

MAPPING DIGITAL MEDIA: **FRANCE**



Mapping Digital Media: France

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

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Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policymakers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate in and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switch-over from analog broadcasting to digital broadcasting;
- growth of new media platforms as sources of news;
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: France

Executive Summary

According to standard indicators, the transition to digital media in France has been a success. By the end of 2011, digital switch-over of television was complete and more than two-thirds of the population was online. Earlier that year, however, a survey revealed that more people thought the quality of media output had declined in recent years compared to those who thought it had improved, and this tendency was still present in 2013. While the funding crisis in print is due to loss of advertising revenue, the funding crisis in public service broadcasting has been linked to increased politicization. The proliferation of niche outlets online, meanwhile, is overshadowed by their limited reach and uncertain future.

At the receiving end, audiences have demonstrated a strong appetite for new media delivery technologies. High-definition television sets have reached three-quarters of households, while 13 percent of those listening to the radio now do so via the internet. But in contrast to a relatively painless and swift digital transition in television, the switch-over process for radio has stalled due to a lack of both political and commercial will.

There are encouraging signs that demographic divides are being dismantled when it comes to digital media uptake, with rapid growth among women, over-65s, and workers in recent years. But nearly a third of the population remains disconnected either voluntarily, or because of enduring access restrictions. Partly as a result of this, television remains the primary source of news and information (followed by radio).

On one level, digitization has fostered a pluralization of the television landscape. It precipitated a threefold increase in the number of national channels available free-to-air, and allowed the development of over 50 local television stations. As a result, consumption of television increased by an average of six minutes a day between 2005 and 2010. New digital terrestrial channels accounted for the majority of this growth (at the expense of incumbents), but this shift in viewing patterns has implications for the nature of news delivery and consumption. The majority of the new channels have adopted entertainment-based formats with a no-news format or an emphasis on short, regular news updates as opposed to the more in-depth output associated with traditional bulletins. The main public broadcaster—France Télévisions—remains the market leader in news and current affairs and has made the development of new media applications a strategic priority. But

it is facing a three-pronged decline in ratings, credibility, and financing. Twenty-four-hour news channels in France have a rather low general viewership of less than 3 percent, peaking at moments of unexpected or important political and social events.

The 2005 riots in Parisian suburbs sparked a burgeoning public debate about the extent to which the mainstream media are representative of French society. A number of prominent blogs and websites emerged seeking to promote alternative narratives about the unrest. One of these—the Bondy blog—established a partnership in 2009 with the School of Journalism in Lille to offer specialist training for online reporting.

Nevertheless, blogging, commenting, and posting remain marginal pursuits and largely limited to a minority of already engaged citizens. But even within this stratum there is more diversity compared to mainstream media voices. Social networking sites have also helped to reinvigorate the public sphere to a limited extent. A third of respondents to a 2009 survey claimed to have engaged at least once in some form of political activity online. Participation has been somewhat pegged to election periods, however, and there is evidence to suggest it has stabilized or even waned since 2007.

Meanwhile, the promise of diversity in online news has yet to be fulfilled. The sector remains largely the preserve of the dominant content aggregators and traditional media brands. Although “pure-play” online news sites are growing, their sustainability often hangs in the balance. This has resulted in minimal investments in operational journalism and a reliance on the same agency-based sources as traditional media. Recent legislation has included online news outlets among the potential beneficiaries of public subsidies, which may offer an important lifeline to this fledgling sector.

But the limits to diversity online are not prescribed by resource constraints alone. There is a growing perception that the “googlization” of news has amounted to homogenization, tempting journalists to prioritize issues and topics that rank highest on search engines and content aggregators. Of course, homogenization is not a new phenomenon, and there is ongoing debate as to whether digital media are merely replicating rather than altering patterns of consumption observed in the analog era.

The primary effect on journalism as a profession seems to be a polarizing one. On the one hand, there exists a growing cadre of underpaid, desk-bound reporters. On the other, an elite tier has emerged consisting of celebrity journalists who have used the internet as a platform to establish their names as personal brands.

The primary effect on news output lies in dissemination rather than content. The explosion of platforms, devices, and social media has helped individual journalists to extend and diversify their audiences to some extent, and has certainly enhanced the user experience of news. But it has done little to stimulate investigative journalism, which has long been underdeveloped in France. There remains an over-reliance on official sources, and the growing speed of news dissemination has further diminished the space for in-depth and long-form reporting.

The few existing investigative journalists are also constrained by libel laws that, on balance, favor complainants over defendants. For example, Denis Robert, a journalist who exposed a tax avoidance scheme adopted by a number of prominent politicians in 1999, was finally absolved of legal wrongdoing in 2011, after 60 lawsuits and 10 years of court battles.

The autonomy of journalists has also been questioned in the context of growing personal ties between the media and political elites. Former president Nicolas Sarkozy was known to be a close friend of several media owners and CEOs, while the current administration has been accused of harboring entrenched links with the new owners of *Le Monde* newspaper.

Last, the teeth of watchdog journalism have been blunted by a growing culture of sensationalism that is particularly acute in online news. The competitive pressures unleashed by digital media are increasingly directing journalists toward scandals involving the misdemeanors and indiscretions of celebrities rather than complex and time-consuming stories about institutional corruption.

These pressures are not helped by the failure of both traditional and new entrants to monetize online news content. Many of the latter are still reliant on start-up funds, while the former are increasingly dependent on cross-subsidies and state aid. Television, radio, and the internet all experienced varying degrees of recovery after the global recession precipitated the sharpest fall in advertising expenditure on record. But there have been no such green shoots for the newspaper industry, and 2012 saw the closure of *France-Soir*, once a leading tabloid, which had faced declining circulation since the 1970s.

There are exceptional success stories, such as *20 minutes*—a freesheet newspaper (with the highest print circulation) whose website was approaching profitability by 2010. But the majority of newspapers have concentrated efforts on political lobbying in a bid to force online aggregators and search engines to pay for their exploitation of news content. They have argued that this practice cost the newspaper industry more than €1 billion (US\$1.3 billion) between 2010 and 2012. But Google has since poured cold water on the prospect of paying newspapers for its appropriation of content by threatening to simply exclude them from its rankings. In 2012, Google finally reached agreement with the French Publishers Association (*Syndicat National de l'Édition*, SNE), and other organizations representing editors and authors, for the digitization of print books.

The Government first sought to address the funding crisis facing the newspaper industry in 2009 with a new law that ushered in a three-year public funding plan and tighter controls on copyright protection online. But contrary to its provisions, much of the new funding ended up being funneled into traditional business models rather than promoting new innovative approaches to news in the digital environment. Enhanced copyright protection measures have also been accused of undermining fair use of digital media and threatening the free flow of information online.

Another controversial aspect of the new law was the power it vested in the president to appoint media regulators and public broadcasters alike. In combination with the reduced advertising time imposed on

public service television, this has in theory widened the opportunities for political interference. But there is no evidence that public service broadcasting has been editorially compromised as a result of these measures.

Meanwhile, the television market has been helped by the reduction of advertising in public service broadcasting, which has widened the pool of funding for commercial broadcasters. Contrary to government assurances, the shortfall for France Télévisions has not been fully covered by a concomitant rise in license fee and/or public subsidies. The latter increased by 19 percent in 2009, but plans to cross-subsidize public service media via a levy on telecommunications have been scuppered by the European Commission.

Overall, however, media policy and regulation have proved largely responsive and adequate to the challenges of digitization. Digital switch-over for television proceeded in a relatively timely and uncontested fashion, with appropriate support for disadvantaged households and an effective public awareness campaign. Digital licensing has also been generally perceived as transparent and fair. On one occasion in 2004 when the award of licenses violated anti-concentration provisions, the courts stepped in and effectively reversed the decision.

But the new government faces a plethora of loose ends in digital media policy. It remains to be seen whether public subsidies aimed at regenerating good-quality journalism in both print and online sectors have been effective; there is a significant shortfall in the funding of public service media as a result of their reduced advertising quotas, and the European Commission's rejection of a planned levy on telecoms; political support for traditional media in their plight against online giants such as Google may backfire if the latter carries out its threat to exclude their content; and public trust in the media is unlikely to be restored so long as entrenched links between political and media elites are maintained.

Context

France is one of the largest countries in Europe (643,427 km²). For the last 50 years it has enjoyed steady economic growth (apart from in 2009). Its population has increased over the past 30 years, from 55 million in 1982 to 65 million today, with a positive population growth (+0.5 percent).¹

There are 26.6 million households in the country. Households comprising two people are the most numerous (36 percent), followed by households with four or more members (26 percent). One- and three-member households constitute 18 percent each.

French citizenship is held by 94 percent of people living in France (however, the law forbids inquiry into ethnic origins: see section 4.3.2). The remaining 6 percent of the population consists of immigrants, of which the largest group (2.4 percent) comes from other European countries. Immigration from the Maghreb region of North Africa, which has a long tradition, constitutes only 1.7 percent of the population. However, this number may be lower than the number of French citizens with Maghreb origins or dual nationality.

Most of the population lives in urban areas (78 percent), with the Paris metropolitan area being among the largest in Europe (more than 10 million inhabitants). Most people declare themselves as Catholic, with Islam being the second largest religion. Almost a third of French people are atheists.

The French economic situation worsened during 2012 after a slight improvement in 2011, which was the best year economically speaking since the start of the economic crisis in 2008. Unemployment grew from 7.5 percent in 2008 (first quarter) to 9.9 percent in the second quarter of 2012.² Out of a workforce of 28 million, 2.8 million people had no work in August 2012.³

1. See <http://www.indexmundi.com/g/g.aspx?c=fr&v=24> (accessed 26 October 2012).

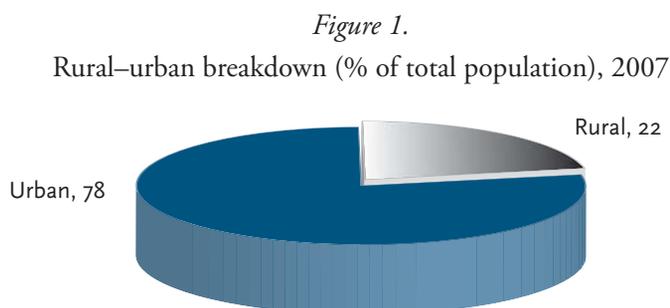
2. National Institute of Statistics and Economic Studies (*L'Institut national de la statistique et des études économiques*, INSEE), "Nouvelle hausse du chômage au troisième trimestre 2012" (New growth in unemployment in the third quarter of 2012), at <http://www.insee.fr/fr/themes/info-rapide.asp?id=14&date=20121206> (accessed 14 January 2013).

3. INSEE, "Active population," at http://www.insee.fr/fr/themes/document.asp?ref_id=T12F041 (accessed 14 January 2013).

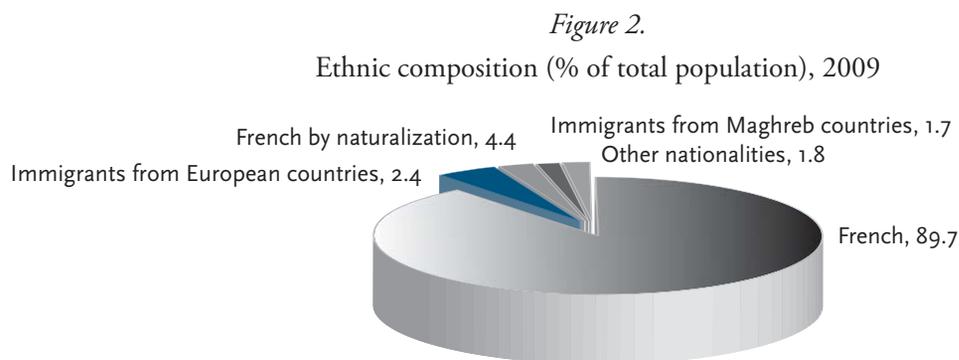
Social Indicators

Population (number of inhabitants): 65.4 million (2012)⁴

Number of households: 26.6 million⁵



Source: National Institute of Statistics and Economic Studies (*L'Institut national de la statistique et des études économiques*, INSEE), 2007



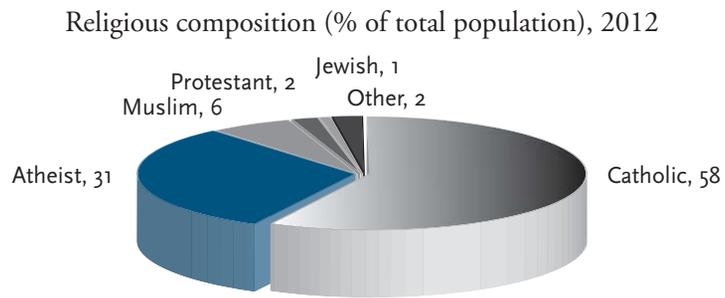
Note: The figures refer to national composition by nationalities according to the methodology used by INSEE to count the population; “French by naturalization” includes all people who obtained their citizenship in any other way than by being born from at least one parent with French nationality; “Other nationalities” includes immigrants from all parts of the world other than Europe and the Maghreb

Source: INSEE, 2009

4. INSEE.

5. INSEE.

Figure 3.



Source: CSA Research, 2012, at www.csa.eu

Economic Indicators

Table 1.
Economic indicators

	2005	2006	2007	2008	2009	2010	2011	2012°
GDP (current prices, US\$ billion)	2,137.9	2,259.5	2,586.7	2,842.5	2,631.9	2,562.7	2,776.3	2,712.0
GDP (current prices, US\$), per head	34,944	36,682	41,745	45,623	42,018	40,808	44,008	42,793
Gross National Income (GNI), (current US\$), per head	29,910	31,880	33,600	34,640	34,170	34,770	35,650	n/a
Unemployment (% of total labor force)	9.2	9.2	8.3	7.8	9.5	9.8	9.6	9.9
Inflation (average annual rate, % against previous year)	1.9	1.9	1.6	3.1	0.1	1.7	2.2	1.9

Notes: °: outlook; n/a: not available

Sources: International Monetary Fund (IMF) (GDP, unemployment, and inflation figures); World Bank (GNI)

1. Media Consumption: The Digital Factor

1.1 Digital Take-up

1.1.1 Digital Equipment

Between 2005 and 2010, the proportion of French households with a television set was stable at around 97 percent. The share of those households with a personal computer (PC) at home grew from 54 in 2005 to 69 percent in 2009, with growth slowing somewhat in 2010.

Table 2.
Households owning equipment, 2005–2010

	2005		2006		2007		2008		2009		2010	
	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH
TV set	24,490	96.8	24,541	97.0	26,270	97.2	26,725	97.1	26,992	97.4	27,100	97.8
PC	13,604	54.0	14,168	56.0	15,925	62.0	17,550	68.0	19,121	69.0	19,315	69.7

Notes: HH: Total number of households owning the equipment; THH: Percentage of total number of households in the country. Data on radio sets are not collected by INSEE (as the rate of radio ownership by households is close to 100 percent)

Sources: INSEE⁶

According to a GfK France report,⁷ 2011 saw a decrease in the total turnover generated by technological goods from €17.6 billion (US\$22.9 billion) in 2010 to €16.8 billion (US\$21.9 billion). One exception was the television set category (especially light-emitting diode (LED)-based sets), which grew from €8.5 million (US\$11.1 million) to €8.7 million (US\$11.4 million). Digital switch-over is primarily responsible for this growth.

6. See http://www.insee.fr/fr/themes/tableau.asp?reg_id=0&ref_id=NATnon05140 (accessed 26 October 2012).

7. GfK, "Bilan GfK des ventes de biens technologiques: 2011, les marchés sont sous tension!" (Summary of GfK technology sales: 2011, markets under pressure!), at http://www.gfkr.com/imperia/md/content/rt-france/cp_gfk_bilan_2011_et_perspectives_2012_march__s_biens_tech-nologiques_france.pdf (accessed 25 October 2012).

Other exceptions were laptops, tablets, and smartphones. Sales of laptops and tablets reached the levels of television sets with almost 8 million units. The market for mobile phones is outperforming any other technological equipment, with 23.6 million units sold in 2011 (including 11.4 million smartphones). It was expected that technology sales would be dominated in 2012 by 3D television sets, while sales of mobile phones would continue to surge, thanks also to strong competition among mobile operators.

1.1.2 Platforms

The digital transition of analog television started in March 2005, and was completed by 30 November 2011 across the whole territory.⁸ In 2012, 97.3 percent of the country was covered by digital terrestrial signals, transmitted by 1,627 broadcasters.

A National Audiovisual Council (*Conseil supérieur de l'audiovisuel*, CSA) survey of home equipment in 2010 showed that 92 percent of households received digital television and 69 percent of households were fully digitized, meaning they no longer owned an analog television set.⁹

Table 3.
Platforms for the main TV reception and digital take-up, 2005–2010

	2005		2006		2007		2008		2009		2010	
	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH
Terrestrial reception	16,943	69.2	16,777	67.4	16,554	65.9	16,842	66.0	17,831	67.0	17,858	66.9
– of which digital	669	2.7	2,331	9.3	5,524	21.9	9,134	35.8	13,219	49.7	15,663	58.6
Cable reception	3,897	15.9	3,959	15.9	4,001	15.9	3,478	13.6	3,080	11.6	2,904	10.9
– of which digital	1,139	4.6	1,226	4.9	1,445	5.7	1,557	6.1	1,702	6.4	1,737	6.5
Satellite reception	6,416	26.2	6,513	26.2	6,581	26.2	6,645	26.0	6,808	25.6	6,876	25.7
– of which digital	n/a	n/a										
IPTV	611	2.5	1,402	5.6	2,657	10.6	3,686	14.4	4,944	18.6	6,378	23.9
Total	24,497	100.0	24,879	100.0	25,129	100.0	25,515	100.0	26,612	100.0	26,706	100.0
– of which digital	5,367	21.9	6,277	25.2	7,506	29.8	16,193	63.5	21,357	80.3	24,386	91.3

Notes: HH: total number of households owning the equipment; TVHH: Total number of TV households in the country; n/a: not available

Source: Mediamétrie/Eurodata TV Worldwide, 2005–2010

8. National Audiovisual Council (*Conseil supérieur de l'audiovisuel*, CSA), “Recevoir la télévision” (Receiving television), at <http://www.csa.fr/Television/La-reception/Recevoir-la-television> (accessed 20 October 2012).

9. See http://www.csa.fr/upload/communique/synthese_consultation_percent20ressource.pdf (accessed 15 July 2011; link no longer available).

