<p>• advertising</p> <p>• mass marketing</p> <p>• mass production</p> <p>• mass media</p> <p>• mass education</p> <p>• mass housing</p>	<p>• factory laws</p> <p>• factory safety</p> <p>• factory insurance</p> <p>• factory health</p> <p>• factory education</p> <p>• factory housing</p>	<p>• factory workers</p> <p>• factory owners</p> <p>• factory managers</p> <p>• factory engineers</p> <p>• factory designers</p> <p>• factory architects</p>
	<p>• factories</p> <p>• urbanization</p> <p>• population growth</p> <p>• pollution</p> <p>• hygiene</p>	<p>• advertising</p> <p>• mass marketing</p> <p>• mass production</p> <p>• mass media</p> <p>• mass education</p> <p>• mass housing</p>	<p>• factory laws</p> <p>• factory safety</p> <p>• factory insurance</p> <p>• factory health</p> <p>• factory education</p> <p>• factory housing</p>	<p>• factory workers</p> <p>• factory owners</p> <p>• factory managers</p> <p>• factory engineers</p> <p>• factory designers</p> <p>• factory architects</p>
<p>Information Revolution</p> <p>Regime</p> <p>•</p> <p>•</p>	<p>• computers</p> <p>• internet</p> <p>• mobile phones</p> <p>• television</p> <p>• radio</p>	<p>• advertising</p> <p>• mass marketing</p> <p>• mass production</p> <p>• mass media</p> <p>• mass education</p> <p>• mass housing</p>	<p>• factory laws</p> <p>• factory safety</p> <p>• factory insurance</p> <p>• factory health</p> <p>• factory education</p> <p>• factory housing</p>	<p>• factory workers</p> <p>• factory owners</p> <p>• factory managers</p> <p>• factory engineers</p> <p>• factory designers</p> <p>• factory architects</p>
	<p>• computers</p> <p>• internet</p> <p>• mobile phones</p> <p>• television</p> <p>• radio</p>	<p>• advertising</p> <p>• mass marketing</p> <p>• mass production</p> <p>• mass media</p> <p>• mass education</p> <p>• mass housing</p>	<p>• factory laws</p> <p>• factory safety</p> <p>• factory insurance</p> <p>• factory health</p> <p>• factory education</p> <p>• factory housing</p>	<p>• factory workers</p> <p>• factory owners</p> <p>• factory managers</p> <p>• factory engineers</p> <p>• factory designers</p> <p>• factory architects</p>
<p>Space Revolution</p> <p>Regime</p> <p>•</p> <p>•</p>	<p>• space exploration</p> <p>• space travel</p> <p>• space stations</p> <p>• space shuttles</p> <p>• space probes</p>	<p>• advertising</p> <p>• mass marketing</p> <p>• mass production</p> <p>• mass media</p> <p>• mass education</p> <p>• mass housing</p>	<p>• factory laws</p> <p>• factory safety</p> <p>• factory insurance</p> <p>• factory health</p> <p>• factory education</p> <p>• factory housing</p>	<p>• factory workers</p> <p>• factory owners</p> <p>• factory managers</p> <p>• factory engineers</p> <p>• factory designers</p> <p>• factory architects</p>
	<p>• space exploration</p> <p>• space travel</p> <p>• space stations</p> <p>• space shuttles</p> <p>• space probes</p>	<p>• advertising</p> <p>• mass marketing</p> <p>• mass production</p> <p>• mass media</p> <p>• mass education</p> <p>• mass housing</p>	<p>• factory laws</p> <p>• factory safety</p> <p>• factory insurance</p> <p>• factory health</p> <p>• factory education</p> <p>• factory housing</p>	<p>• factory workers</p> <p>• factory owners</p> <p>• factory managers</p> <p>• factory engineers</p> <p>• factory designers</p> <p>• factory architects</p>

BIG TRANSFORMATIONS	SOCIETAL	TECHNOLOGICAL	ECONOMIC	IMPACTS	POLICY	SOCIETAL	ECOLOGICAL	Techno- transformation

BIG	TRANSFORMATIONS	ECOLOGICAL	TECHNOLOGICAL	ECONOMIC	IMPACTS	POLICY	SOCIETAL	ECOLOGICAL
Transformation:			data, resource, centers, efficiency, calculation, Manufacturing terminals					
Sustainability								
resources								
Management natural								

Appendix: list of personalities interviewed

• **Giuseppe Abbamonte**, Director for Media Policy in the Directorate-General for Communications Networks, Content and Technology at the European Commission.