Internet and mobile telephony have grown steadily since 2005. In 2009, more than 30 percent of households had internet access, with more than 30 percent of those connections being broadband (growing to 33.6 percent in early 2011).¹⁰ Access to mobile telephony is even higher: almost all households (95 percent) have a mobile service, with many of them being 3G and soon 4G.

Table 4.

Internet penetration (total internet subscriptions as % of total number of households) and mobile penetration (total active SIM cards as % of total population), 2005–2011

	2005	2006	2007	2008	2009	2010	2011
Internet	21.6	24.8	27.9	30.3	32.6	35.0	37.0
– of which broadband	71.7	83.4	91.3	94.7	96.6	97.1	97.2
Mobile telephony	79	84	90	93	93	92	95
– of which 3G	2.6	8.0	15.3	25.2	n/a	n/a	n/a

Note: n/a: not available

Source: International Telecommunication Union (ITU)

In February 2011, the number of internet users in France stood at 38.2 million (71.4 percent of the population over 11 years old), according to Médiamétrie. This represented a growth of 22 million internet users between 2001 and 2011, during which time the percentage of women online increased significantly. In 2010, 49 percent of women used the internet, up from only 24 percent in 2001. People over 65 years of age have used the internet increasingly in the past decade, and workers are also more active (70 percent of them used the internet in 2010, up from 15 percent in 2001). According to TNS Sofres, 96 percent of children (8–17 years old) used the internet in 2010.¹¹

Table 5.

Number of internet users, 2005–2010

	2005	2006	2007	2008	2009	2010
Number of internet users ('000)	27,210	29,961	31,243	33,560	34,738	38,266
Percentage of population	52.5	57.4	59.4	63.5	65.0	71.4
Change (year on year, %)	14.0	9.0	4.0	7.0	4.0	10.0

Source: Médiamétrie, “L’observatoire des usages Internet” (Study of internet usage), December 2005–December 2010

According to a 2010 CRÉDOC report, three factors significantly influence internet usage: age, education, and income.¹² Only 24 percent of those in the oldest age group (70+) used the internet that year (up from 18 percent in 2009), compared with some 58 percent of those aged 50–70 (no change from 2009).

10. See <http://www.itu.int/ITU-D/ict/facts/2011/material/ICTFactsFigures2011.pdf> (accessed 30 January 2013).

11. TNS Sofres, “L’usage des réseaux sociaux chez les 8–17 ans” (Usage of social networks by 8–17-year-olds), June 2010.

12. Research Centre for the Study and Monitoring of Living Standards (*Centre de Recherche pour l’Étude et l’Observation des Conditions de Vie*, CRÉDOC), “Conditions de vie et aspirations des Français” (Life conditions and aspirations of the French), 2009 (hereafter CRÉDOC, “Conditions de vie”); “La diffusion des technologies de l’information et de la communication dans la société française” (Spread of information and communication technologies in French society), 2010 (hereafter CRÉDOC, “La diffusion des technologies”). Available at <http://www.cgeiet.economie.gouv.fr/Rapports> (accessed 12 December 2012).

Those with the least formal education (having not finished high school) also used the internet notably less (50 percent in 2009 and 52 percent in 2010—up 33 percentage points since 2002) than those with a high-school or tertiary education (84 percent in 2009 and 91 percent in 2010), according to the same report.

In 2009, the French most often connected to the internet from home (67 percent, up 27 percentage points from 2005), work (32 percent), and from public places (13 percent).¹³ There has been a steady growth of respondents who use the internet daily (71 percent in 2009 and 75 percent in 2010).¹⁴ Those numbers are even higher for internet users only: in 2012, 32 percent said they were permanently online and 55 percent said they were online a few times a day.¹⁵

Most people who use the internet search for information (97 percent), buy goods/services or perform online bank transactions (57 percent), visit social networks (45 percent), and watch movies (38 percent). Roughly 32 percent of the population have never used the internet or have stopped doing so. The main reasons cited were the lack of computer access, difficulty of use, or lack of financial means. We also find more personal reasons: too much time spent on surfing and the fear of being spied on. However, most who stopped using the internet (66 percent) intended to reconnect.¹⁶

1.2 Media Preferences

1.2.1 Main Shifts in Media Consumption

Despite the changes in media consumption patterns, television remains the main source of political information (63 percent) and in 2012 may have even reinforced its primary position.¹⁷ Television is followed by radio (15 percent) and the internet (12 percent). Among internet users, television remains a main source for 55 percent of users, followed by the internet (20 percent) and radio (14 percent).¹⁸

According to research by NPA Conseil, French people aged 15–24 watch less television than before. Their first choice is one of the digital channels (especially TMC, W9, NRJ12, Virgin 17, and France 4). Between 2008 and 2009, the new digital channels gained a combined 5 percent of the audience and their average daily watching time rose from 13 minutes to 18 minutes. In contrast, over the same period, traditional (former analog) channels lost a combined 12 minutes from 87 minutes to 75 minutes.¹⁹

13. Numbers do not add up to 100 percent as it was possible to indicate more than one answer.

14. CRÉDOC, “Conditions de vie”; “La diffusion des technologies.”

15. Mediapolis study 2009–2012, ANR project, Center for Political Research at Sciences-Po (CEVIPOF).

16. Mediapolis study 2009–2012, ANR project, Center for Political Research at Sciences-Po (CEVIPOF).

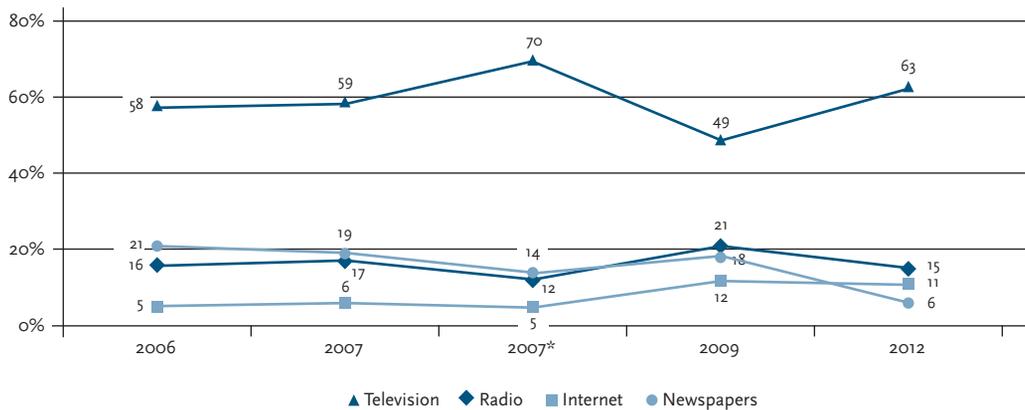
17. Center for Political Research at Sciences-Po (CEVIPOF), Post-electoral survey, June 2012.

18. Mediapolis study 2009–2012 ANR project, Center for Political Research at Sciences-Po (CEVIPOF).

19. Rapid TV News, “Young French watching less TV, but more DTT,” at <http://www.rapidthvnews.com/index.php/200909174750/young-french-watching-less-tv-but-more-dtt.html> (accessed 15 July 2012).

Figure 4.

Main source of political information (% of total respondents), 2006, 2007, 2009, and 2012



Note: Method: Computer Assisted Telephone Interview

Source: CEVIPOF, Trust barometer, 2006, 2007; CEVIPOF, Electoral panel, 2007; Mediapolis, 2009; CEVIPOF, Post-electoral survey, 2012, at www.cevipof.com

Media consumption on the internet and television has grown during the past five years, while the importance of newspapers and radio has declined. Average television consumption grew by six minutes a day between 2005 and 2010 (but not among young people: see above), and by an additional 15 minutes (for those over four years of age) in 2011. The completion of analog television digitization and the growth of digital terrestrial channels on offer, as well as the growth in households with high-definition (HD) television sets (three-quarters of the population),²⁰ were influential factors. Among the new digital terrestrial channels, six now have more than 2 million regular viewers. Most of these channels show music and entertainment, catering in particular to younger viewers.

The radio lost 2 percentage points of its audience between 2005 and 2010, but it has slowly recovered since then. In 2011, listening among audiences over 13 years old was split between “listening in the car” (75 percent), “listening at home” (74 percent), and “listening at work” (18 percent).²¹ In 2010, 13 percent of respondents listened via the internet (through a PC or mobile phone). Radio listeners tend to be young and better educated; they consume more new technologies and particularly appreciate cultural activities.²²

20. Médiamétrie, “L’année TV 2011” (Television Year 2011), February 2012.

21. Médiamétrie, “Panel radio 2010–2011,” Report from 28 April 2011.

22. AFP, “La radio trouve un nouveau souffle sur internet” (Radio finds a new life on the internet), at <http://www.24heures.ch/radio-trouve-nouveau-souffle-internet-2011-01-21> (accessed 9 July 2011).

Table 6.

Media consumption: national dailies, viewing time, and radio listenership, 2005–2012

	2005	2006	2007	2008	2009	2010	2011	2012
Circulation of national dailies (in '000) ⁽¹⁾	7,022	7,071	7,114	6,940	6,434	5,970	n/a	n/a
Daily time spent on TV per individual ⁽²⁾	3h26	3h24	3h27	3h24	3h25	3h32	3h47	3h48**
Percentage of people listening to the radio (daily on weekdays) ⁽³⁾	83.6	82.8	83.6	82.3	81	81.8	82.4†	82.1†

Notes: * paid and unpaid press; ** for January–June 2012; † for January–March 2011 and January–March 2012; n/a: not available

Sources: ⁽¹⁾ Ministry of Culture and Communication (Ministère de la culture et de la communication), “Chiffres et statistiques” (Numbers and statistics), at http://www.ddm.gouv.fr/chiffres.php?id_mot=22 (accessed 2 October 2012); for 2010 Report, *Presse écrite Séries longues, 1985–2010*, Direction générale des médias et des industries culturelles. (Report Press. Longitudinal data 1985–2010. General directorate for media and culture industry), at http://www.dgmic.culture.gouv.fr/IMG/pdf/TSP_2010_1.pdf (accessed 10 October 2012).

⁽²⁾ Médiamétrie, *Mediamat Annuel 2009–2011*, TV viewers aged 4 and over

⁽³⁾ Médiamétrie, *Xerfi700 report 2011*, year average

1.2.2 Availability of a Diverse Range of News Platforms

Clearly the introduction of free internet news as well as the possibility to search for news globally (via international search engines, international press, etc.) has changed the availability of news. The last five years have brought a change among information providers and commentators, as new information portals have emerged. The most popular among such websites in France are Mediapart, Rue89, Bakchich, Slate, and The Huffington Post (the French version launched in January 2012). They provide general information, mostly similar to that occurring in offline and online editions of traditional media, but they also try to establish their own independent editorials as well as comment on political, social, and economic issues. (See section 4.)

However, the traditional media (television, radio, and press) also provide online platforms with constantly updated information, and links to video material or other websites. The internet makes it possible to link with sources of information and documents. As can be expected in a developed democracy, news provision is quite similar among most of the media; what differentiates them is how they frame their information, meaning the way it is presented or commented on.

1.3 News Providers

1.3.1 Leading Sources of News

1.3.1.1 Print Media

The printed press declined by 5.7 percent between 2005 and 2009. However, this decline was smaller than in comparable markets (the UK 15.9 percent, United States 13.3 percent, and Germany 8.3 percent).²³ Like

23. See <http://www.economist.com/node/18904136> (accessed 23 January 2013).

other Europeans, the French still avow quite a strong attachment to print media as a source of information, with 57 percent declaring in 2012 that they used print media for this purpose, in line with the British (54 percent) and Danish (57 percent) proportions, all of which are behind the Germans (68 percent) and ahead of the Americans (45 percent).²⁴

A 2010 report by the Ministry of Culture and Communication (Ministère de la culture et de la communication) listed more than 4,500 titles published in France that year.²⁵ They included 88 national and 451 regional dailies and magazines dedicated to general news and political issues. The most read were *Le Monde* (somewhat center-left) and *Le Figaro* (somewhat center-right); opinion-papers such as *La Croix* (center-Catholic) and business newspapers *Les Echos* and *La Tribune* (which has been online only since January 2012); and magazines with socio-political content (*Le Nouvel Observateur* or *L'Express*). Due to rather strong regional divisions in France, local newspapers and magazines enjoy popularity in particular areas, for example *Ouest-France* (the most read newspaper in France: see Table 7). The French market is missing a true tabloid daily, a gap covered to a certain extent by celebrity-oriented weeklies such as *People*, *Voici*, *Closer*, and *Gala*.

All print media outlets have lost readers since 2005, with the exception of the free dailies *20 minutes*, *Direct Matin* (over 1 million copies distributed in 2011), and *Metro* (with over 755,000 distributed copies in 2011), which are gaining readers and advertising market shares (see section 6). The other print papers, being among the most read and representing the hard news press, restored their sales somewhat in 2011 after heavy losses in 2009.

The loss of readers and advertising revenues has had serious financial repercussions in the industry (see section 6). Introducing changes such as moving to local printers, cutting editorial budgets, and downsizing staff (e.g. *Les Echos* fired 25 journalists in 2009)—and technical changes, such as opting for cheaper news providers (e.g. *La Provence* switching Agence France Presse (AFP) for Reuters) and printing formats—did not improve finances enough or change the provision of news.²⁶

The introduction of the internet forced, however, most traditional print news providers to create online platforms with nonstop updated news, blogs written by their journalists/commentators, as well as mechanisms to better interact with their readers (comments and forums). These platforms provide both free and paid content (for exclusive stories). Other strategies implemented by the editors include a concentration on regional and local angles and the provision of more exclusives.

24. Newman (ed.), “Reuters Institute Digital News Report 2012: Tracking the Future of News,” Reuters Institute for the Study of Journalism, University of Oxford, at http://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Other_publications/Reuters_Institute_Digital_Report.pdf (accessed 14 January 2013) (hereafter Newman, “Reuters Digital News Report 2012”).

25. Ministry of Culture and Communication, “Presse écrite Séries longues 1985–2010 Chiffres définitifs” (Summary for the print press 1985–2010), at http://www.dgmic.culture.gouv.fr/IMG/pdf/TSP_2010_1.pdf (accessed 10 October 2012).

26. Xerfi700, *Presse quotidienne nationale et régionale* (National and regional newspapers report), July 2010.

Table 7.

Distribution of the press (dailies, weeklies, and regional), number of sold copies, 2005–2011

	2005	2006	2007	2008	2009	2010	2011
Dailies							
<i>20 minutes</i>	695,998	740,101	716,648	788,653	709,518	769,503	977,354
<i>Le Parisien/AEF</i>	499,957	510,255	526,719	515,809	499,269	470,583	n/a
<i>Le Figaro</i>	337,118	332,818	338,618	330,382	323,991	325,393	329,367
<i>Le Monde</i>	360,610	350,039	354,316	336,101	318,805	314,627	321,251
<i>Les Echos</i>	118,722	119,178	121,630	123,564	123,860	118,017	121,729
<i>Libération</i>	142,557	133,270	137,831	128,331	115,634	116,717	123,114
Weeklies							
<i>Nouvel Observateur</i>	536,397	537,502	535,604	536,162	525,547	524,239	525,040
<i>L'Express</i>	538,617	538,798	559,892	558,896	538,215	527,109	522,461
<i>Le Point</i>	394,027	406,241	441,213	440,002	431,838	426,900	427,396
<i>Ouest-France (regional)</i>	760,389	761,088	769,167	772,115	762,233	757,128	748,213
<i>La Provence (regional)</i>	156,342	153,257	147,928	145,282	142,063	137,233	129,874
<i>La Voix du Nord (regional)</i>	293,004	288,286	285,436	281,974	274,111	265,280	259,912

Note: n/a: not available

Source: Association pour le Contrôle de la Diffusion des Médias²⁷

1.3.1.2 Radio

In France, radio services can be divided into three groups: national, regional, and local independent. National and regional stations belong to public operators (Radio France) or the numerous private companies. Generalist stations (airing information and music) increased their audience share by 5 percentage points from 2004 to 2010, while strictly music stations lost a similar percentage. RTL—an entertainment-focussed radio station—maintained a dominant share of listenership throughout the period (12.7 percent in 2010 and 11.9 percent in 2011). The largest news and information station, France Inter, gained an audience share over that period of almost 10 percent, as well as an increase in the length of time listeners spent tuned in to the station.

Since 2011, a growing number of people have been listening to radio via podcasts. These listeners average 15.5 downloads a month (and listen to 78 percent of them). Most listen to the podcasts at home (68 percent) and via computer (62 percent), followed by those on the go (21 percent) and those listening via mobile phones (22 percent).²⁸

27. See <http://www.ojd.com/adherent/3036> (accessed 26 October 2012).

28. Médiamétrie, “Étude sur l’écoute des podcasts” (Study on listening to podcasts), 2012; numbers do not add up to 100 percent as it was possible to indicate more than one answer.

Table 8.

Audience share (%) and average number of hours of radio listenership, 2005–2012

	2005		2006		2007		2008		2009		2010		2011		2012*	
	hrs/ mins	Share														
Generalist stations	1h30	38.2	1h35	39.4	2h39	40.3	2h40	42.3	2h36	42.7	2h39	42.8	2h32	42.6	2h36	41.7
Europe1	2h07	8.0	2h01	7.5	2h04	7.5	2h05	8.4	2h03	8.6	2h	7.4	1h54	7.6	1h57	7.2
France Bleu	1h59	5.4	2h	5.4	2h06	5.5	2h07	5.8	2h06	6.3	2h08	6.7	2h04	6.2	2h08	6.3
France Inter	2h06	8.8	2h07	8.8	2h11	8.7	2h07	9.1	2h16	9.6	2h17	9.6	2h10	10	2h17	10.4
RMC	1h52	3.7	2h05	4.3	1h58	4.9	2h08	5.3	1h51	5.3	2h01	5.9	1h58	6.6	2h04	6
RTL	2h20	11.5	2h28	12.7	2h32	13.1	2h33	13	2h20	12.4	2h18	12.7	2h22	11.9	2h22	11.5
Music stations	n/a	n/a	2h	36.9	2h	35.3	1h58	33.3	1h55	33.5	1h52	32.0	1h46	30.9	1h53	31.8
Thematic stations	1h21	7.4	1h20	7.1	1h24	7.8	1h29	8	1h23	7.9	1h31	8.4	1h27	8.8	1h31	9
Local stations	n/a	n/a	1h47	13.9	1h44	13.3	1h50	13.7	1h39	13.1	1h46	14.4	1h45	14.5	1h48	14.7

Notes: * For 2012 data from January–March; n/a: not available

Source: Médiamétrie, “L’audience de la radio en novembre–décembre 2005–2011, janvier–mars 2012” (Radio audience November–December 2005 to 2011, January–March 2012)

1.3.1.3 Online

At the end of 2012, the 30 most visited websites in France included three search engines but also news aggregators: Google (in first place with 16.9 million single users per day), Orange (in sixth place, with 5.7 million single users per day), and Yahoo! (in 11th place, with 3.1 million single users per day). The online editions of traditional news providers also feature in the list: TF1 (private television channel, in 25th place, with 0.99 million single users per day), LeFigaro (in 27th place, with 0.91 million single users per day), and France Télévisions (aggregating all its channels, in 30th place, with 0.76 million single users per day).²⁹

Online news provision has gone through four main phases of development:³⁰

- strong development (1996–2000 until the end of the internet bubble);
- breakdown of the market (2000–2002) and stagnation (2003–2005);
- slow recovery (2006–2008);
- uncertainty (2009 strong breakdown and 2010 recovery) with encouraging signs for the future.

29. Médiamétrie, “L’audience de la radio” (Radio audience), December 2012.

30. Ministry of Culture and Communication, “Presse en ligne @2010” (Online press at 2010), at http://www.dgmic.culture.gouv.fr/IMG/pdf/Enquete_SPEL_2010_-_premiers_resultats.pdf (accessed 31 October 2012) (hereafter Ministry of Culture and Communication, “Presse en ligne@2010”).

Online news provision in France is dominated by the online versions of traditional media—among the top 50 sites visited, they represented some 24 percent in mid-2012. The most popular news aggregator in France is Orange.fr (with 21.1 million unique visitors, the fifth most visited website in June 2012).³¹ However, as it is also the largest provider of internet and television in France, it is impossible to establish the number of visitors on Orange.fr searching for general news and those searching for other information and services. The same is true for Google.fr (which in June 2012 had some 38.4 million unique visitors and was the most visited page) or Yahoo! (with 16.4 million unique visitors in June 2012, the eighth most popular site), as it is not possible to distinguish news provision users from search engine users.

A significant trend is the constant or growing popularity of some media online: they include online pages of television channels such as France Télévisions and TF1 and dailies' websites such as LeFigaro.fr and LeMonde.fr. This shows the shift of audiences from traditional channels of reception to new ones that offer catch-up television and constantly updated news.

Table 9.

Traditional media website usage, single visits per month ('000), 2005 and 2007–2012

	2005		2007		2008		2009		2010		2011*		2012**	
	Rank	No. of visits	Rank	No. of visits	Rank	No. of visits								
France Télévisions	22	2,505	22	4,430	23	6,973	23	7,434	22	8,595	17	8,326	15	10,445
Le Monde	n/a	n/a	27	2,982	41	3,878	35	5,347	39	5,123	26	6,874	20	9,012
Le Figaro	38	848	35	2,480	26	5,732	33	5,364	27	7,103	22	7,577	19	9,310
20 minutes	n/a	n/a	41	2,186	49	3,100	44	3,699	44	4,890	30	6,066	24	8,447
Skyrock	13	3,950	12	6,841	15	8,632	24	7,357	34	6,005	38	5,199	36	5,988
TF1	14	3,917	n/a	n/a	10	10,094	15	10,452	14	11,867	11	11,378	14	10,825
Canal+	n/a	n/a	31	2,816	27	5,579	32	5,817	37	5,423	34	5,441	39	5,362
M6	16	3,305	n/a	n/a	37	4,308	47	3,387	48	4,401	45	3,902	45	4,223
<i>Le Nouvel Observateur</i>	29	1,262	n/a	n/a	48	3,146	42	4,164	50	4,103	29	6,146	30	7,557
<i>L'Express</i>	n/a	n/a	n/a	n/a	n/a	n/a	43	3,823	38	5,260	37	5,303	28	7,704
<i>Liberation</i>	36	941	n/a	n/a	n/a	n/a	45	3,649	n/a	n/a	49	3,740	50	4,006
<i>Le Parisien</i>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	42	5,059	32	5,637	22	8,566

Notes: * For October 2011; ** for June 2012; n/a: not available

Source: Médiamétrie, "L'audience de l'Internet en France, le top 50 des sites supports de publicité" (Internet audience in France; the top 50 commercial websites), December 2005–2010, October 2011, June 2012 (2006 not available)

31. Médiamétrie, "L'audience de l'Internet en France, le top 50 des sites supports de publicité" (Internet audience in France; the top 50 commercial websites), June 2012.

1.3.1.4 Television

In France during the past five years a significant change in television channel preferences has occurred. Traditional terrestrial channels (those present before the introduction of digital television) steadily lost audience share. Canal+ maintained a stable subscription rate and gained new subscribers in the first half of 2012. It commands around 3 percent of the total audience. The most dramatic audience losses were suffered by the two largest television channels—the private TF1 and the public France 2. Audience preferences have turned to the new general digital televisions (general or thematic) whose combined market share grew to 23.1 percent in 2010, up 17 percentage points since 2007. However, the most popular new digital channels are in the hands of the largest traditional private channels: TMC, for example, is owned by TF1, and W9 by M6.

Table 10.
Annual average audience for TV channels (%), 2005–2012

	2005	2006	2007	2008	2009	2010	2011	2012*
TF1	32.3	31.6	30.7	27.2	26.1	24.5	23.7	22.7
France 2	19.8	19.2	18.1	17.5	16.7	16.1	14.9	14.9
France 3	14.7	14.7	14.1	13.3	11.8	10.7	9.7	9.7
Canal+	3.6	3.4	3.4	3.3	3.1	3.1	3.1	2.9
M6	12.6	12.5	11.5	11.0	10.8	10.4	10.8	11.2
France 5	6.9	6.8	6.5	5.5	5.1	4.7	3.3	3.5
Arte	3.4	3.1	3.2	2.8	2.5	2.1	1.5	1.8
Other TV	12.1	13.8	n/a	n/a	n/a	n/a	n/a	n/a
Free-to-air digital televisions, in detail:	n/a	n/a	5.9	11.1	15.2	19.7	23.1	n/a
Direct 8	n/a	n/a	0.2	0.7	1.4	2.0	2.3	2.3
W9	n/a	n/a	0.9	1.8	2.5	3.0	3.4	3.2
TMC	n/a	n/a	1.2	2.1	2.6	3.3	3.5	3.6
NT1	n/a	n/a	0.6	1.0	1.4	1.6	1.9	2.1
NRJ12	n/a	n/a	0.4	1.0	1.5	1.9	2.3	2.4
France 4	n/a	n/a	0.4	0.9	1.1	1.6	2	2.1
BFM TV (24h news)	n/a	n/a	0.2	0.4	0.7	0.9	1.4	1.8
i>Télé (24h news)	n/a	n/a	0.3	0.3	0.5	0.7	0.8	0.8
Virgin17	n/a	n/a	0.4	0.5	0.7	1.0	n/a	n/a
Gulli	n/a	n/a	0.8	1.5	1.8	2.2	2.1	1.9
Other (local, thematic)	n/a	n/a	11.6	12.6	12.7	12.2	11.7	n/a

Notes: * For 2012 the average from January–June 2012; n/a: not available

The category of “Other TV” also includes digital TV stations in 2005 and 2006

Source: Médiamétrie, *L'Année TV (The TV Year)* 2005 to 2011, at <http://www.mediametrie.fr> (accessed 12 January 2013). Methodology: share of the national audience counted during one day of study (randomly chosen during a week, here showing the yearly aggregate). Survey of panel audience of more than 10,000 respondents aged four and over.

The new digital channels are not very active in news and information, with the exception of the all-news channels, which for a long time struggled to reach more than 1 percent of the television audience. BFMTV, the most popular all-news channel, reached 1.8 percent of the audience in 2012. Television remains the most important source of political information in French society for 84 percent of respondents,³² with traditional (analog-era) channels still the most powerful, albeit declining (see section 1.3.2).

Catch-up television is of growing importance. In November 2011, 70 percent of internet users in France watched videos online: among those watched, 29 percent were websites belonging to television channels and the mean time spent watching videos online was 3 hours 25 minutes.³³ There is also a growth among the users of Video on Demand services (VoD): in November 2011, 21 percent of internet users watched videos via this service, with the most popular formats being television drama series and films.³⁴

1.3.2 Television News Programs

The most popular television newscasts remain the evening news. However, those aired by historically analog channels (TF1 with 6.3 million viewers and France 2 with 4.8 million viewers in September 2012)³⁵ have suffered a serious decline in their audiences since 2007. In contrast, two emerging channels have achieved significant increases in their audience numbers. The M6 newscast (also an historical analog channel),³⁶ a 15-minute bulletin in the evening, has completely revamped its image since 2010 and become a serious competition to other newscasts. Their slogan is “Learn, understand and surprise.”³⁷ It attracts an average audience of 3 million each evening. The second emerging player—due to digitization—on the news market is the 24-hour news channel BFMTV,³⁸ with a program concept resembling international formats used by BBC News, CNN, etc. It concentrates mostly on general news with a political and economic focus, and rolling updates.

In 2012, 32 percent of those who responded declared that they watched substantially fewer television news programs than they used to.³⁹

32. CEVIPOF, Post-electoral survey, 2012.

33. Médiamétrie, “Mediamat Annuel 2011, Audience consolidée” (Yearbook 2011, Consolidated audience), 9 January 2012, at <http://www.mediametrie.fr> (accessed 12 January 2013).

34. Médiamétrie, “Video 360,” Report, 10 January 2012.

35. J. Lalande, “Audiences: bonne rentrée pour le 20h de TF1 présenté par Gilles Bouleau” (Audience: good return for the 20h journal at TF1, presented by Gilles Bouleau), Pure Médias, at <http://www.ozap.com/actu/audiences-bonne-rentree-pour-le-20h-de-tf1-presente-par-gilles-bouleau/443124> (accessed 31 October 2012).

36. M6, the third most popular French television channel by audience, belonging to the media group M6. It airs family programs, mostly series, fiction, and reality shows. Lately, it has specialized in Do-It-Yourself (DIY) shows.

37. *Le Figaro*, “Le 19.45 de M6 dans la cour des grands” (Journal 19.45 of M6 chasing the big players), at <http://tvmag.lefigaro.fr/programme-tv/article/people/65239/le-1945-de-m6-dans-la-cour-des-grands.html> (accessed 4 October 2012).

38. BFMTV is a part of the media consortium Nextradio.fr, together with BFM Radio and RMC radio.

39. Harris Interactive, “Les Français s’expriment sur le journal télévisé de 20h” (Opinions of the French on the 20h TV news), at http://www.harrisinteractive.fr/news/2012/CP_HIFR_Telestar_10022012.pdf (accessed 3 February 2013) (hereafter Harris Interactive, “Les Français s’expriment”).

Table 11.

Main TV newscasts (%), 2009 and 2012

Channel	Time (p.m.)	December 2009	April 2012
TF1	8.00	32.1	23
TF1	1.00	9.5	9
France 2	8.00	20.8	18
France 2	1.00	4.3	4
France 3	7.00	6.4	4
M6	7.45	6.6	18
Canal+	8.00	3.9	4
BFMTV	Repeated	3.5	12
i>Télé	Repeated	2.1	2

Note: Official audience measurements for news programs are not publicly available in France

Source: Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po

1.3.3 Impact of Digital Media on Good-quality News

New digital media outlets, particularly newly licensed television channels, are not concentrating on providing news, with the exception of the new all-news channels whose audience is not, however, comparable with entertainment-focused or generalist channels. Some newly licensed digital channels do not even air news. Private channels air significantly less news and information programming (21 hours per week on average) compared with public channels (46 hours—see section 2).

Although there is no perceptible change in the quality of news provided by media, digitization—and especially the introduction of the internet—offered more opportunity for news consumers to gain access to source material. Links to amateur videos (filmed during an unexpected event) or to original documents are widely available and accessible. The internet has also become an important source of information about the most recent news (for 69 percent of the French audience), just ahead of radio (68 percent) and comfortably ahead of television on 48 percent. However, French people are not satisfied with the quality of their television news: 72 percent of respondents claim that news and journalists are not independent from political influence, that they do not explain events properly (62 percent), that they are not educational enough (56 percent), and that they are boring (45 percent).⁴⁰ In September 2011, trust in political information content was highest for the internet (33 percent), followed by the press (29 percent), radio (21 percent), and television (15 percent).⁴¹

40. Harris Interactive, “Les Français s’expriment.”

41. Harris Interactive, “Les Français s’expriment sur l’indépendance des journalistes de télévision à l’égard des politiques” (Opinions of the French on the independence of TV journalists regarding politics), at <http://www.harrisinteractive.fr/news/2011/07102011c.asp> (accessed 3 February 2013).

Online news provision also encourages and allows for more interactivity with the audience. However, French society does not seem to be very active in writing comments and participating in forums and chats. According to the French Institute of Public Opinion (*Institut français d'opinion publique*, IFOP), only 7 percent of all internet users participated in online political discussions during the 2007 presidential elections, dropping to 3 percent in the off-campaign period in 2009. During the 2012 elections, 64 percent of French declared they had a Facebook profile and 13 percent had a Twitter account, but only around one-third of those with Facebook and Twitter accounts were commenting on political events on social networks.⁴² Other studies show a growing interest in commenting on more general news stories, not necessary political ones, as 21 percent comment on the news on social networks, 11 percent upload photographs, and 15 percent engage in one-to-one conversations about the news.⁴³ There are some news websites that allow for more engaged interactions with the audience; besides comments and chats they may also provide information (e.g. Agoravox.fr), where the role of journalists is limited mostly to validating the content provided by internet users.⁴⁴

1.4 Assessments

The internet has broadened access to real-time news, but there are few independent information providers, as the most accessed online news services belong to the traditional media. News aggregators such as Google, Yahoo!, and Orange.fr are among the most visited in France, but it is not clear how much they are used specifically for news and information, given the range of services they provide.

The main information providers (traditionally, morning newspapers, morning radio news, and evening television services) have to a certain extent maintained their audiences, but new forms of information and news have been emerging. The most significant change in media consumption is likely to be the media-on-demand system, where customers choose the type of content they want. The second most significant change is the emergence of the hypermedia system with content available for consumption in different forms practically everywhere: through various devices (television sets, radios, computers, mobiles, and tablets) and dissemination platforms (websites, social network platforms, blogs, and microblogs).

One of the most important changes in the French news landscape over the last seven years is the emergence of pure players and 24-hour news services. Pure players provide online-only information, editorials, comments, and sometimes news stories based on investigative journalism (see section 4.2). Non-stop news stations, even though they are not making much impact in terms of ratings (BFM, the most popular one, reaches around 2 percent of the audience), have changed the media landscape. For they have obliged other media platforms to adapt to their constantly updated news, often provided directly by the journalist on location.

42. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

43. Newman, “Reuters Digital News Report 2012.”

44. J. Charon, “De la presse imprimée à la presse numérique. Le débat français” (From print to digital press, the French debate), *Réseaux* No. 2, 2010, pp. 160–161.

It is questionable, however, whether constantly updated news is *strengthening* the quality of news, the in-depth investigation of topics, or the breadth of perspective and presentation of circumstances and points of view. That having been said, however, neither of the 24-hour news stations is trying to attract viewers with celebrity-oriented content; rather, they try to focus on political, economic, and social issues, with coverage of national and key international events.

2. Digital Media and Public or State-administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; News and Current Affairs Output

France completed the switch-over to digital terrestrial television (DTT) across its entire territory in November 2011.⁴⁵ This has been the most drastic change since the introduction of color television in 1967.⁴⁶ It allows people to get access to 18 free-to-air television channels, six of which are provided by the public service broadcaster: the most popular are France 2, France 3, France 5, and Arte.

Public television channels remain the most important sources of information. Even though a private news channel—TF1—attracts the largest audience for a single program (around 23 percent; see section 1.3.2), it is public service broadcasting as an agglomerate that is *most viewed* (around 26 percent of the audience). Perhaps more significant is that the decline in viewership between 2009 and 2012 was definitely more marked for private channels than for any public channel. Public television news programs sustain a high standard of information, concentrating on national and regional events, taking pains to show and explain different points of view, and originating reportage about the most severe problems facing the country. It is also public television that produces the most popular political talk shows and debates (often hosting not only politicians but also experts and specialists). The high supply of political programs is visible in the number of hours aired each week (see Table 12).

In 2011, some 16 percent of all air time for public channels combined was devoted to news and information, 17 percent to documentaries, 32 percent to films and series, 1 percent to sport, and 17 percent to music and shows.⁴⁷ However, the public broadcaster's central role as a news provider is challenged by all-news

45. CSA, "La couverture de la TNT" (DTT coverage), at http://www.csa.fr/TV_numerique/tv_numerique_recevoir_avec_antenne.php (accessed 4 July 2011).

46. Télérama, "La réception TNT" (DTT reception), at <http://www.telerama.fr> (accessed 4 July 2011).

47. CSA, "Guide des chaînes numériques, 10e édition" (Guide to digital channels, 10th edition), March 2012, at http://www.dgmic.culture.gouv.fr/IMG/pdf/GUIDE_2012_web-_part_1.pdf (accessed 4 July 2011).

channels: Euronews (established in 1993), LCP/Public Sénat (1994), iTele (1999), and BFMTV (2005). Public television also established, in 2006, its own nonstop news service, France 24, airing in French, Arabic, and English. But despite mounting competition, public television has remained the leader among generalist stations for programs with information on current political and social events. On average, there are twice as many hours of news content on public channels as on private generalist channels.

Table 12.

Information provision by public and private television (hours of programming a week), July 2011

Public channels				Private channels				
France 2	France 3	France 5	Arte	TF1	M6	TMC	NT1	Canal+
10h 28min	24h 25min	7h 5min	4h 15min	10h 55min	3h 35min	1h 45min	1h 35min	3h 40min
General 46h 13min				General 21h 30min				

Note: Randomly chosen week of news provision (2 July 2011 to 9 July 2011)

Source: Télérama, at <http://www.telerama.fr>

The most popular channels owned by the public broadcaster produce diverse information programs such as newscasts, debates, and interviews. Most of these programs are aired in the evening on television, whereas the public radio stations concentrate them in the morning schedules. Generally, both public radio and television have managed to defend their audience share during the past three years.