• **Jean Abbiateci**, journalist, founder of Bulletin.

• **Marina Alcaraz**, media journalist at Les *Échos*, associate researcher at the Mediterranean Institute of Information and Communication Sciences (IMSIC) and the Center for Interdisciplinary Analysis and Research on Media (CARISM).

• **Jacques Attali**, writer, economist, honorary state advisor.

• **Jean-Éric Aubert**, president of the 2100 Foundation and the French Prospective Society.

• **Charlie Beckett**, journalist, professor at the London School of Economics, director of Polis.

• **Soizic Bouju**, general manager of the Centre France La Montagne group.

• **David Colon**, historian, professor at Sciences Po Paris.

• **Bruno Deffains**, economist, professor at the University of Paris Panthéon-Assas.

• **Marine Doux**, co-founder of Médianes.

• **Frédéric Filloux**, journalist, specialist in media and digital economy, editor of the newsletter *Episodiqu.es*.

• **Cyrille Frank**, training director at CosaVostra, publisher of the *Mediarama newsletter*.

• **Laurent Frisch**, Director of Digital and Innovation Strategy at Radio France.

• **Laurent Genefort**, writer.

• **Alexis Goujon**, founder and CEO of Relocalisateurs.

• **Lilia Hassaine**, novelist and journalist.

• **Brigadier General Pascal Ianni**, head of the “Strategic Anticipation and Orientations” unit, Army General Staff.

• **Jeff Jarvis**, journalist, professor at the City University of New York (CUNY).

• **Daniel Kaplan**, co-founder and director of the University of Plurality Network.

• **Gaspard Koenig**, philosopher, essayist and novelist.

• **Chine Labbé**, Editor-in-Chief and Vice-President of Partnerships, Europe and Canada chez NewsGuard.

• **Blanche Leridon**, editorial director of the Montaigne Institute, lecturer at Sciences Po Paris, essayist.

• **Michel Lévy-Provençal**, futurist and entrepreneur, founder of TEDxParis.

• **Stéphane Loignon**, media journalist at Les *Échos*.

• **Stéphanie Lukasik**, lecturer at the Aix-Marseille School of Journalism and Communication (EJCAM), researcher at the Mediterranean Institute of Information and Communication Sciences (IMSIC), associate researcher at the University of Luxembourg, expert at the Council of Europe on online security and the accountability of content creators and users.

• **Céline Marangé**, researcher at the Strategic Research Institute of the Military School (IRSEM) and associate member of the Center for Research in the History of Slavs (Paris 1 Panthéon-Sorbonne University).

• **Nic Newman**, journalist, senior research associate at the *Reuters Institute for the Study of Journalism* (Oxford).

• **Anne-Sophie Novel**, journalist specializing in ecological alternatives and the media, author and director.

• **Justine Planchon**, president of Mediawan Prod at Mediawan.

• **Boris Razon**, editorial director of ARTE France, novelist.

• **Éric Scherer**, Director of Innovation, Foresight and MediaLab at France Télévisions.

• **Bruno Schmutz**, director of studies, economics and forecasting at Arcom.

• **Tom Standage**, journalist and writer, deputy editor and head of digital strategy at *The Economist*, editor of the annual report on the future *The World Ahead*.

• **Cécile Wendling**, prospectivist, founder of Pan-or-amices and associate researcher at Center for the Sociology of Organizations (CSO) at Sciences Po Paris.