During the 2012 French presidential and parliamentary elections, one of the most popular platforms for political debate was France 2's program "*Des paroles et des actes*" (Words and Deeds),⁴⁸ which aired 26 hours of programming between January and April 2012. The presentations and interviews with all 10 presidential candidates, produced by the most prominent journalists from various television channels, drew an average of 4.4 million viewers. The last show, which brought the final two candidates together for a debate, was watched by 6.2 million people on 26 April 2012. The program continues to be aired as an independent, non-electoral program, though less often and with a different format: some of the most prominent politicians are interviewed by both their political opponents and by journalists.

48. For more about this program, see <http://www.francetv.fr/2012/emissions/des-paroles-et-des-actes> (accessed 4 July 2011).

Table 13.

Public media (TV and radio), news and current affairs output, 2010–2012

Channel	General orientation ⁴⁹	Audience (%) ⁵⁰			Examples of popular or significant news or current affairs programs
		May 2010	May 2011	May 2012	
Television					
France 2	Generalist, concentrates on diversity of programs: information, sport, entertainment, series, and films. Focussing on French and European productions	16.4	17.1	15.1	1 p.m. News 8 p.m. News 12.30 a.m. Night news “ <i>Ce soir (ou jamais!)</i> ” This Evening (Or Never!)—debate with invited guests concentrating on social and cultural issues “ <i>Envoyé spécial</i> ” (Special Correspondent)—magazine about current, mostly social, issues
France 3	General public but with focus on regional issues. It provides information, documentaries, and talk shows on social and economic issues. This channel is produced mainly locally in 24 regional offices	10.6	12.1	9.6	6 a.m. Euronews 11.45 a.m. 12/13 News 6.45 p.m. 19/20 News 10.35 p.m. Soir 3 News Other: “ <i>Des racines et des ailes</i> ” (Roots and Wings)—program dedicated to recognition of French heritage
France 4	General public with focus on the “young and the new generation.” Created in 2005 to reach a new public using DTT (changed from Festival channel, established in 1996)	1.7	2.4	2.3	No news
France 5	Educational, created to share and transmit knowledge, ideas, and values. Interested in national and international culture and societies	3.3	4.0	3.5	5.35 p.m. “ <i>C l’info</i> ” Other: “ <i>C dans l’air</i> ” (It’s in the air)—debate with invited guests (journalists, politicians, researchers, and other specialists) concentrating on current affairs, politics, and economics. During the program the audience is invited to participate in discussion via internet or SMS
France Ô	Dedicated to cultural diversity, it offers documentaries, talk shows, debates, and live shows (theater, music). It focusses on the culture of French populations outside Europe	n/a	n/a	n/a	

49. CSA, “Les chaînes de télévision” (Television channels), at http://www.csa.fr/infos/operateurs/operateurs_telerivision_publiques.php (accessed 4 July 2011).

50. Médiamétrie, Médiamat mensuel (Médiamat: Monthly edition), May 2010, 2011, 2012.

Channel	General orientation ⁴⁹	Audience (%) ⁵⁰			Examples of popular or significant news or current affairs programs
		May 2010	May 2011	May 2012	
France 24	Rolling news—external service. Distributed in French, English, and Arabic.	n/a	n/a	n/a	Non-stop news
France 1 ^{ère}	Created in 2010 to diminish the differences in TV access between the continental and overseas French public. It distributes programs from other public channels	n/a	n/a	n/a	
LCP/Public Sénat	Channel created in 1999 to distribute programs about the National Parliament and Senate (and financed by those two institutions). It has an educative character, showing programs on parliament, politics, and citizenship	n/a	n/a	n/a	Non-stop news
Arte	International television created in 1990 by an agreement between France and Germany. It concentrates on cultural, historical, and societal issues concerning mostly Europe. Aims programs with translations into French or German	1.6	1.7	1.6	12.45 p.m. Arte News 7 p.m. Arte News
Radio					
			July 2011	July 2012	
Radio France	5 radio stations: France Inter, France Music, France Culture, France Info, and France Blue (43 regional stations)	Blue Inter Culture Info Music	6.4 9.5 1.4 3.9 1.1	7.9 8.8 1.3 3.9 0.9	Newscast every hour News, morning edition (7–9 a.m.) France Info—all-day news provision
RFO	Belongs to French Télévisions. Delivers programs mostly to overseas regions of France		n/a	n/a	
RFI	Its mission is to diffuse French politics, culture, science, and language outside the country		n/a	n/a	

Note: n/a: not available

Sources: Médiamétrie, “Médiamat mensuel TV” (Monthly TV Report), May 2010, 2011, 2012. Methodology: share of the national audience counted during one day of study (randomly chosen during a week, showing the monthly aggregated data). Survey of panel audience representative of French people from more than 10,000 respondents aged 4 and above.
Médiamétrie, “Grilles Radio” (Monthly Radio Report), July 2011 and 2012. Methodology: survey of a random sample of more than 13,000 respondents aged 13 and above.

2.1.2 Digitization and Services

French public television has not launched any new channels for DTT. It has, however, adapted some of its existing channels to be more attractive and concurrent with commercial channels: France 5 became a 24-hour channel instead of being only a few hours on air, France 4 now targets younger audiences, and there are new regional editions of France Ô.

France Télévisions is also launching new services available due to digitization.⁵¹ In September 2011 (with the emergence of television sets with the HbbTV standard), France Télévisions launched a platform—constantly updated and available through DTT—that offers international, national, and regional information, sports news and weather forecasts in video format, as well as a television channel guide. In November 2011, France Télévisions launched a special information service (Francetvinfo.fr) available on all platforms: web, mobile, tablet, and connected television sets.

In the context of this general information platform, public television has firmly established its place in the online community by providing web services of very high standards for each channel. France Télévisions' main website is a mother-platform for separate websites dedicated to each of its channels. All the websites have a similar design. Differences are visible mostly in design-related details such as color. On top of the main news content, each channel has its own rubrics for specialized information (e.g. France 3 has rubrics for all regions in France, whereas France Ô covers foreign news). All the websites offer catch-up television (Pluzz.fr does it free of charge, but has advertising banners) launched in July 2010 and VoD (where paid series and films can be watched).

The catch-up television service has been growing in consumption: by the end of 2011, 14.5 million people had used this service in France, the majority still via computers but an increasing number also through their television sets. The television-internet mix is to take off significantly in coming years. Alexandre Fourmond, Marketing Manager of the consumer electronics maker LG Electronics France, said:

matching television and internet is a real opportunity to open towards a “new world of usage,” convergence and content that will revolutionize the usage of television. For the audience, this match is achieved through Smart TV where the menu, ergonomics, remote control and force have been totally reinvented. If today only 18 percent of the TV sets are connected to the internet, in 2015 they will constitute 80 percent.⁵²

All content on France Télévisions' websites is well organized, most often by channel and type of program. It consists of written content, pictures, online short videos, or streams of programs. Visitors can participate in forums dedicated to each program, leave their comments under each entry, and visit the blogs of various programs or journalists. The station's online platform also offers users the possibility to play online games, both free of charge and commercial.

51. CSA, “Bilan de la société France Télévisions Année 2011” (France Télévisions Balance Sheet 2011), August 2012, at <http://csa.fr/Etudes-et-publications/Les-bilans/Les-bilans-des-chaines-de-television-publiques-et-privées/Bilan-de-la-societe-France-Televisions-Annee-2011> (accessed 3 February 2013).

52. Médiamétrie, “La TV dans tous ses états” (Television in all its stages), February 2012.

All of France Télévisions' websites have an active presence on Facebook and Twitter.⁵³ They offer a newsletter subscription and RSS feed, as well as applications for mobile phones. Live streaming was introduced in 2012.

In terms of news content online, France Télévisions delivers a greater amount of news than any of the commercial channel websites, with the exception of TF1. Websites run by commercial channels such as Canal+ and M6 concentrate more on their own non-news programs. All nonstop news services, such as BFM, LCP, and i>Télé, offer live streaming and constantly updated information on their websites, both in text and short video formats.

Table 14.

Number of likes on Facebook profiles and number of followers and tweets on Twitter profiles,
July 2011 and September 2012

	Facebook		Twitter			
	No. of likes		No. of followers		No. of tweets	
	2011	2012	2011	2012	2011	2012
Public TV						
France 2	33,199	181,992	75,714	254,188	7,940	12,699
France 3	10,626	75,302	4,258	20,492	2,107	3,718
France 4	8,100	56,468	4,798	22,527	1,244	4,325
France 5	8,298	60,047	19,546	90,223	2,045	4,908
France 1ère	3,742	8,418	n/a	n/a	n/a	n/a
France Ô	n/a	35,704	n/a	7,290	n/a	2,411
Arte	342,911	573,910	34,833	97,440	2,414	4,968
France 24	391,651	848,915	20,441	94,361	20,434	32,679
LCP/Public Sénat	8,154	6,825	4,000	26,597	1,951	7,005
Private TV						
TF1	35,411	1,055,453	52,966	363,409	7,916	14,056
Canal+	117,810	414,573	n/a	121,128	n/a	11,573
M6	1,747	970,858	8,082	111,493	1,965	5,288
BFM	41,417	88,622	16,610	198,072	5,967	22,160
i>Télé	18,257	29,124	13,489	56,697	5,441	28,514

Note: n/a: not available

Sources: Facebook; Twitter; reporters' own data

53. According to a CSA letter to its staff dated 6 June 2011, French television stations, both public and private, are asked not to promote any social network websites. From that day on, instead of saying "You will find the latest news on Facebook," television anchors in France have said, "You will find the latest news on our social network website." See http://www.csa.fr/actualite/communiqués/communiqués_detail.php?id=133577 (accessed 5 July 2011).

Public television channels led in new social media connections in 2011, with France 24 and Arte enjoying the highest number of likes on Facebook and France 2 leading in numbers of followers on Twitter. However, a year later later (in December 2012) the situation changed completely: commercial channels gathered the largest communities both on Facebook (M6) and Twitter (TF1). They are followed by Arte and France 24 on Facebook and France 2 on Twitter. Combined, all France Télévisions' accounts on social networks now number almost 4.5 million.

2.1.3 Government Support

The new media regulation for France Télévisions adopted in 2009 emphasized the special role of the public broadcaster in the new digital era.⁵⁴ Article 21 stipulated that digital technologies present an opportunity for France Télévisions to enrich its programs and make them more accessible. Interactive technologies should be developed in order to improve the relationship with the public. France Télévisions was also required by this law to play an active role in the switch-over to digital television by airing educational/informational programs about this process. Article 22 of the law required France Télévisions to provide television services on demand, including catch-up television, to allow viewers to access programs at any time. Since 2011, France Télévisions has made the opportunities offered by digitization (such as catch-up television and connected/interactive television) one of the pillars of its strategy. As a consequence, its budget for the development of a new hyper-media strategy increased by 59 percent in 2011 over the previous year.⁵⁵

To be able to complete the digital switch-over in November 2011, informational campaigns were run. The website Tousaunumerique.fr was launched to provide information and support for older people. At the same time, France Télévisions has broadcast advertisements educating and encouraging people to make that change.

The 2009 Law was meant to reinvent the identity of French public television based on a richer and more innovative offering that would attract a larger audience.⁵⁶ Following the recommendation of the president of France, Mr Sarkozy, public television was required to reduce its dependence on advertising by abolishing commercials between 8 p.m. and 6 a.m. The state committed to covering all the losses that France Télévisions would incur as a result of removing advertisements from its programs.

The same act gave the President of the Republic the power to nominate the president of France Télévisions after consultations with the CSA and the cultural commission in Parliament. Both those changes were strongly criticized by the parliamentary opposition and the media, which accused the government of cementing its political influence on public television.⁵⁷

54. Decree No. 2009-796 of 23 June 2009 on Fixing the specifications for the national program group France Télévisions, *Journal officiel*, 25 June 2009.

55. France Télévisions, "Rapport annuel (Annual Report) 2011," p. 13, at http://www.francetelevisions.fr/groupe/bdRapportAnnuel_DP.pdf (accessed 25 October 2012) (hereafter France Télévisions, "Annual Report 2011").

56. Ministry of Culture and Communication, "La reforme de l'audiovisuel public" (Reform of the public audiovisual service), at http://www.ddm.gouv.fr/article.php3?id_article=1447 (accessed 25 October 2012).

57. Mouvement démocrate, "Nomination de Rémy Pflimlin à France Télévisions: François Bayrou dénonce 'un processus malsain'" (Nomination of Rémy Pflimlin as CEO of French Televisions: Francois Bayrou claims this was "not a fair process"), at <http://www.mouvementdemocrate.fr/actualites/bayrou-reaction-nomination-france-televisions-pflimlin-050710.html> (accessed 5 July 2011).

In 2011, 85 percent of public television was financed from public sources, mostly through license fees, to the tune of €2.464 billion (US\$3.209 billion), down from €2.472 billion (US\$3.219 billion) a year before.⁵⁸ The subsidies are to be lowered again in 2013 (probably by 2.3 percent year on year),⁵⁹ along with staff reductions.⁶⁰

The Socialist Party (*Parti Socialiste*, PS), which has been in government since the 2012 elections, has announced its willingness to amend the state supervision of public media.⁶¹ According to Aurélie Filippetti, responsible for media within the PS before the 2012 parliamentary elections, and subsequently Minister of Culture and Communication, the CSA should become responsible for nominating the presidents of each of the media within the group, in order to assure the full independence of the public media.

The new president, François Hollande, has also proposed changes within the CSA. Up to now, the head of state has been able to nominate three of the nine members; President Hollande suggests that this authority should be transferred to the Cultural Commission in Parliament. However, in January 2013, Mr Hollande nominated Olivier Schrameck to lead the CSA, a close co-worker of Lionel Jospin (PS prime minister from 1997 to 2002) and a candidate in the presidential elections of 2002 with no experience in television or radio. This nomination triggered a public debate about Mr Hollande's supposed abandonment of his campaign promise to change the process for nominating the highest officials.⁶² However, the Minister of Culture and Communication still argues for the necessity of changing the nomination of CSA members.

2.1.4 Public Service Media and Digital Switch-over

In 2009, the combined audience share of France Télévisions was 32.7 percent, some 2 percentage points down from 2008. It sank further to 29.9 percent in 2011.⁶³ The decline was triggered exclusively by the fresh competition posed by newly licensed digital channels, according to a report by France Télévisions.⁶⁴

DTT allowed France Télévisions to reach new audiences; for example, according to their report the launching of the new regional channel of France Ô (overseas channels) attracted a younger audience (with a mean age of 44, three years younger than for other channels, and with a goal of reaching audiences aged 35–37).

58. France Télévisions, "Annual Report 2011."

59. Agence France Presse (AFP), "Grève dans les médias publics français" (Strike in the French public media), *Le Figaro*, at <http://www.lefigaro.fr/flash-eco/2012/10/02/97002-20121002FILWWW00408-greve-dans-les-medias-publics-francais.php> (accessed 5 July 2011).

60. "La part du financement public dans le budget de France Télévisions va diminuer en 2013" (Part of the budget of France Télévisions will go down in 2013), *L'Express*, at http://www.lexpress.fr/actualite/media-people/media/la-part-du-financement-public-dans-le-budget-de-france-televvisions-va-diminuer-en-2013_1153615.html (accessed 15 February 2013).

61. "Chambardement en vue dans l'audiovisuel public" (Facing changes in the public audiovisual), *Le Figaro*, at <http://www.lefigaro.fr/medias/2012/05/07/20004-20120507ARTFIG00387-chambardement-en-vue-dans-l-audiovisuel-public.php> (accessed 29 January 2013).

62. Ouestfrance.fr, "Conseil supérieur de l'audiovisuel: des nominations politiques?" (CSA, political nominations?), at http://www.ouest-france.fr/ofdermin_-Conseil-superieur-de-l-audiovisuel-des-nominations-politiques-_6346-2151680-fils-tous_fildMA.Htm (accessed 15 February 2013). See also "Hollande dans l'audiovisuel: curieuses nominations au CSA" (Hollande and audiovisual: strange nominations for CSA), at <http://medias.blogs.challenges.fr/archive/2013/01/17/surprises-et-prise-de-bec-le-pouvoir-s-empetre-au-csa.html> (accessed 15 February 2013).

63. Télévisions, "Annual Report 2011."

64. France Télévisions, "Rapport financier annuel (Annual Financial Report), 2010," at http://www.francetelevisions.fr/groupe/FTV_RapportFinancier_2010.pdf (accessed 3 February 2013) (hereafter France Télévisions, "Annual Financial Report 2010").

Another channel aiming for the youngest audience (15–35 years old) is France 4, which is enjoying a growth of audience share (while other channels have a negative balance).

Table 15.

Audiences of public and private TV channels (average % of total audience), 2009–2010

Channel	Mean audience share 2009	% change (year on year)	2010
France 2	16.7	−0.8	16.1
France 3	11.8	−1.5	10.7
France 4	1.1	0.2	1.6
France 5	3.1	0.1	3.2
France Télévisions (combined)	32.7	−2.0	31.6
TF1	26.1	−1.1	n/a
M6	10.8	−0.2	n/a
Canal+	3.1	−0.2	n/a
Arte	1.7	0.0	n/a
Other (combined)	27.9	4.2	n/a

Note: n/a: not available; the numbers do not add up to 100 percent since they are mean values

Source: France Télévisions, “Rapport financier annuel (Annual Financial Report) 2009, 2010”⁶⁵

There has been a long-standing and continuing commitment by successive governments to disseminate French culture and values across the world. Previously, a branch of the ORTF (then of Radio France), Radio France International (RFI), was set up in 1986 as an independent company to broadcast radio programs in French and 13 other languages. It has a strong presence in francophone countries in Africa, where it provides an alternative source of news. The channel TV5 was set up in 1984 as a joint venture between French, Belgian, Canadian, and Swiss public broadcasting companies; however, most of its funding has come from the French authorities. It broadcasts a selection of programs, including main newscasts, from its parent companies. France 24 was started at the end of 2006 as a sort of French equivalent to CNN, but publicly funded. It has three channels broadcasting in French, English, and Arabic. In April 2008, the government decided to group the different parts of the French external broadcasting service under a new umbrella organization, the External Audiovisual of France (*Audiovisuel Extérieur de France*, AEF).

France Télévisions strives to represent a wide variety of the French population.⁶⁶ In 2009, a commission was established under the chairmanship of Hervé Bourges to assess diversity within France Télévisions structures.⁶⁷ Its task is to supervise the coverage of different groups in society and a variety of issues concerning news,

65. See http://www.francetelevisions.fr/downloads/FTV_rapport_financier_annuel_2009.pdf (accessed 5 July 2011).

66. France Télévisions, “Annual Financial Report, 2009.”

67. France Télévisions, “Annual Financial Report, 2010.”

documentaries, films, series, and shows. The commission ensures that the diverse groups that make up French society receive equal treatment during all stages of production, from the choice of topics, scripts and their implementation, to the role and distribution of tasks within the production team.

Diversity is visible at France Télévisions in the topics covered, which include national and sexual minorities, the disabled, people with health problems like Alzheimer's or AIDS, city and village life, productions for and about children (e.g. about adopted children), or music programs presenting various genres and types of music, for 90 minutes a week.

France Télévisions also employs staff from different cultures and origins. France Ô is almost entirely dedicated to making programs about the cultural differences among French citizens living abroad. In 2011, France Télévisions also started a more intense recruitment drive aimed at disabled people.⁶⁸

Since 2011, France Télévisions has also committed to setting up a social and environmental responsibility division to cover the following:

- environment (with a special focus on energy saving, CO₂ emissions, eco-friendly and responsible shopping);
- social (with a focus on the development of an equal opportunities policy);
- economic (with a focus on achieving the best financial outcomes while respecting the environment and ethics).

The division has not yet been set up.

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

In a CEVIPOF public opinion poll about the trust in public institutions, the media scored one of the lowest trust rates: 27 percent in January 2010 and the same in January 2011 among all public services, including hospitals (which scored 86 percent) or schools (83 percent).⁶⁹ Only political parties scored worse than the media, with 23 percent of the French trusting them.

A 2011 TNS Sofres survey of trust in the media found that 40 percent of French people believe that the quality of the media has worsened; while just over 27 percent said that it had improved in recent years.⁷⁰ A total of 56 percent of respondents in this survey believed that the media represented impartially the policies

68. France Télévisions, "Annual Report, 2011."

69. CEVIPOF, "Le baromètre de la confiance politique" (Barometer of political trust), July 2011, at <http://www.cevipof.com/fr/le-barometre-de-la-confiance-politique-du-cevipof> (accessed 5 July 2011).

70. TNS Sofres, "Baromètre de confiance dans les médias" (Barometer of trust in the media), January 2011 (hereafter TNS Sofres, "Baromètre").

proposed by both the political left and right, but a quarter of the respondents believed that the media in general favor the political parties on the right. The highest trust was put by the respondents in radio (57 percent), followed by the press (49 percent), television (46 percent), and the internet (35 percent). In a 2013 study by TNS Sofres asking the French about the credibility of the media, the internet scored worst with only 35 percent of respondents claiming high credibility, while television and press scored 48 percent and 49 percent, respectively, behind radio, which received the highest credibility rating with 54 percent.⁷¹

Another TNS Sofres study from 2011 showed that more viewers appreciated the new free-to-air digital channels (59 percent) than they did the historical (pre-digital) national channels (55 percent).⁷² In general, the programs on the new digital channels were perceived as being less banal than those on public television (62 percent said they were banal on digital channels, and 69 percent on the public television). However, viewers appreciated the historical national channels, including the public broadcasters, in categories such as documentaries, series and fiction, cultural programs, sports, and films. Nevertheless, news and information programs were judged to be of the same quality on both the historical channels and the new digital ones (72 percent and 70 percent, respectively), which is probably due to the all-news television stations available freely after digitization. Most people (71 percent) would have liked to see further development of free-to-air digital terrestrial channels.

In order to adapt to the digitization of television and the arrival of new, commercial channels, public television has reorganized one of its thematic channels into France 4, aimed at younger audiences; a similar policy was employed for France 5 and France Ô. Even if the concurrent commercial channels, more oriented toward pure entertainment, gained more audience (W9 and TMC, see section 1.3.1.4), France 4 is most appreciated for its content (among the 15+ age group) and ranks second with the 15–35-year-old audience.⁷³

Institutional control by the president and financial governmental support are the only formal ways of influencing the public broadcaster. However, although these two forms of interference have been criticized by the opposition, especially before the last election, they do not seem to have had a real impact on the content of the political programs aired by the public broadcaster.

Politicians may sometimes, however, have an impact on the personal history of journalists. In 2009, Jérôme Bourreau-Guggenheim, head of innovation at the TF1 department of new media, the largest private television channel in France by audience share, emailed his local MP and a member of the then ruling Union for a Popular Movement (*Union pour un Mouvement Populaire*, UMP), opposing the idea of creating an institution that would disconnect French citizens from the internet if they illegally download internet content (see section 5). This message was transferred by its recipient to the Minister of Culture, herself strongly in favor of the bill and institution. The Minister forwarded the message to TF1's senior management, which promptly

71. TNS Sofres, "Baromètre."

72. TNS Sofres, "Les Français et la télévision. Satisfaction et attentes à l'égard des chaînes existantes" (The French and television. Satisfaction and expectations from existing television channels), April 2011.

73. France Télévisions, "Annual Financial Report, 2010."

fired Bourreau-Guggenheim, alleging “strategic differences.”⁷⁴ The Minister professed herself “shocked and alarmed” by this dismissal, as TF1 was seen as abusing its political connections.

In 2008, a year after Mr Sarkozy’s election as president, many journalists and commentators expressed concern about media freedom in France. It was claimed that the president was over-represented in the media—less as head of state than as a celebrity, due to his relationship with the singer Carla Bruni. Concerns were also expressed about the very close friendship between Mr Sarkozy and media owners and publishers of glossy magazines such as *Paris Match* and *Le Journal du Dimanche*.⁷⁵ Mr Sarkozy was also blamed for trying to exert excessive influence over the choice of the president of French Public Television—a process finalized in 2010 with the appointment of Mr Pflimlin—as well as for influencing the employment policy of French Public Radio (two satirical journalists, Stephane Guillon and Didier Porte,⁷⁶ were fired from France Inter after they were characterized by Mr Sarkozy as “insulting, vulgar and nasty”).⁷⁷

It should also be remembered that President Hollande and his inner circle have close relations with media owners and journalists (see section 6.1.3).

2.2.2 Public Service Provision in Commercial Media

Private television and radio channels are obliged to sign a convention about their planned programs with the regulator, the CSA. Private and public broadcasters are to a large extent bound by the same obligations aimed at fulfilling public service goals of pluralism and freedom of expression.

Journalists from all stations are obliged to present different political views in comparable conditions on their programs, and television stations must respect the presumption of innocence, respect the anonymity of minors, privacy, and limit comments on criminal sentences. Article 9 of the convention requires broadcasters to not encourage delinquent behavior; to respect political, cultural, and religious differences; to not broadcast any opinions that are discriminating due to race, gender, religion, or nationality; to promote national integration and values of solidarity; and to take into consideration the diversity of the origins and cultures of society in their programming.⁷⁸

Commercial broadcasters have to air a certain amount of content covering the diverse groups in French society. No quotas for news or current affairs output are imposed on commercial channels. There have been no significant changes in the past five years as far as the dissemination of public service content is concerned.

74. R. Andrews, “TF1 fires web boss for opposing ‘three-strikes,’” 11 May 2009, at <http://paidcontent.co.uk/article/419-tf1-fires-web-boss-for-opposing-three-strikes> (accessed 11 July 2011).

75. BBC, “Sarkozy strategy under scrutiny,” 17 January 2008, at <http://news.bbc.co.uk/2/hi/7192638.stm> (accessed 11 July 2011).

76. “Guillon et Porte virés de France Inter, mais largement soutenus” (Guillon and Porte fired from France Inter but highly supported), *Libération*, 23 June 2009, at <http://www.liberation.fr/medias/0101643026-stephane-guillon-vire-de-la-matinale-de-france-inter> (accessed 29 October 2012).

77. K. Willsher, “How Nicolas Sarkozy influenced French media,” *The Guardian*, 5 July 2010, at <http://www.guardian.co.uk/media/2010/jul/05/nicolas-sarkozy-french-media> (accessed 11 July 2011).

78. CSA, “Convention de la chaîne TF1” (Convention for the TF1 channel), at http://www.csa.fr/infos/textes/textes_detail.php?id=8169 (accessed 5 July 2011).

2.3 Assessments

Public media during the last five years have lost some of their public: their average audience for the two historic television channels, France 2 and France 3, lost 4 percentage points. But they gained audience through the new digital channel targeted at young people, France 4, which has gained 1.6 percentage points since 2007. The station, however, claims that the goal of a public television service is not to fight for market share but to provide the public with high-quality programming.⁷⁹

The growth of the internet and completion of the digitization process has forced public television to change its programming strategy and increasingly invest in new formats, such as catch-up television and online broadcasting. It is also more active in promoting its programming on social networks, such as Facebook and Twitter. Online promotion and interaction has been carried out intensively and has led to the creation of a substantive group of supporters and followers.

The public broadcaster still outdoes its commercial peers in the provision of news, and economic, social, and political programs. It also gives more extensive coverage than commercial stations to regions and smaller communities, and played an important role during the 2012 presidential and parliamentary elections by providing platforms for discussions among actors representing different political ideologies.

79. “France TV: ‘pas d’obsession d’audience” (French Television: “no obsession with audience”), *Le Figaro*, at <http://www.lefigaro.fr/flash-eco/2012/10/03/97002-20121003FILWWW00426-france-tv-pas-une-obsession-d-audience.php> (accessed 25 October 2012).

3. Digital Media and Society

3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

Facebook and MSN Windows are the most popular user-generated content (UGC) sites in France. Although blogs are less popular (see Table 17), their hosts are still among the 20 most popular websites in the country.

Among the top 10 French sites with the highest number of visitors per month, half can be considered as featuring UGC. Five of them are known worldwide: Facebook, MSN, YouTube, Wikipedia (not in the ranking in 2012), and Yahoo!. They allow people to set their own profiles, share videos, and participate in forums and live chats, or create their own content.

Table 16.

The 10 most popular websites by number of visitors, 2010 and 2012

Name of site	No. of visitors a month ('000)				Main area and function	Type of UGC content
	2010		2012			
	Rank	No.	Rank	No.		
Google	1	36,093	1	38,464	Search engine	None
Facebook	2	27,182	2	30,126	Social network	Profile and entries
MSN/Windows	3	22,589	3	28,224		Chats
Orange	4	22,019	5	21,158	Internet access provider/ telecommunications	Comments
YouTube	5	20,869	4	26,993	Video platform	Video-sharing
Wikipedia	6	17,697	n/a	n/a	Wiki	Wiki
PagesJaunes	7	17,638	7	16,620	Telephone directory	None
Free	8	17,205	6	17,206	Internet access provider/telco	None
Yahoo!	9	17,141	8	16,445	General information portal, search engine	Comments
SFR	10	14,363	10	12,256	Internet access provider/telco	None
Leboncoin	—	—	9	16,349	Classifieds	Classifieds posted directly by people

Note: n/a: not available

Source: Médiamétrie, NetRatings, December 2010, June 2012

Four of these sites are not UGC websites: they are search engines, phone number search engines, or internet communication providers. One French website, which attracts numerous visits as it belongs to a major internet telecommunications provider (Orange), also plays a significant role as a news and information platform covering politics, news, sports, and weather; Orange.fr allows for comments and forums. In 2012, Leboncoin.fr, a portal for classified ads and listings, joined the top 10 websites.

Typical French UGC websites are rare and rank lower. Two are general blogging building websites (Overblog, Blogger), one is a service open to discussions among women (auFeminin.fr), and the last a video-sharing service, Dailymotion (similar to YouTube, but created in France). Their popularity has been quite steady over the past three years.

Table 17.
Ranking of the most popular UGC websites, 2010 and 2012

Name of site	No. of visitors a month ('000)				Main area and function
	2010		2012		
	Rank	No.	Rank	No.	
Overblog	14	10,640	18	11,257	Blog provision platform divided into many themes
auFeminin	16	10,217	14	11,406	Service dedicated to women
Blogger	19	9,461	17	11,286	Blog provision platform divided into many themes
Dailymotion	—	—	19	11,001	Own video posting site, French equivalent of YouTube

Source: Médiamétrie, NetRatings, December 2010, June 2012

3.1.2 Social Networks

Some 78 percent⁸⁰ of French internet users are members of at least one social network site (32 percent of whom have more than four profiles and 29 percent two or three profiles). These numbers have not changed much since 2009. Ownership of a social network account is more common among young people. However, the number of active account owners in the age group above 65 years is surprisingly high, at 66 percent (among those who use the internet). The highest rate, close to 94 percent, is found among 18–24-year-olds.

There has been a shift among the most popular social networks used by the French. Windows Live, which in 2009 was the most popular, was dethroned by Facebook by the end of 2011. Today, the top 10 most popular social networks in France include two local ones (Copains d'avant and Trombi), both attracting mostly old school friends. Both are more popular among older internet users (35.5 percent of whom use Copains d'avant).

80. French Institute of Public Opinion (*Institut français d'opinion publique*, IFOP), "Observatoire des réseaux sociaux" (Study of social network usage), October 2010.

Table 18.

Top 10 social network sites by members, ranking changes, 2010–2011

	2011		2010	
	Rank	% of users ^a	Rank	% of users [*]
Facebook	1	49	3	43
Windows Live	2	40	1	52
Copains d'avant	3	37	2	46
YouTube	4	30	5	21
Trombi	5	18	4	22
Picasa	6	14	6	16
Google+	7	12	n/a	n/a
Dailymotion	8	8	7	12
Twitter	9	8	11	7
Viadeo	10	9	8	10

Note: n/a: not available; numbers do not add up to 100 percent as it is possible to name more than one social network

Source: French Institute of Public Opinion (*Institut français d'opinion publique*, IFOP), “Observatoire des réseaux sociaux” (Monitoring social networks), November 2010, 2011

Among internet users, 65 percent had a Facebook profile in April 2012, and 13 percent had a Twitter account.⁸¹ According to a June 2011 TNS Sofres study,⁸² some 79 percent of French children aged 13–17 had a Facebook account, as did 18 percent of children aged 8–13 (Facebook forbids children under 13 from having an account).

Twitter has also gained popularity in recent years. The number of French who “have heard about it” grew from 2 percent in 2007 to 80 percent in 2010 and further to 85 percent in 2011. Twitter membership remains low, however: it grew from 2 percent in 2009 to 7 percent in 2010 and a mere 8 percent in 2011.⁸³ It is most popular among young people, students, managers, and people with higher education. It is also very popular among supporters of the extreme right-wing party, le Front National. According to a study from 2011 published by Moursouin.org, which mapped out the actual usage of social network sites,⁸⁴ 70 percent of people do not update their accounts at all.

81. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

82. TNS Sofres, “L’usage des réseaux sociaux chez les 8–17 ans” (Usage of social networks among 8–17-year-olds), June 2011.

83. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

84. J. Tremembert, “Point sur les usage de l’Internet” (Usage of the internet), 12 October 2010, at <http://www.marsouin.org/spip.php?article385> (accessed 5 July 2011).

3.1.3 News in Social Media

There are not many studies available on users' activity on social network sites. A Mediapolis⁸⁵ study showed that in 2009, among those who had a social network account, some 33 percent posted some political information “ever” and only 4 percent did so “often.” In 2012, the numbers were more or less the same: some 30 percent said that they read or posted political information on social networks.

A 2009 TNS Sofres study showed that 45 percent of internet users (or 30 percent of the French population) have taken political action online on at least one occasion.⁸⁶ However, only 3 percent had promoted a politician on a social network, blog, or website and only 4 percent had posted any political information on such websites. Some 11 percent of respondents said that they commented on news websites or on political blogs, and 5 percent that they participated in political forums and debates. According to the Reuters Institute for the Study of Journalism's 2012 report, 40 percent of French people have voted in an online poll, 21 percent have commented on a news story on social media, 16 percent have commented on a news story on a website, 15 percent have participated in a one-to-one conversation about a news story, and 11 percent have posted or sent in a news-related image or video.⁸⁷

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

In France there is almost unlimited freedom (except for abusive content: see section 4) for publishing on blogs, regardless of the opinions and political ideology of contributors. Many popular bloggers bring attention to political, economic, or societal issues. Among the most interesting ones are *Les decodeurs* (The Decoders), a blog hosted by *LeMonde.fr*, where the content is partially delivered by readers. Its aim is to get the help of readers in catching and exposing the inconsistencies of politicians, their unfulfilled promises, and unclear messages. Another is *Le Bondy* blog, created in 2005 by the Swiss daily *L'Hebdo* as an online platform, which featured real-time news updates about the riots in the suburbs (*banlieues*) of Paris. The blog now cooperates with other media: the telecoms company SFR published their content on mobiles, *20 minutes* takes their material, and Yahoo! takes their content as well. *Le Bondy* reached around 2 million unique visitors in the first five months of 2012. While it has slightly generalized its content, it remains a social minorities' hub, covering stories on politics, social issues, or cultural events from outside the mainstream media coverage. It also hosts young activists' blogs.

Non-governmental organizations (NGOs) often use their websites as a primary means of disseminating information, and social networks to promote their work and interact with supporters. We present below some of the most popular forms of activism online orchestrated by civil society groups.

85. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

86. TNS Sofres, “Le baromètre des usages sociaux et politiques du web” (Barometer for the social and political usage of the web), September 2009.

87. Newman, “Reuters Digital News Report 2012,” p. 17.

Campaign before the Constitutional Referendum of 25 May 2005

Some observers of the online political scene argue that the referendum campaign to change the constitution was started by the French online civil society.⁸⁸ Numerous websites and blogs created to support the “yes” or “no” vote in the referendum allowed people to bypass the traditional channels of political communication, such as through traditional media or party activism, and to express their points of view directly to the public.

Anonymous individuals created websites and blogs to promote their own points of view and to influence people or to give them arguments to vote accordingly (it seems that the group of “no” voters, who finally won the vote, was more active online). Also politicians engaged in public discourse on their websites, providing arguments, showing campaigning volunteers or broadcasting videos.

NGO and party websites were also a popular source of information (though not very interactive): the Robert Schuman Foundation received 1.7 million hits a month, the Union for a Popular Movement (*Union pour un Mouvement Populaire*, UMP), the governing party at the time, received 70,000 hits over two weeks and the Socialist Party (*Parti Socialiste*, PS) some 15,000 hits a day.

Clearstream Scandal: From Online to Offline

In 2009, France was experiencing the Clearstream scandal which included the former prime minister Dominique de Villepin among those accused. The case was very controversial and received significant coverage in the traditional media.

The scandal involved the Luxembourg-based Clearstream Banking, the clearing and settlement division of Deutsche Börse, that allegedly helped a number of prominent politicians and companies to avoid state taxes. Clearstream denied the accusations.

Supporters of Mr de Villepin created two supporting websites and a profile on Facebook. Brigitte Girardin, who was apparently a major player in the supporting organization, claimed that the website had 10,000 visitors a day and that 4,000 joined the support movement thanks to the site, as well as helped to gather offline support. The movement drew the attention of the traditional media, where it was presented as a new form of political engagement—via online sources.