• **Arnaud Zegierman**, sociologist, co-founder of Viavoice.

• **Ethan Zuckerman**, blogger, associate professor of public policy, information and communication at the University of Massachusetts, founder of *the Initiative for Digital Public Infrastructure*.

ANNEXES

Annex I – List of institutional contributions and proposals received

In order to collect contributions from stakeholders and experts in the world of information, the EGI installed a form on their website from the outset to allow professionals to submit contributions which were sent to the steering committee and the working groups concerned.

76 contributions were submitted and are available in full on the EGI website (etats-gene-raux-information.fr).
Find the list of these contributions:

• Academy of Moral and Political Sciences • Adobe

• Alliance of the general information press (APIG) • Digital alliance

• APELCR (Aveyron

media observatory) • Presidential press association •

Association of Friends of the Thunberg Generation

• Association of journalists for transparency (AJT) • Association

of scientific journalists of the information press (AJSPI) • Association of

teacher librarians of the National Education • Association of information and documentation professionals

• French Association of Library Directors and Management Staff academics and documentation (ADBU) • National

Association for Public Communication • Associations for Media

Education (APEM) • Opinion of the Education, Culture and

Communication Committee of the Economic Council, social and environmental (CESE) • Be My

Media • Cafeyn •

CFDT

Journalists • National

collective of local press representatives • Diderot Committee

• Council for Journalistic Ethics and Mediation (CDJM) • Council for Journalistic

Ethics and Mediation • Contribution from Mr. Charles de Laubier •

Contribution from Mr. Christian Pradié

• Contribution by Mr. Le Nguyen Hoang

• Contribution from Mrs. Nathalie Sonnac, Panthéon-Assas University
 • Contribution by Mr. Armand Hatchuel, professor at Mines Paris, PSL University
 • Contribution by Mr. Jean-Marie Charon • Contribution by Mr. Patrick Eveno
 • Contribution by Mr. Patrice Cardot
 • Contribution by Mr. Philippe Wallez, Aix-Marseille University • Contribution by Mr. Philippe Brunet-Lecomte
 • Contribution from Mr. Rémy Demichelis, Paris Nanterre University • Contribution from the Côtes d'Armor department • Contribution from MP Denis Masségia • CPNEF audiovisual

• Edition Multimédi@ • ENSSIB

• Eutelsat Group
 • General meeting of the independent press
 • Fake off

• National Federation of Participatory Audiovisual • French Federation of Press Agencies (FFAP) • National Federation of Specialized Information Press (FNPS) • Forum for information and democracy • France Médias Monde • Bayard Group • Journalism & Citizenship • Indiciel

• Informing is not a crime • Keeex

• The Communication Sector • Local TV

• Log'CITANIE et Press'PROVENCE
 • Lights on the news

• Citizen media • MediaKiosk

• METOOMEDIAS

• Mind Research

• OperationDoc!

• Profession: Freelancer • Reporters Without Borders (RSF) • Service for Information Professionals • SNLE CFTD • Civil Society of Multimedia Authors

• Society of Men of Letters

• Society of Readers of Humanity

• Society of readers of Le Monde

• Hans Lucas Company

• StreetPress •

Autonomous Union of Canal + • Union of
magazine press publishers (SEPM) • Union of producers and creators
of audiovisual programs

• Union of Independent Online Information Press (SPIIL) • Union of cultural and scientific
press • General union of books and written communication •
National Union of Journalists: sovereignty and fight against interference

foreign

• National Union of Journalists: the 12 tasks for quality information • National Union of Books • National Union
of Free Radios • So Press • Un Bout
des Médias

• UNESCO •

Union of Professional Photographers • Audiovisual
Production Union • Villa Numeris

In addition to these contributions, there are all the proposals received by the members of the EGI during
their nine months of work (Tour de France, consultation with the CESE, academic contributions, etc.).
In total, more than 500 proposals were sent to EGI members and are available in full on the EGI website.