In 2011, Mr de Villepin was back on the political scene, building a new center-right party, République Solidaire (Solidarity Republic), and he ran for president in the 2012 election: in the end, his campaign could not gather the necessary 500 signatures from elected officials of various ranks to register a candidacy. He also gathered 17,500 likes on Facebook.

88. B. Héraud, “Referendum: Comment le ‘oui’ et le ‘non’ s’affrontent sur Internet” (Referendum: how the “yes” and “no” camps faced one another online), 27 April 2005, at http://lexpansion.lexpress.fr/economie/referendum-comment-le-oui-et-le-non-s-affrontent-sur-internet_109210.html (accessed 5 July 2011).

Social Network Accounts for Workers and Students

When in 2010 the government wished to reform the law on retirement, the proposed changes were strongly contested by many labor unions and student organizations, among others. Some protests were organized via Facebook and Twitter, social networks that also played an important role in informing and recruiting demonstrators.

However, the main trades unions that participated in centrally organized rallies argued that actions supported by these social networks had a local character and lacked the real support of the unions. Often striking workers were informed about the time and place of action by SMS or through other forms of online communication than social networks, they say.⁸⁹ The demonstrations could be followed live on websites, where self-made videos, pictures, and short messages were posted.

“Pigeons” on the Web⁹⁰

In 2012, following an announcement of the government about an increase in tax and social contributions, a group of business people (especially from internet start-ups) organized an online protest. It drew 68,000 “likes” on Facebook and was widely followed on Twitter (8,600 followers) in just a few days. The movement, established on 28 September 2012, has managed thus far to block the introduction of some parts of the planned taxation reform.⁹¹

3.2.2 The Importance of Digital Mobilizations

One major trend is the feedback effect: the traditional media are following events in the new media (mainly social media), while new media are following the more traditional media and often comment on content in them.

Studies show that the most popular political online activities are relatively passive.⁹² They include the search for information (29–35 percent of internet users) and for political humor (27–31 percent), watching political videos (20–24 percent), and visits to political or civic blogs and forums (12–14 percent). The forms of more active online political engagement are fairly weak: resending information (18 percent) and participation in political discussions (7–9 percent of internet users). Online political activists are in the minority: however,

89. “Les blocages des lycées et des raffineries s’organisent aussi sur le Net” (Blockades of high schools and refineries are also organized on the net), *Le Monde*, at http://www.lemonde.fr/politique/article/2010/10/22/les-blocages-des-lycees-et-des-raffineries-s-organisent-aussi-sur-le-net_1429437_823448.html (accessed 20 July 2011).

90. See <http://www.facebook.com/lespigeonsentrepreneurs>, <http://defensepigeons.org> (accessed 20 July 2011).

91. “Loi de finances 2013: les ‘pigeons-entrepreneurs’ se rebiffent” (The budget 2013: start-up businessmen fight back), *Le Point*, 2 October 2012, at http://www.lepoint.fr/economie/loi-de-finances-2013-les-pigeons-entrepreneurs-se-rebiffent-01-10-2012-1512259_28.php (accessed 10 October 2012).

92. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

the political information spread through the internet does reach broader groups of society. Women and those without higher education (with no visible age gap) are less engaged in the passive activities outlined above; among active participants, however, gender and education are not defining factors, while engagement increases with age. As a consequence, even if active online political engagement does not appeal to all segments of the society, it may spur on those groups that were traditionally not active (women, young people, and the less educated).

Offline political participation is no longer possible without support from online hubs of information, online places for exchanging news on events as well as practical information. Although it is impossible to estimate the impact of online mobilization in contrast to offline actions, they overlap one another. The importance of digital mobilization is most visible in spreading information and broadening audiences, and possibly in building a community of supporters. However, even though social and political actions are often supported by the internet community (“pigeons”), and the internet does clearly facilitate the dissemination of information by bypassing the official or traditional media (EU referendum 2005), it is impossible to measure their real potential or their effects, since it is often not possible to separate offline and online actions.

3.3 Assessments

The internet has increased the opportunities to access news and information. It allows for access to constantly updated information via the websites of traditional media and their Twitter and Facebook profiles. It permits citizens to participate in news creation by either publishing content on their own blogs and social network pages, or by contributing comments on the websites run by traditional media. The internet also offers civil society organizations the possibility to disseminate information about their actions more broadly, or to engage in discussions with different groups of people often dispersed across many French regions.

Even though the French online sphere has a broad offer of diverse independent blogs and pure-player media, the public seems to prefer the content of general information servers such as Orange and Yahoo! to the websites of the traditional media, both press and television, and to blogs or other UGC platforms.⁹³ Most UGC is dedicated to everyday issues.

It is questionable whether the internet has significantly changed the quality of the news and information content. The hypermedia strategy of the traditional media—consisting essentially of establishing a presence on all possible platforms—brings wider access to information but does not necessarily influence its content.⁹⁴ French people seem to believe that French media focus on scandalous and domestic events rather than providing adequate coverage of the most important international affairs.⁹⁵

93. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

94. See, for example, CSA, “Bilan de la société France Télévisions Année 2011” (France Télévisions Balance Sheet 2011), August 2012, at <http://csa.fr/Etudes-et-publications/Les-bilans/Les-bilans-des-chaines-de-television-publiques-et-privees/Bilan-de-la-societe-France-Televisions-Annee-2011> (accessed 3 February 2013).

95. TNS Sofres, “Baromètre de confiance dans les médias” (Barometer of trust in the media), January 2013.

Observers noticed that President Hollande's arrival in office marked a slight change in media coverage of politics, characterized by what is called a "less dramatic style of governing." Pierre Haski, co-founder and editor of the website Rue89, one of the most prominent pure players, claims: "We had five years that were pretty exceptional; we had a man who was the center of everything. All of a sudden, we've gone from the overload to an underload. Sarkozy was good for sales, Hollande is not good for sales."⁹⁶

96. "Where 'in bed with media' can be taken more literally," *New York Times*, 23 November 2012, at http://www.nytimes.com/2012/11/24/world/europe/in-france-in-bed-with-media-can-be-taken-more-literally.html?_r=0 (accessed 12 February 2013).

4. Digital Media and Journalism

4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

France is well known for its journalism schools at prestigious universities such as the Sorbonne and the *grandes écoles* (Sciences-Po). A debate is taking place about to what extent “old-style journalism” is still valid in the digital era of massive news production and de-professionalization of news producers. However, the expansion of online news has not substantially enlarged the volume of valuable information, as most content is still based on the same sources as before digitization: press agencies, press conferences, or internal sources of information. It is rather a system of dissemination of the news (the hypermedia system) that has changed, as similar content is now delivered on the main websites, commented on blogs, and promoted on Twitter and Facebook. According to editors of online press editions, 50 percent of political content is updated constantly, and 41 percent at least once a day.⁹⁷

A visible change has been brought about by the online pure players (e.g. Huffingtonpost.fr, Mediapart.fr, Rue89.fr, and Agoravox.fr). These outlets publish articles by traditional journalists, but also comments from politicians and celebrities, often in the form of blogs. They also offer provocative editorial comments and allow for content creation by readers. They are engaged in watchdog journalism and are much less involved in the left–right ideological identification in which the traditional French media may be involved.

Most journalists and media use mainly the same sources and utilize most often the same search engines, which are already filtering the news they obtain. This could result in a standardization of news. There is a continuing debate in France about the place and role of the Google search engine and the provision of news. In her book *Google-moi, la deuxième mission de l'Amérique* (Google Me: America's Second Mission), Barbara Cassin argues that Google claims to be the “champion of cultural democracy,” but the “democracy of clicks” has nothing to do with real democracy. Generally, news provision lacks a collective examination to determine through discussion and confrontation what information is better and/or more reliable. Journalists may be tempted to cover public affairs and write their articles prioritizing topics that rate high on Google news or another search

97. Ministry of Culture and Communication, “Presse en ligne@2010.”

engine.⁹⁸ For many journalists the first thing they do in the morning is to monitor Google news in a move to determine which topics covered by their competitors most interested the public (which is most probably also advertising and marketing-oriented behavior). According to the investigative and data journalism website Owni.fr, some news websites use search engine optimization (SEO) strategies (e.g. making minor changes in online articles) in order to appear at the top of Google news listings.

However, others disagree with the thesis that the standardization of news content is a product of digitization. Standardization in information provision is not a novel phenomenon: it may have been a product of the schools of journalism that give students similar education. Before Google news, many journalists in the print or audiovisual media would (and still do) use the same primary source, namely Agence France Presse wire stories. More generally, it is not the technology that drives news standardization but the marketplace and the structural organization of the news media.⁹⁹

According to Bernard Poulet, “digitization has the same effects on journalism that globalization has on the middle class. Digitization means the death of the middle class of journalists.”¹⁰⁰ By this Mr Poulet means that the profession of journalism will split into two distinct groups: a majority of “blue-collar” underpaid journalists, performing routine tasks and feeding the machine, and a few high-ranking journalists with great expertise and a unique personal style, whose names might even become a brand.

Francis Benett, an American journalist, who analyzes the contemporary French press, said: “The Blog is the future for the press.”¹⁰¹ He argues that journalists in the internet era have to be much more creative, as internet users searching for news will go where they can find exclusive information.

The dawn of this new, more interactive journalism was made possible by new forms of online communication. News articles can be made more attractive by embedding videos or podcasts, with links to other materials; they can be instantly commented upon by readers; widely spread by viral marketing; “liked” on social network profiles; or widely disseminated and discussed via microblogging sites. Most of the news and information providers have used those possibilities to reach a more diverse and widely dispersed audience.

However, it is claimed that the online French pure players are still in a worse position than the traditional media, as they lack a similar system of subsidies given to the traditional media (see section 6). Even the managers of printed newspapers are still not sure of the possibilities offered by the new online market, as

98. A. Westbrook, “Les journalistes écrivent-ils pour Google ?” (Do journalists write for Google?), 16 September 2010, at <http://owni.fr/2010/09/16/les-journalistes-ecrivent-ils-pour-google> (accessed 29 October 2012).

99. See P. Bourdieu, “Circular circulation of information,” *On Television*, The New Press, New York, 1998, at <http://www.nytimes.com/books/first/b/bourdieu-television.html> (accessed 29 October 2012).

100. “Bernard Poulet s’explique sur ‘La Fin des journaux’” (Interview with Bernard Poulet about his book *The End of Newspapers*), *Le Nouvel Observateur*, 16 February 2009, at <http://bibliobs.nouvelobs.com/essais/20090216.BIB2969/bernard-poulet-s-039-explique-sur-la-fin-des-journaux.html> (accessed 29 October 2012).

101. See <http://www.francisbenett.info> (accessed 5 July 2011).

most online news platforms are unprofitable. As a consequence, they do not provide sufficient returns for reinvestment in employment, technologies, or innovations.

French traditional journalists are very conservative, neglecting the necessity or possibility of being present on a constantly updated Twitter account or via social networks, even though there is an increasing trend of using social media among them. In September 2010, the Ministry of Culture and Communication decided for the first time to run a survey¹⁰² among the most prominent online news providers in France. In its conclusion, it states that the online services, especially those offered by the traditional press, do not generate much new employment. The average number of journalists is nine for political news portals, 12 for more general information portals, and five for specialized portals (taking into account both permanent and freelancing journalists).

4.1.2 Ethics

Digitization has not had visible consequences on the ethical behavior of journalists. Online journalists are bound by the same rules as their offline counterparts. Besides the general legislation on the press (covering freedom of information and speech), the ethical behavior of journalists is protected and constrained by a number of specific laws and codes of conduct. Journalists must respect the presumption of innocence (Article 9-1 of the French Civil Code); abstain from defamation and insults; and comply with the right of individuals to privacy and to the control of their own image. More recently, in addition to laws and legal obligations, French journalists refer to codes of “good practice.”

In 2006, a debate took place among photo journalists and civil society organizations regarding the digital modification of photos. On 5 August 2006, Charles Johnson, from a website called Little Green Footballs (Littlegreenfootballs.com), and many other bloggers accused Adnan Hajj, a Lebanese photographer based in the Middle East, of manipulating the photos of an Israeli air raid on Beirut that he took for Reuters.¹⁰³ On 8 August 2006, Reuters admitted that “photo editing software was improperly used on this image,” withdrew the photos, and suspended Hajj. This case fueled a virulent debate in France, where major photo agencies have been historically based and where the coverage of the Middle East conflict is often a controversial issue. In an opinion column entitled “Guerre, mensonges et vidéos” (War, Lies, and Videos), published by the newspaper *Libération*, Shmuel Trigano, head of the Observatoire du monde juif (Jewish World Observatory), stated that “manipulated, the media have reactivated the anti-Semite myth of Jews—killers of children.”¹⁰⁴

102. Ministry of Culture and Communication, “Presse en ligne@2010.”

103. “Bloggers drive inquire on how altered images saw print,” *New York Times*, 9 August 2006, at http://www.nytimes.com/2006/08/09/technology/09photo.html?_r=1&pagewanted=2&fta=y (accessed 29 October 2012).

104. S. Trigano, “Guerre, mensonges et vidéos” (War, lies, and videos), *Libération*, 31 August 2006, at <http://www.liberation.fr/tribune/010158940-guerre-mensonges-et-vidéos> (accessed 29 October 2012).

4.2 Investigative Journalism¹⁰⁵

4.2.1 Opportunities

While in general highly lauded, investigative journalism is not much developed in France.¹⁰⁶ French journalists, especially in the print media, are more ready to comment and express opinions than to engage in long, in-depth investigations. According to Erik Neveu:

professional excellence is based on the mastery of style and panache. Editorial content, highlighting opinion columns and chronicles, reflects the weight of the commentary and of a meta-discourse on the news that favors the expression of views, and considers events as an opportunity for bright, cavalier exercise styles.¹⁰⁷

Gerard Davet, a journalist with *Le Parisien* and *Le Monde*, adds: “France has no tradition of investigative journalism.”¹⁰⁸

This does not mean that investigative journalism is non-existent. News magazines do publish articles based on lengthy research and data collection, but some of them are routine articles devoted to the life of politicians (internal party games, particular behavior of different party members) or social issues (health care, education, or other public services). In France, investigative journalism¹⁰⁹ is rather based on official reports (not widely distributed for the public) than on real “boots-on-the-ground” journalistic research. Investigative journalists often depend on officials, who produce such reports, as a primary source of information. This may produce a bizarre relationship among journalists and their sources (who are often notionally the targets of journalistic investigations).

Internet portals also kept alive the “flying affairs” of Yves Jégo (in 2009)¹¹⁰ and Mr Sarkozy (in 2008),¹¹¹ by revealing the questionable accumulation of frequent flyer miles and the use of private jets, as well as the Bettencourt affair (based on illegal financing of Mr Sarkozy’s party before the 2007 elections).¹¹² However,

105. In this report, investigative journalism is understood as a form of journalism that investigates in depth a topic of public interest. It is characterized by lengthy research and preparation, involving primary sources (legal documents, tax records, government and regulatory reports), analysis of social and legal issues, and a significant number of interviews on and off the record. Key areas for investigative journalism include crime, corporate wrongdoing, political corruption, and public policy of all kinds.

106. D. Marchetti, “The Revelations of Investigative Journalism in France,” *Global Media and Communication*, 2009, no. 5, pp. 368–388 (hereafter Marchetti 2009).

107. E. Neveu, *Sociologie du journalisme* (Sociology of journalism), Paris: La Découverte—Repères, 2004.

108. Deutsche Welle, “French discover investigative journalism and how to muzzle it,” 19 January 2011, at <http://www.dw.de/french-discover-investigative-journalism-and-how-to-muzzle-it/a-14773845> (accessed 15 February 2013) (hereafter Deutsche Welle, “French discover investigative journalism”).

109. Marchetti 2009.

110. Rue89, “Yves Jégo a-t-il plus de miles que Nicolas Sarkozy?” (Has Yves Jégo accumulated more air miles than Nicolas Sarkozy?), 20 February 2009, at <http://eco.rue89.com/2009/02/20/yves-jego-a-t-il-plus-de-miles-que-nicolas-sarkozy> (accessed 11 July 2011).

111. J. Martin, “Sarkozy en Egypte: trois avions pour un séjour” (Sarkozy in Egypt: three planes for one stay), 17 January 2008, at <http://www.rue89.com/2008/01/17/sarkozy-en-egypte-trois-avions-pour-un-sejour> (accessed 11 July 2011).

112. Deutsche Welle, “French discover investigative journalism.”

these revelations cannot be attributed to online journalism, but rather to the general interest from any kind of media (print, television, or online).

In 2010, the French platform OVH agreed to host the WikiLeaks site,¹¹³ notwithstanding the risk of cyber attacks or government pressure (the government tried to stop this hosting in the courts, in vain).¹¹⁴ *Le Monde* also participated in launching some of the WikiLeaks information and established Lemonde.fr/wikileaks-france and Lemonde.fr/documents-wikileaks for this purpose. After the first flush of enthusiasm,¹¹⁵ however, use of the documents was rather limited and did not affect French investigative journalism substantially. The websites dedicated to the issue do not seem to be constantly updated (last updated in February and December 2011), nor to host investigative articles based on the documents provided. Moreover, *Le Monde* was accused of not publishing all the documents, especially one concentrating on the French media (note by the U.S. embassy about the French press) with a rather negative opinion about the independence of French journalists from political spheres.¹¹⁶

4.2.2 Threats

The speed of news dissemination and the demand for real-time news have been catalyzed by digitization. They may also have an impact on the quality of investigative journalism, as journalists, in their struggle to be the first to publish the news online, are often reluctant to recheck the gathered data and sources and “draw hasty conclusions from minimal material.”¹¹⁷

Another threat for investigative journalists is their dependence on official or governmental institutions (police, auditors, etc.) as their main source of information. Journalists may be used to playing an instrumental role (e.g. as an echo chamber): they are often leaked sensational material to be publicly discussed, while in fact it is being used in internal factions among political elites or as an attempt to influence other public institutions.¹¹⁸

The ease of legal action against journalists in respect of libel is another threat to investigative journalism. Even if journalists who are accused of inaccuracy and lies are acquitted, the procedure may take a long time until it is finished. One well-known example is that of investigative journalist Denis Robert who revealed the Clearstream scandal in 1999 (see section 3.2.1). In 2011, after 60 lawsuits and 10 years of court battles,

113. LePoint.fr, “Expulsé d’Amazon, WikiLeaks trouve refuge en France” (Expelled from Amazon, WikiLeaks has found refuge in France), at http://www.lepoint.fr/high-tech-internet/expulse-d-amazon-wikileaks-trouve-refuge-en-france-02-12-2010-1270137_47.php (accessed 13 February 2013).