Find the contributions received by the States
General of Information on our site: [etats-generaux-
information.fr](https://etats-generaux-information.fr)

Appendix II – List of persons interviewed

In order to support their work, the steering committee and the working groups conducted a series of stakeholder hearings. The list of individuals interviewed is available in full on the EGI website.

Plenary hearings of the steering committee

Parliamentary hearings on November 8 and 9, 2023

• Philippe Ballard, MP for Oise •
Quentin Bataillon, MP for Loire • Raquel Garrido, MP for Seine-Saint-Denis • Eric Bothorel, MP for Côtes d'Armor • Céline Calvez, MP for Hauts-de-Seine • Fabienne Colboc, MP for Indre-et-Loire • Laurent Esquenet-Goxes, MP for Haute-Garonne • Jean-Raymond Hugonet, Senator for Essonne • Laurent Lafon, Senator for Val-de-Marne

• Sarah Legrain, MP for Paris • Denis Masegla, MP for Maine-et-Loire • Violette Spillebout, MP for Nord • Sophie Taille-
Polian, MP for Val-de-Marne • Christopher Weissberg, MP for French people living outside France • Monique de Marco, Senator for Gironde • Michel Laugier, Senator for Yvelines

Hearings of independent administrative authorities on 8 and 9 January

- Roch-Olivier Maistre, president of ARCOM
- Laure de la Raudière, president of ARCEP
- Benoît Coeuré, President of the Competition Authority
- Joelle Toledano and Jean Cattani, members of the CNNum
- Henri Verdier, ambassador for digital affairs
- Nicolas Deffieux, director of the Digital Regulation Expertise Center
- Marie-Laure Denis, president of the National Commission for Information Technology and Liberties (CNIL)
- Stéphane Bouillon, Secretary General of the General Secretariat for Defense and National Security (SGDSN)

Researchers' hearings

- Olivier Bomsel, Professor of Economics, Director of the MINES Paris PSL Chair of Media and Brand Economics, in November 2023
- Emeric Henry, Director of the Economics Department at Sciences Po Paris, in November 2023
- Nathalie Sonnac, University Professor, Director of the Media Masters at Paris 2 Panthéon-Assas University, in November 2023
- Elisa Mougin, Lecturer in Economic Sciences (ENS Lyon), in January 2024
- Sylvain Dejean, Lecturer in economics at the University of La Rochelle, in January 2024
- Alexandre de Cornière, member of the Toulouse School of Economics, February 15 2024
- Paul Seabright, member of the Toulouse School of Economics, March 6, 2024
- Doh-Sin Jeon, member of the Toulouse School of Economics, March 6, 2024

Hearings of social partners

- Laurent Giovachini, co-president of the Corporate Economic Sovereignty and Security Commission, MEDEF, January 30, 2024
- Frédéric Souillot, general secretary of Force Ouvrière, January 30, 2024
- Sophie Binet, general secretary of Force Ouvrière, January 30, 2024
- Imane Harraoui, CFTC, Deputy Secretary General, January 30, 2024

Working group hearings

“Information space and technological innovation” group

• Marc Faddoul, founder of AI Forensics, member of WG No. 1, November 9, 2023

• Jean Cattani, Secretary General of the National Digital Council, November 23, 2023

• Céline Zolynski, professor of law at Paris I-Panthéon Sorbonne University, November 23, 2023

• Rémy Gerbet, executive director of Wikimedia France and Xavier Cailleau, in charge partnership mission, December 7, 2023

• Xavier Cailleau, mission partnerships, Wikimedia France, December 7, 2023

• Maria Luisa Stasi, Director of “Digital Markets Law & Policy” at from Article 19, December 7, 2023

• Serge Barbet, director of CLEMI, and Virginie Sassoon, deputy director, December 21, 2023

• David Chavalarias, researcher, director of the Institute of Complex Systems, December 21, 2023

• Aude Favre, journalist, founder of the YouTube channel WTFake! and of an editorial citizen collaborative action, December 21, 2023

• Tanya O'Carroll, independent expert, founder of Amnesty International Tech (2018)

• Romain Badouard, Lecturer in information and communication sciences at the Center for Interdisciplinary Analysis and Research on Media (CARISM) at Paris-II Panthéon Sorbonne, January 18, 2024

• Murielle Popa-Fabre, Expert at the Council of Europe, former researcher at INRIA, January 18, 2024

• Elisa Borry-Estrade and Martin Signoux, META public affairs managers, February 1, 2024

• Julie Charpentrat, deputy editor-in-chief of fact-checking and digital investigation at AFP, February 1, 2024

• Aurélie Jean, founder of start-ups (In Silico Veritas, DPEEX), February 1, 2024

• Woodrow Hartzog, professor of law at Boston University, February 15, 2024

• Anya Schiffrin, Director of Technology/Media Specialization at Columbia SIPA, February 15, 2024

• Lê Nguyen Hoang, mathematician, co-founder and CEO of Caliparca, popular science writer on YouTube, co-founder of the Tournesol association, February 29, 2024

• Antoine Bernard and Thibault Bruttin, Director of Advocacy and Deputy Secretary General of Reporters Without Borders, February 29, 2024

• Alexei Grinbaum, research director. President of the CEA's digital ethics pilot operational committee, March 14, 2024

“Citizenship, information and democracy” group

• Pierre Lescure, Journalist & Columnist at CA VOUS & Beau Geste, January 5 2024

• Emilie Tardivel, Associate Professor of Philosophy at ICP • Galo . January 19, 2024

Diallo, President of SMILE and Vice President of the Union of Industrial Professions
Fluence and content producers, January 19, 2024

• Jean-Bernard Schmidt, director of CFJ ecole W, hackathon on January 26, 2024

• Chine Labbé, Editor-in-Chief & Vice President of Partnerships at Newsguard,
EUROPE AND CANADA, hackathon of January 26, 2024

• Agathe André, journalist & former president of the association Dessinez Créer Liberte, hackathon of January 26, 2024

• Etienne Millien, president of APEM, hackathon of January 26, 2024

• Susanna Dorhage, vice president of the association Les lumières de l'Info, hackathon of January 26, 2024

• Marie-Anne Denis, General Director of Milan Presse, hackathon on January 26 2024

• Sophie Gourmelen, General Director of the Le Parisien cluster, hackathon on January 26 four 2024

• Laure Watrin, Journalist and Founder of the Transonore association, hackathon of January 26, 2024

• Amel Cogard , Director of Education Strategy and Development
media at France Télévisions, hackathon hearing on January 26, 2024

• Serge Barbet, Deputy Director at CLEMI, hackathon of January 26, 2024

• Fabienne Boucher, physics and chemistry professor, hackathon on January 26, 2024

• Emmanuel Vaillant, president of the ZEP association, hackathon of January 26, 2024

• Albert Moukheiber, neuroscientist, hackathon of January 26, 2024

• Jérôme Bouvier, President of Journalism and Citizenship, hackathon of January 26, 2024

• Céline Thierry, EN - CLEMI Normandy Coordinator, hackathon on January 26 2024

• Perrine Ledus, Professor member of CLEMI Aube, hackathon of January 26, 2024

• Christine Thomas, Professor and documentalist, member of CLEMI Nice, hackathon of January 26, 2024

• Caroline Ghienne, Deputy Director of Arte Education, hackathon on January 26 2024

• Christine Barraud, Clemi reference teacher, hackathon of January 26, 2024

• 30 high school students from Paul Domer high school, Le Perreux sur Marne, hackathon of January 26, 2024

• Béatrice Angrand, Inspector General, National Education, hackathon of January 26, 2024

• Eric Rostand, DGESCO, hackathon of January 26, 2024 • Virginie Sasoon, Deputy Director CLEMI, hackathon of January 26, 2024 • Jean Bernard Cazalets, ASPDH Manager, hackathon of January 26, 2024 • Marie Adam-Normand, Academic Referent Media and Information Education (EMI) and coordinator of the academic CLEMI, hackathon of January 26, 2024