114. Associated Press, “French company allowed to keep hosting WikiLeaks,” at <http://www.businessweek.com/ap/financialnews/D9JVNO8O0.htm> (accessed 13 February 2013).

115. France24.com, “France’s top daily highlights Sarkozy in WikiLeaks release,” at <http://www.france24.com/en/20101129-wikileaks-le-monde-france-diplomatic-cables-sarkozy-un-spying> (accessed 15 February 2013).

116. Acrimed.org, “LeMonde ‘oublie’ un document WikiLeaks sur ... les médias français” (*Le Monde* “forgot” to publish a WikiLeaks document about the French media), at <http://www.acrimed.org/article3498.html> (accessed 15 February 2013).

117. Marchetti 2009.

118. Marchetti 2009.

Robert was cleared of all accusations. He was found to have acted in the public good and not to have crossed the limits of free speech, even though some risky interpretations were made.¹¹⁹

In the digital era, investigative journalism is threatened by amateur journalists and paparazzi, who search for scandals involving politicians and celebrities, endangering the ethics and honor of the profession. New non-journalists seem not to fully understand the topics they cover, concentrating instead on shocking aspects of the news, while investigative journalists are rather perceived as “crusaders for justice.”¹²⁰

4.2.3 New Platforms

Digitization probably has not made any significant changes to the work of investigative journalists. In France there are a few large players in the purely online journalism sector, known as “pure players.” These include Rue89 (with 1.479 million unique visitors a month), LePlus (1.262 million unique visitors), Atlantico (1.258 million), Slate France (966,000), and Mediapart (578,000). Even though their websites are not as popular as those of traditional media, they manage to gather a sizable public around their own content provided by journalists, experts, independent writers, or “non-professionals” (most often their own active readers).

Mediapart is a portal created in 2008 by two ex-journalists from *Le Monde*, Laurent Mauduit and Edwy Plenel, who felt stifled at their old newspaper. A vast part of the website is reserved to subscribers (which stood at €9 (US\$11.7) a month in 2012). This model of funding is supposed to give journalists financial independence. Mediapart’s journalists played an important role in unveiling the Woerth–Bettencourt scandal in 2009 and 2010 (involving allegedly illegal connections between members of the French government and large businesses giving illegal political donations). In April 2011, they revealed a scandal in the French national football team whereby quotas on French players with African origins were to be introduced. The methods used by these journalists (accused of using unreliable witnesses or surreptitious recordings)¹²¹ came under heavy criticism from the political and traditional media world.¹²² Nevertheless, the publication of controversial news brought to Mediapart 1,000 new subscribers on the day when the story broke (and 5,000 during June 2009, when the football scandal was widely covered in other media). Membership reached 58,000 subscribers by the end of 2011.¹²³

Another important independent pure player is Rue89, created in 2007 by an ex-journalist from *Libération*, Pierre Haski, in a move to gather on one website the work of traditional journalists, experts, and internet users who actively participate in writing articles. The content is free.

119. M. Bouchart, “French landmark case: A new dawn for investigative journalism?,” 11 January 2012, at <http://www.journalism.co.uk/news-features/french-landmark-case-a-new-dawn-for-investigative-journalism-/s5/a547334/> (accessed 10 October 2012).

120. Marchetti 2009, p. 379.

121. “‘Méthodes fascistes’: Mediapart va attaquer Xavier Bertrand en diffamation” (“Fascist methods”: Mediapart is to attack Xavier Bertrand for defamation), *L’Express*, at http://www.lexpress.fr/actualite/politique/methodes-fascistes-mediapart-va-attaquer-xavier-bertrand-en-diffamation_904570.html (accessed 9 July 2011).

122. M. Deprieck, “Mediapart, cible de toutes les attaques” (Mediapart, target of all the attacks), at http://www.lexpress.fr/actualite/politique/mediapart-cible-de-toutes-les-attaques_991779.html (accessed 9 July 2011).

123. SuBMoJour, “Case Study: Mediapart (France),” at <http://www.submojour.net/archives/752/case-study-mediapart-france/> (accessed 10 October 2012).

Owni.fr is an information website created in 2009 and based on data journalism. One of their first widely manifested works was the creation of an application that helped with reading the documents from the controversial “whistleblower” site WikiLeaks relating to Afghanistan.

In January 2012, Huffington Post launched its French version. It gained high publicity in the media as Anne Sinclair (the wife of Dominique Strauss-Kahn, a disgraced one-time presidential front runner embroiled in a sexual assault scandal in 2011) became the main editor.¹²⁴ It was launched in cooperation with *Le Monde* and replaced its previous platform Lapost. By July 2012, it had become the most popular pure player in France, with 1,916 million unique visitors.^{125, 126}

4.2.4 Dissemination and Impact

Pure-media and independent news blogs are gaining in popularity. However, it is still the websites of the traditional media that have the highest visibility and visitation. A Mediapolis study in 2009 confirmed this; 57 percent of respondents said that to obtain information they visit general news portals such as Yahoo.fr or Orange.fr, and 24 percent said that they did so by visiting traditional media websites. Only 6 percent visited independent portals, and 13 percent said they did not visit any other information websites.¹²⁷

In a separate development, *Le Canard enchaîné*,¹²⁸ a satirical political newspaper with virtually no online presence,¹²⁹ published information in early 2011 about the French Minister of Foreign Affairs, Michèle Alliot-Marie, using an airplane that belonged to a supporter of the deposed Tunisian dictator Ben Ali for private trips. In response to these accusations, the politician denounced the internet for causing trouble and complained about a permanent search for scandal among online writers (as in the gutter press); however, she never clearly denied the accusations. Her unsubstantiated attacks on internet journalism were widely derided by commentators in the media. The controversy eventually forced Ms Alliot-Marie, a heavyweight right-wing politician, to step down and she has yet to return to politics.

124. France24, “‘Le Huffington Post’ launches in Paris,” at <http://www.france24.com/en/20120123-huffington-post-launches-french-edition-dsk-strauss-kahn-anne-sinclair-arianna-huffpo>, 23 January 2012 (accessed 10 October 2012).

125. WAN-IFRA, “Le Huffington Post becomes No. 1 in France,” at <http://www.sfnblog.com/2012/09/27/le-huffington-post-becomes-no-1-in-france> (accessed 10 October 2012).

126. Cross Médias Consulting (CMC), “Le Top 50 des sites d’infos en septembre” (Top 50 websites for information in September), at <http://www.erwanngaucher.com/article/24/10/2011/le-top-50-des-sites-dinfos-en-septembre/735> (accessed 10 October 2012) (hereafter CMC, “le Top 50 des sites d’info”).

127. Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

128. “Ollier s’estime ‘sali en permanence’ et s’en prend au Web” (Ollier claims to have been permanently “sullied on reputation” and accuses the web), *Le Monde*, 24 February 2011, at http://www.lemonde.fr/politique/article/2011/02/24/ollier-s-estime-sali-en-permanence-et-s-en-prend-au-web_1484805_823448.html#ens_id=1473787 (accessed 9 July 2011).

129. *Le Canard enchaîné* has a website at <http://www.lecanardenchaîne.fr>, with a declaration that it has no intention to go online with current issues, but rather has reserved the domain name so that nobody else can take it, and with the likely plan to publish archive material in the future (accessed 3 February 2013).

Table 19.

National news and information online platforms by visits a year (million), September 2011–September 2012

Name	Genre	No. of visits
L'Equipe	Sports daily	70
Le Monde	General/political daily	57
Le Figaro	General/political daily	51
Le Parisien	General daily	26
Le Nouvel Observateur	General/political weekly	27
Libération	General/political daily	19
20 minutes	General/political free daily	19
L'Express	General/political weekly	16
Le Point	General/political weekly	16
Les Echos	Economical/political daily	10
Rue89	Pure player	8.8
Le Huffington Post	Pure player	7.7
Télérama	Cultural/TV weekly	4.4
La Tribune	General/political daily	4.1
Sports.fr	Sports pure player	3.8
Challenges	Economic weekly	3.5
Paris Match	General/celebrity weekly	3.1
France Info	News radio (public)	2.9

Source: Office de Justification de la diffusion (OJD)¹³⁰

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

French public opinion is preoccupied with a few topics that continuously reappear in the public debate. Most relate to ethnic or religious minorities and on the economic problems the country is facing:

- *The French national identity*: this is a discussion initiated by Mr Sarkozy during his 2007 presidential campaign on what is and what should be the state of integration of immigrants, and what “French” values, citizenship, and civil society entail.¹³¹
- *Illegal and legal immigration*: this topic has been heatedly debated in France since the strong immigration from the Maghreb and North Africa began. It was again discussed within the public sphere when the problem of the expulsion of Roma (“Gypsies”) from Romania began in 2010. The deportations were

130. CMC, “le Top 50 des sites d’info.”

131. C. Bonal and L. Equy, “L’identité nationale selon Sarkozy” (National identity according to Sarkozy), 2 November 2009, *Libération*, at <http://www.liberation.fr/politiques/0101600818-l-identite-nationale-selon-sarkozy> (accessed 11 July 2011).

strongly criticized by other EU countries.¹³² It was followed by the emerging issue of illegal immigrants from the Arab revolution countries, mainly Tunisia.¹³³ Again, it was present in the public debate during the 2012 presidential elections.¹³⁴

- *Muslim customs in the public sphere*: a particularly controversial topic in 2010 and 2011 was the issue of banning the *burqa* and the *niqab* in public places.^{135, 136} It began as a discussion about the place of religion, republican law, and Muslim rights.
- *Unemployment*: due to delocalization and externalization of industrial activities, and the world economic crisis, unemployment is seen as the first and most important problem facing French society.¹³⁷ It is especially stressed as a problem for young people.

4.3.2 Coverage of Sensitive Issues

The French constitution considers all citizens as equal, whatever their origin. Ethnic groups must not be identified as such and cannot be counted, for example, in public statistical studies.¹³⁸ Consequently, policies on positive discrimination cannot be implemented and are opposed by many political parties as they are considered a first move toward a “communitarian” society at odds with the French republican ideal. From a legal perspective, only negative discrimination, for instance, denying a person a job on the grounds of their origin, can be fought, which is often difficult since evidence can rarely be gathered.

However, many media observers and NGOs would admit that the diversity of French society is poorly reflected in the French media, especially in television.¹³⁹ Although this opinion is not shared by the general public,¹⁴⁰ the issue was put on the policy agenda at the end of 2005 at the moment of the riots in the Parisian suburbs. In 2006, the Law of 31 March on Equality of Opportunity amended Article 3.1 of the 1986 Law on Communications and gave the CSA a monitoring role with respect to discrimination on French television and radio.

132. BBC, “Q&A: France Roma expulsions,” 19 October 2010, at <http://www.bbc.co.uk/news/world-europe-11027288> (accessed 11 July 2011).

133. Radio France Internationale (RFI), “France will not tolerate illegal Tunisian immigration, says minister,” 14 February 2011, at <http://www.english.rfi.fr/africa/20110214-france-will-not-tolerate-illegal-tunisian-immigration-says-minister> (accessed 11 July 2011).

134. B. Inzaurre, “Why French far-right candidate Marine Le Pen is attracting youth,” *Christian Science Monitor*, 11 April 2012, at <http://www.csmonitor.com/World/Europe/2012/0411/Why-French-far-right-candidate-Marine-Le-Pen-is-attracting-youth> (accessed 10 October 2012).

135. CNN, “French senate approves burqa ban,” 14 September 2010, at http://articles.cnn.com/2010-09-14/world/france.burqa.ban_1_burqa-overt-religious-symbols-ban-last-year?_s=PM:WORLD (accessed 11 July 2011).

136. “France begins ban on niqab and burqa,” *The Guardian*, 11 April 2011, at <http://www.guardian.co.uk/world/2011/apr/11/france-begins-burqa-niqab-ban> (accessed 11 July 2011).

137. TNS Sofres, “Baromètre des préoccupations des Français, Bilan de l’année 2010” (Barometer of the preoccupations of the French, Annual Report, 2010).

138. Any mention of ethnic origin, color, or religion in official documents and reports of private or public companies is illegal according to the French Penal Code. For example, a company is not allowed to keep records of its employees’ national or ethnic origin, even for private purposes.

139. See, for example, the conference “Ecrans pâles” (Colorless screens) organized on 26 April 2004 in Paris by the CSA, along with the High Council for Integration (*Haut conseil à l’intégration*, HCI) and the Action and Support Fund for Integration and against Discrimination (*Fonds d’action et de soutien pour l’intégration et la lutte contre les discriminations*, FASILD).

140. In June 2009, France Télévisions commissioned an online survey among a sample of 1,576 individuals, representative of French TV viewers aged 15 and over. A total of 12 percent of interviewees said that they fully agreed and 44 percent that they somewhat agreed with the statement: “Television takes into account the diversity of origins of the population living in France.” Interviewees said also that public television stations better represented the ethnic diversity of the French population than private ones (62 percent and 46 percent, respectively): see more at http://www.francetelevisions.fr/actualite_spip/IMG/.../Etude_Diversite.pdf (accessed 30 October 2012).

In 2007, the CSA set up a working group on diversity in the audiovisual media and held hearings with the executives of the main television channels and radio stations.¹⁴¹ In March 2008, it established an observatory of audiovisual diversity, comprising mostly media professionals, to pilot studies and make suggestions for action. In 2009, this observatory started to produce a barometer on diversity, which is to be conducted twice a year. This barometer surveys the representation of ethnicity, gender, and the disabled on French television channels.¹⁴² According to the study, which was primarily based on content analysis, from 2011 highly educated managers and intellectual professionals are over-represented (appearing in 70 percent of programs although their representation in the total population is at a level of 19 percent), with the opposite being true for the economically inactive (appearing in 9 percent of programs although they represent 55 percent of society).

Women are in general an under-represented group (35 percent in broadcasting time while they account for 51 percent of the population). In 85 percent of the programming time white people are represented, with 15 percent of the time remaining for those of other ethnic origins (6 percent black, 4 percent Arabic, and 5 percent Asian and others).¹⁴³ Disabled people are not shown in almost any aired programs: they constituted only 0.6 percent (which grew from 0.2 percent in 2010) of all the fictional characters present on television during the four weeks of study.

4.3.3 Space for Public Expression

After the riots in the French suburbs during the winter of 2005, questions were raised about how traditional media covered some sections of society, especially those areas predominantly populated by citizens with foreign origins. Traditional media were criticized for generally neglecting these areas, except when violent events took place there. They were also accused of strong bias in their presentations through a negative coverage emphasizing unemployment, insecurity, and antisocial behavior, while paying too little attention to the more positive aspects, such as the burgeoning of small enterprises and many cultural and artistic initiatives. Finally, journalists were reproached for their poor understanding of the suburbs because they come from different social classes and live in more affluent areas.

While there are probably dozens of French blogs or websites initiated by young “*banlieusards*” (grassroots activists), the Bondy blog¹⁴⁴ has emerged as one of the most important and original. It was initially started in November 2005 by *L'Hebdo*, a Swiss weekly magazine, in an effort to explore the potential of online journalism while providing a deeper coverage of the riots. The magazine established a permanent team of journalists reporting online from places where incidents happened. The Bondy blog's managers tried to

141. Summary at http://www.csa.fr/actualite/dossiers/dossiers_detail.php?id=126260&chap=3153 (accessed 30 October 2012).

142. CSA, “Les résultats de la quatrième vague du baromètre de la diversité à la télévision, 7 au 13 mai 2011” (The 4th round of the survey on diversity in television, 7–13 May 2011), at <http://csa.fr/Etudes-et-publications/Les-observatoires/L-observatoire-de-la-diversite/Les-resultats-de-la-quatrieme-vague-du-barometre-de-la-diversite-a-la-television-7-au-13-mai-2011> (accessed 30 October 2012).

143. It is not possible to compare it with social diversity since a question about ethnic origins is not allowed to be asked in surveys.

144. See <http://yahoo.bondyblog.fr> (accessed 30 October 2012).

differentiate themselves from other pure players as being more independent from the traditional print media (however, now it has ties with Yahoo! and *20 minutes*) and being more open toward content produced by ordinary citizens.

In September 2009, the School of Journalism in Lille established a partnership with the Bondy blog for training in new forms of journalism and for journalists specialized in online writing.¹⁴⁵ Another new medium dedicated to a smaller audience group, Otoradio.com radio, launched in 2006 after the riots in 2005. It broadcasts mainly to young people living on the outskirts of Paris. Its mission is to show the importance of the cultural and social diversity of these places, as well as to promote young musical talent.

4.4 Political Diversity

4.4.1 Elections and Political Coverage

In October 2006, the Internet Rights Forum (*Forum des droits de l'Internet*, FDI), a consultative public organization, published a recommendation regarding the uses of the internet during electoral campaigns.¹⁴⁶ The institution, however, has not survived the financial crisis; it closed in 2010 after state subsidies were no longer available.¹⁴⁷

An early change triggered by the internet concerns the publication of polls. Up to 2002, it was illegal to “publish, disseminate, or comment” on opinion polls during the week preceding election day, according to an electoral law from 1977. The law did not prohibit actual polling, but banned the public dissemination of the results in an attempt to protect voters from possible influence and to allow a genuine personal vote.

The development of the internet made this law more and more ineffective, as some foreign media (especially those based in neighboring French-speaking countries such as Belgium and Switzerland) published on their websites polls conducted during the week before the election as well as the exit polls or estimates on election day before voting closed. The internet gave the general public access to information that was previously restricted to political insiders. Additionally, the constitutionality of the law was questioned. This led the French Parliament to modify the law on polls. Under a law adopted in 2002, the ban on polls publication is limited to the day of the vote (Law 2002-214).

145. N. Nabili, “Journalisme et diversité sociale, un partenariat ESJ Lille/Bondy blog” (Journalism and social diversity, partnership between ESJ Lille and Bondy blog), 9 March 2009, at <http://yahoo.bondyblog.fr/200903090002/journalisme-et-diversite-sociale-un-partenariat-esj-lille-bondy-blog> (accessed 11 July 2011).

146. Le Forum des droits de l'Internet, “Recommandation, Internet et communication électorale” (Recommendations, internet and electoral communication), 29 August 2002, at <http://www.foruminternet.org/telechargement/documents/reco-ice-20061017.pdf> (accessed 30 October 2012).