• Benedicte LESAGE, Member of ARCOM in charge of media, information and digital citizenship education, hackathon of January 26, 2024 • Erik KERVILLEK; Secretary General of Radio France News, hackathon of January 26, 2024 •

Tarik Ghezali, Founder of Fabrique du Nous, debate of February 2, 2024 • Nathalie Gatellier, co-founder of Fabrique du Nous, debate of February 2, 2024 • Olivier Corziani, Mayor of Fleury Merogis, debate of February 2, 2024 • Sibyle Veil, President of Radio France, debate of February 2, 2024 • Thierry Pech, Director of Terra Nova, debate of February 2, 2024 • Jean Birnbaum, Journalist Le Monde, debate of February 2, 2024

• Pascal GUENEE, President CEJ, February 7, 2024

• Marc Epstein, President of La Chance, February 7, 2024 • Citizen Media, February 8, 2024 • Olivier Aballin, ESJ Lille, February 9, 2024

• Pascale Colisson, teacher at IPJ Paris-Dauphine PSL, February 12 • Maxime Lefebure, HR group with La Chance, February 13 • Delphine Manzano, HR group with La Chance, February 13 • Morgane Bak, HR group with La Chance, February 13 • Lucie Maludi, HR group with La Chance, February 13 • Xavier Cazard, La Maison de la Conversation, February 15

• Laure Watrin, Trasonore, February 15

• Ulysse Mathieu, l'Étincelle / La Friche, February 15 • François Bonnet, Fund for a Free Press, February 16 • Laurent Richard, Forbidden Stories, February 29

• Arianne Lavrilleux, Disclose, February 29

• Jérémy Demey, Disclose, February 29 • Jérôme

Grondeux, National Education Inspector, March 1 • Paul Mathias, National Education Inspector, March 1 • Tristan Waleckx, journalist, supplementary investigation, March 13 • Edwy Plenel, journalist, co-founder of Médiapart, March 13

Future of News Media and Journalism Group

- Aziliz Le Berre, Alexandre Buisine and Antoine Chuzeville, delegation of the National Union of Journalists (SNJ), November 1 , 2023
- Soraya Morvan-Smith and Emmanuel Vire, SNJ-CGT delegation, November 2 2023
- Philippe Cortay, Laurent Villette and Elise Descamps, CFDT delegation, on November 3 vember 2023
- Gwenaël Bourdon, SGJ-FO delegation, November 4, 2023
- Laurent Broca, CEO Havas Media France, interviewed on December 1 , 2023
- Bertrand Gie, President of GESTE, heard on December 1 , 2023
- Gautier Picquet, CEO Publicis Médias, December 2, 2023
- Julia Cagé, professor at Science Po, December 3, 2023
- Xavier Guillon, CEO of France Pub, December 4, 2023
- Stéphane Border, December 5, 2023
- Jean-Luc Chetrit, Didier Beauclair, Laureline Frossard from the Union Des Marques (UDM), January 1 , 2024
- Lionel Robin of the Union and Territoires Hebdo, January 2, 2024
- Christophe Schalk, Kévin Moignaux and Valérie Picardo from the Syndicate of International Radios dependent, January 3, 2024
- Magali Forens and Patrick Gouyou Beauchamps from the Union of Enterprises of Media Consulting and Purchasing, January 4, 2024
- Hervé Bérout and Anne Fauconnier from the Radio Office, January 5, 2024
- Paul Pouchoux, Reporters Without Borders (RSF), January 11, 2024
- Florence Philbert, Director General of Media and Cultural Industries (DGMIC), February 8, 2024
- Fabrice Fries, Director General of Agence France Presse, February 7, 2024
- Malika Butzbach, Isabelle Souquet and Emilie Gilet, Freelance Profession, February 6 2024
- Christine Kelly, journalist at C News, February 8, 2024
- Sandro Martin, CEO of France Messagerie, February 8, 2024
- Cécile Dubois and Laurent Mauriac, Independent Online Information Press Union (SPIIL), February 15, 2024
- Philippe Carli, Vincent David, Pierre Louette, Pierre Petillault and Patricia Panzani, General Information Press Alliance (APIG), February 14, 2024
- José Ferreira, president of the Lyon Press Agency (MLP), February 22 2024
- Catherine Lozac'h and Bénédicte Wautelet, Identity Card Commission Professional Journalists, February 22, 2024

• Erik Garandeau, Director of Public Affairs at Tik Tok, February 22, 2024

• Alain Auge, Magazine Press Union, February 29, 2024

• Hervé Rony, Civil Society of Multimedia Actors, February 29, 2024

• Sarah Cledy, Jean-Marie Boutin and Charlotte Piacentino, Google France, February 29
February 2024

• Bertrand Bey and Jean-Christophe Tortora, Why Not Media, March 7, 2024

• Florence Braka, Federation of Press Agencies, March 8, 2024

• Marianne Kerfriden, Guild of Authors-Directors of Reports and Documentaries-
silent, March 14, 2024

• François Bonnet, Fund for a Free Press, March 19, 2024

• Louis Echelard, SIPA West France

• Representatives of the journalist societies of Le Monde, La Tribune, Radio France, l'Humanité, Le
Parisien, RFI and Epsilon

• Rodolphe Belmer, President, Association of Private Channels

• Michaël Nathan, Director of the Government Information Service

“Sovereignty and fight against foreign interference” group

• Antoine Bernard, Deputy Director General and Paul Pouchoux, Advocacy Officer
from Reporters Without Borders, December 1, 2023

• Catherine Morin-Desailly, Senator, Tuesday, December 12, 2023

• Admiral Coustillière, who was at the origin of the establishment of Comcyber within the MinArm on Friday
December 15

• Marc-Antoine Brilliant, head of Viginum (in person, rue des quatre-fils, EGI premises) on Tuesday,
December 19, 2023

• Hearing of the Steering Committee: Secretary General of Defense and National Security, Prefect
Stéphane Bouillon (following the hearing of the head of Viginum); January 2024

• General Pascal Ianni, General Staff of the Armed Forces, anticipation, strategy, orientation cell;
February 2024

• Elsa Pilkichowi Director of Public Governance, OECD, (with Camila Saffi-
ro), February 2024

• Professor Sander Van der Linden, Department of Psychology, University of
Cambridge, March 2024

• Lutz Guellner, head of the communication strategy and fight against de-
sinformation, European Union, March 2024

• Charles Trépaut, Deputy Director of Monitoring and Strategy, Ministry of Europe and
foreign affairs, March 2024

• Aurélien Lechevallier, Director General of Globalization, March 2024

“State and Regulation” Group

• Roch Olivier Maistre, president of Arcom, November 17, 2023

• Benoît Cœuré, President of the Competition Authority, November 21, 2023

• Julia Cagé, professor of economics at Sciences Po, December 20, 2023

• Antoine Bernard, Director of Advocacy and Thibaut Bruttin, Deputy Director General of Reporters Without Borders, January 5, 2024

• Catherine CHAGNIOT, Director General of the National Federation of Specialized Information Press (FNPS), January 9, 2024

• Hélène Chartier, General Director of the Internet Regulators Union, January 12 2024

• Bernard Angaud, General Delegate of the Council for Journalistic Ethics and mediation, January 12, 2024

• Alain Weill, January 2024.

• François Bonnet, President of the Fund for a Free Press, February 1, 2024

• Nicolas Rieul, President of Alliance digitale, February 2, 2024

• Rebecca Moreau, Union of independent online information press, the February 15, 2024

• Laurence Frossard, Director of Public Affairs of the Union des marques, on the 7th mars 2024

• Florence Philbert, Director General of Media and Cultural Industries, the January 31, 2024

• Michael Petri, Commission for the Investigation of Concentration in the Media Sector (KEK), avril 2024

• François Delattre, French Ambassador to Germany, April 2024

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