147. See <http://www.foruminternet.org/institution/espace-presse/communiqués-de-presse/suite-a-sa-dissolution-le-forum-des-droits-sur-l-internet-partage-ses-contenus-3119.html> (accessed 11 July 2011).

Indeed, newspapers do publish, in an interactive way, surveys by different public opinion institutes. They create their own tools aimed at influencing the outcome (e.g. Voting Advice Application, VAA). For example, Labousolepresidentielle.fr (VAA), co-sponsored by *20 minutes* and *Ouest-France*,¹⁴⁸ was visited by more than 1.5 million people during the 2012 presidential elections.¹⁴⁹

2012 changed the television debate among presidential candidates. Under CSA regulations, the campaign was divided into three periods: 1 January to 19 March, 20 March to 8 April, 9 April to 4 May. In the first period, all candidates were supposed to have equal access to the media; in the second and third periods, all candidates were supposed to have equal air time.¹⁵⁰ The CSA monitored the air time across all media. The elections attracted quite high media interest, airing some 2,000 hours of information between January and May 2012—more than in 2007.

Except for individual interviews in different outlets, candidates were also supposed to appear together in a single program. However, since they did not agree to take part in a collective debate, it was decided that all ten candidates would be questioned by a group of journalists for around 15 minutes each, and the interviews broadcast in two transmissions of the France 2 program “*Paroles et des actes*” (Words and acts). A similar format (equal-time interviews rather than a debate) was held with the two front runners before the second round of elections on 26 April 2012, with a total audience of 6.2 million.¹⁵¹ Finally, a debate between the candidates took place on the Wednesday before the Sunday polling day, aired by private television channel TF1 and France 2 (with two journalists from each station moderating the debate), as well as transmitted by the 24-hour channels. Interestingly, the flow of viewers’ comments on news websites meant that the information and arguments used by both politicians were fact-checked in real time.

4.4.2 Digital Political Communications

The constitutional referendum campaign in 2005 and the presidential elections in 2007 marked the points when French political life went online. Online political communication was introduced by all the political parties in the 2007 and 2012 presidential elections (12 and 10 parties, respectively) and by most parties contesting the 2009 European Parliament (EP) elections.

Studies of web content analysis during the 2007 presidential election and the 2009 EP elections showed three main findings concerning the online performance of candidates and parties: during the presidential election the online campaign was better prepared and implemented; major candidates and parties performed better

148. CEVIPOF, “La boussole présidentielle 2012” (Presidential compass 2012), at <http://www.cevipof.com/fr/2012/recherche/boussolepresidentielle> (accessed 10 October 2012).

149. A. Jadot, B. Cautres, P. Lefébure, F. Chanvrlil, “The French 2012 ‘Boussole Présidentielle’: Exploring Issues and Personality Based Voting Thanks to a VAA,” paper presented at the IPSA General Conference, Madrid, 2012.

150. See CSA at <http://www.csa.fr/Television/Le-suivi-des-programmes/Le-pluralisme-politique-et-les-campagnes-electorales/Election-presidentielle-2012-temps-de-parole> (accessed 15 February 2013).

151. “Hollande sûr de lui face à un Sarkozy pugnace sur France 2” (Hollande sure of himself facing an attacking Sarkozy on France 2), *Le Monde*, at http://www.lemonde.fr/election-presidentielle-2012/article/2012/04/27/hollande-sur-de-lui-face-a-un-sarkozy-pugnace-sur-france-2_1692068_1471069.html (accessed 15 February 2013).

than their minor party opponents; and left-wing parties or candidates performed better than their right-wing counterparts.¹⁵² The last two findings were confirmed in studies on the French campaign before the 2009 EP election.¹⁵³

In 2009, the main political parties launched their interactive social network sites, where they recruit supporters and activists: UMP (Lescreateursdepossibles.com), PS (Lacool.fr), and the Democratic Movement (Mouvement démocrate, MoDem) (Lesdemocrates.fr). In preparation for the 2012 presidential elections, all the main candidates wanted to mark their presence on the internet, often announcing their candidacy (e.g. in PS primaries) against a background with the logo of their website (e.g. Martine Aubry). However, the private social network websites did not survive the overwhelming competition from the already well-established Facebook (with more than 23.5 million users in France),¹⁵⁴ and they became either a niche communication tool among the partisans (PS, MoDem) or were closed down (UMP).

At the beginning of 2010, the political parties, enticed by the success of Barack Obama's presidential campaign, launched their own social network sites gathering supporters, volunteers, and all those potentially interested: they included the Socialist Party Lacool.fr, and the UMP's Lescreateursdepossibles.com (closed at the beginning of 2012).

If during the 2007 presidential campaign supporters were gathered around the websites created by the candidates (e.g. *Désirs d'Avenir* by Ségolène Royal), this approach was abandoned in the 2012 campaign. All the candidates had websites, albeit with little interactivity but regularly updated, and nine out of ten were present on both Facebook and Twitter. They collected a high number of "likes" and followers, which was proportionate to their actual share of the vote (the first two candidates attracted the highest number of supporters) in the first round of the elections.¹⁵⁵ Candidates used two different techniques for disseminating information: via websites, where they gathered the most important news, downloads, and applications; and via social networks, where they concentrated on interactivity with the visitors or rather among the visitors, as it was rare that they directly responded to comments. However, it seems (as it is not possible to check this) that the discussion was not strongly moderated, as negative comments were often not removed.

On the other hand, studies on the demand side of online political communication (how citizens are using the internet for political engagement) show no obvious growing tendency toward online political engagement, which is rather stable with some ups (e.g. during the 2007 and 2012 presidential elections) and downs during the less politically interesting periods.¹⁵⁶

152. T. Vedel and K. Koc-Michalska, "The internet and French political communication in the aftermath of the 2007 presidential election," paper presented at the 5th European Consortium for Political Research (ECPR) General Conference, Potsdam, 2009.

153. D. Lilleker, K. Koc-Michalska, et al., "Informing, engaging, mobilising or interacting: Searching for a European model of web campaigning," in *European Journal of Communication*, 26(3) (September 2011), pp. 195–213.

154. See <http://www.internetworldstats.com/stats4.htm> (accessed 10 October 2012).

155. K. Koc-Michalska and D. Lilleker, "Interacting with your supporters: Interactive strategies in French Presidential election," Center for Comparative Studies in Political and Public Communication (Ceccopop) Conference, Paris 2012.

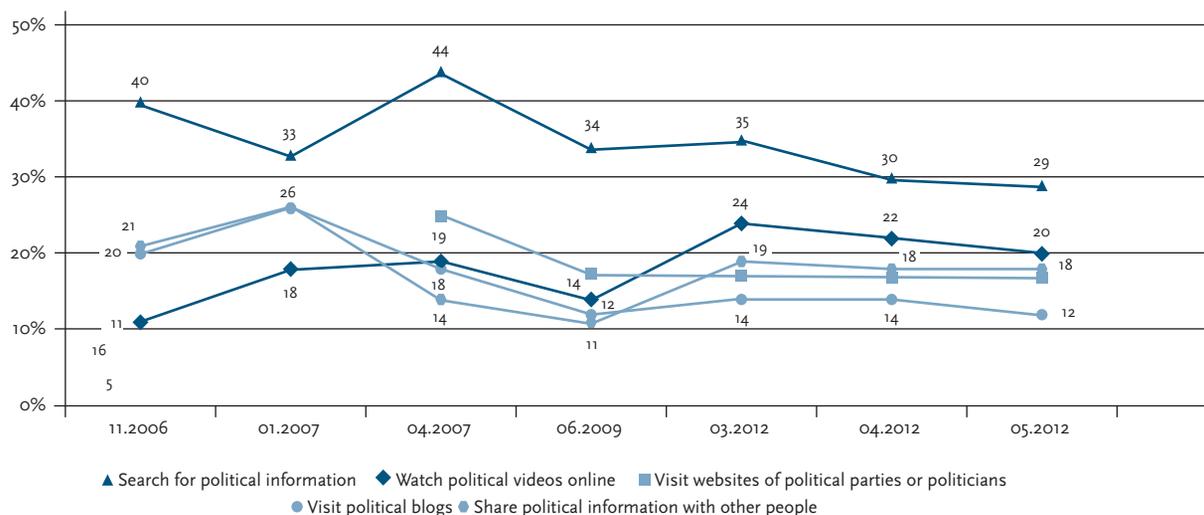
156. Data provided by the IFOP, from a representative sample of French internet users (N = 1,009). Surveys performed online November 2006, April 2007, June 2009, and from a Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po.

At the same time, however, the social network profiles of the presidential candidates also functioned as a watchdog forum. For example, Mr Sarkozy had an account on Facebook where he showed news, photos, and videos covering his entire political career. However, some vigilant visitors found weaknesses in his communication. In November 2009, a photo that Mr Sarkozy claimed was taken beside the falling Berlin Wall on 9 November 1989 proved not to be genuine, as blogger Alain Auffray presented evidence that the president could not have known about the events in Berlin and participated in those events that early.¹⁵⁷

The internet has reached its potential in encouraging “new activists.” In fact, the peak during the 2007 presidential election was more visible than during the 2012 presidential elections and the 2009 EP elections. The most popular political online activities in recent years have been the search for political news (35 percent in March before the 2012 elections, and 29 percent after the elections in May 2012), the search for satirical content, and watching political videos. Also, the number of people who are very active politically online did not change drastically (with the exception of the presidential elections): in 2006, 3.6 percent of respondents performed at least five activities, in 2007 that stood at 7 percent, in 2009 3.9 percent, and in 2010 3.1 percent (a similar pattern can be found for those performing four activities). This may indicate that those who are the most active in online politics are equally engaged regardless of the electoral season; it is the less active or the “clicktivism” that is changing according to the importance and intensity of elections.

Figure 5.

Online political engagement, 2006–2012 (% of total respondents), 2006–2012



Sources: IFOP, 2006–2009; Mediapolis study 2009–2012, ANR project, CEVIPOF Sciences-Po. Method: computer-assisted web interviewing (CAWI)

157. L. Mandret, “Sarkozy sur Facebook, ou la fin du storytelling digital” (Sarkozy on Facebook or the end of online storytelling), 15 September 2009, at http://www.lexpress.fr/actualite/politique/sarkozy-sur-facebook-ou-la-fin-du-storytelling-digital_828510.html (accessed 20 July 2011).

4.5 Assessments

Digitization and widening access to the internet have brought positive and negative changes both for the work of journalists and for society as a whole (see section 4.3.3). The high volume and accessibility of different information sources offer a chance for people to choose according to their needs and political opinions; however, at the same time information provision has become even more standardized for everyone (see section 4.1.1).

Digitization brought to life new forms of journalism, sometimes pseudo-journalism, as anyone can publish their own information, pictures, or comments. The provision of news must necessarily become more interactive, as readers do want to participate in its creation or dissemination. Digitization has also offered citizens the chance to act as watchdogs regarding what politicians are doing through the monitoring of their online communication and offline activity, a task hitherto reserved only for professionals. It has probably not influenced the role of investigative journalism, which was not that present in the news-scape in the analog era.

Digitization is changing the traditional model of journalism. However, this is primarily due to the change in business models, in response to decreasing revenues from the sale of print newspapers and advertising. Journalists and more generally media providers need to become hypermedia platforms that provide information through different online tools adding to traditional television, radio, and print (i.e. with internet, mobiles, or tablets). They also need to be present through different services: websites, mobile applications, social networks, and microblogs.

In France, digitization has brought one significant type of player into the journalistic world: the pure players. These are platforms providing information only online. Often established by journalists, pure players offer more independent content than the traditional media, but most of all they publish provocative comments and editorials. They are often co-created by experts and readers.

Digitization has certainly changed the nature of political communication during and outside the election periods. The change was especially visible during the 2007 presidential election, when the internet tools were rather innovative and often used for the first time. This is probably why they also attracted so many people. Since then, most top politicians have an online presence on various platforms: websites, blogs, and social networks. The 2012 presidential elections did not bring any revolutionary changes into the way political actors were communicating with their potential voters. The exceptions were a higher degree of professionalization in relation to the use of online tools (often managed by professional companies) and probably higher spending allocated to their exploitation. Political actors had to change their online strategies and offer more interesting—and much more interactive—communication to their supporters. They also had to be more accustomed to even more visible criticism and negative commenting, as information on the internet is always alive (“the internet never forgets”).

Digitization has not (yet) made it possible for smaller and less important candidates to bypass the traditional media's gatekeeping role, perhaps because—with few exceptions—they have not made any more use of the internet than their more prominent counterparts.

Online communication has facilitated wider communication among marginalized groups and communities as a result of their online presence. However, studies on migrants show that they are not using the internet as much as expected.¹⁵⁸ There was no visible effect of digitization on the coverage of minority groups in traditional media (e.g. television).

158. S. Strudel and K. Koc-Michalska, "France and its migrants," Moveact Project (dir. Ettore Recchi), 2012, at <http://www.moveact.eu> (accessed 10 October 2012).

5. Digital Media and Technology

5.1 Broadcasting Spectrum

5.1.1 Spectrum Allocation Policy

In France, the electromagnetic spectrum constitutes inalienable public property. Frequencies are therefore allocated temporarily and are subject to request on the basis of license application. The management of the spectrum is collective and performed by institutions gathering “all interested bodies” and works within the logic of the open public services. The spectrum management functions are largely inspired by the reports of Pierre Huet¹⁵⁹ on dismantling public broadcasting monopolies (1986) and telecommunications (1996). Legislative provisions¹⁶⁰ are implemented by three different agencies, in accordance with European directives¹⁶¹ and the International Telecommunication Union (ITU) decisions. The national plan for the switch-over from analog to digital broadcasting as well as the management of the digital dividend was approved in 2008¹⁶² by the prime minister.

The National Frequencies Agency (*Agence Nationale des Fréquences*, ANFr)¹⁶³ is a public state body that ensures the planning, management, and control of the usage of the public and commercial radio frequencies. It organizes the allocation of frequencies for all engaged bodies (see below). It also represents the French state within international organizations.

The CSA was created in 1989 (on the basis of the 1982 High Authority for Audiovisual Communication (*Haute Autorité de la communication audiovisuelle*)) as a part of the deregulation process of the public broadcasting market, in order to facilitate the existence of private operators and to ensure the freedom of

159. P. Huet, “Rapport sur l’organisation de la gestion des fréquences radioélectriques” (Report on the management of the radioelectric frequencies), February 1994 (report for the prime minister), at <http://www.anfr.fr/?id=442> (accessed 17 February 2013).

160. Law on Post and Telecommunication, Law on Communication, at <http://www.legifrance.gouv.fr>.

161. European convention, Television without Frontiers (TVWF) 1993; Audiovisual Media Service Directive, 10 March 2010; Telecoms package (*Paquets telecom*) 2002, 2009, 2011.

162. Order to approve national plan to stop analog broadcasting and for switch-over to digital broadcasting, *Journal officiel*, 23 December 2008.

163. See <http://www.anfr.fr>.

communication.¹⁶⁴ It manages and assigns frequencies for those broadcasters that are not network operators.¹⁶⁵ The CSA manages the frequencies that it allocates according to decisions taken at the international level.¹⁶⁶ It has authority over terrestrial and satellite broadcasting service frequencies.

The French Electronic Communication and Postal Sector Regulator (*Autorité de Régulation des Communications Electroniques et des Postes*, ARCEP), created by law in 1996¹⁶⁷ and amended in 2004, leases frequencies to network operators. It distinguishes three main categories of actors depending on: the equipment used (or the necessary transmission strength), the size of the area covered, and the bandwidths required for the activity. This procedure facilitates the entry of different operators, thus contributing to a wider diversification of the market. Access to the frequencies managed by ARCEP requires purchasing expensive rights of usage. To better regulate the market and protect consumers, ARCEP regularly organizes public consultations as well as controls, implementing strict competition rules and the application of services. However, ARCEP has no special role in protecting consumers of telecommunications services.

This division allows for transparency in spectrum allocation. At the global level it is ANFr that allocates the spectrum, and CSA and ARCEP at the lower levels. CSA is responsible for the management of broadcasting services (and their content) and ARCEP for the network operators (telephone and internet). As a result, there is a difference in the costs of access to frequencies.

Radio and television broadcasters have to pay technical providers (TDF (formerly TéléDiffusion de France), Towercast, or VDL) for the access to frequencies. But telecoms operators must themselves purchase direct access to the spectrum, of which they never become owners.

5.1.2 Transparency

The existence of two independent administrative authorities (CSA and ARCEP) and a state agency (ANFr) contributes to the transparency of the management of the frequency spectra. However, the allocation process seems to be fragmented and differentiated for different beneficiaries. It is also often opaque, complex, and difficult to understand,¹⁶⁸ and lacks consistency. If ANFr is responsible for the general planning and management of the whole spectrum, then it has little control over how the spectrum is used, and is therefore unable to optimize its general usage. The digital switch-over did not improve this situation.

164. Law on Freedom of Communication from 1986 with modifications in 1989.

165. Articles 21 and 22 of the Law on Freedom of Communication, Law no. 86-1067 of 30 September 1986: “The CSA authorizes, in respect of the national treaties and international agreements signed by France, the usage of the bands of frequencies and frequencies attributed or assigned for audiovisual usage. The CSA controls their usage. The CSA and the National Frequencies Agency will ensure the good reception of the signals, and to that end they will conclude among themselves all the necessary arrangements.”

166. European Conferences on the Post and Telecommunications (*Conférences européennes des Postes et Télécommunications*) and Regional Conferences on Radiocommunication (*Conférences régionales de Radiocommunications*).

167. See <http://www.arcep.fr>.

168. B. Ratailleau, “Dix ans après, la régulation à l’ère numérique” (Ten years later, regulation in the digital era), 2007, Report, Sénat, n° 350.

To ensure the transparency of their procedures, the three institutions responsible for the spectrum allocation are obliged to publish each year an activity report and keep official web pages updated.

Allocations of the frequencies are made through a public call for applications. All the documents required are made available to other players and the general public. Even though the conditions for the access to the network are clearly specified, the end choice of operators is not clear and is often criticized as being politicized (e.g. similar situations occurred when mobile telephone licenses were assigned to the SFR Group in 1989¹⁶⁹ and to Bouygues in 1994¹⁷⁰—both had strong relations with the Rally for the Republic (*Rassemblement pour la République*, RPR), the party representing Jacques Chirac, the prime minister at the time and later the president). According to Article 26 of the Law of 30 September 1986, the CSA must give priority of frequency allocation to public media. The CSA grants frequencies for both national (very limited) and local (numerous in regions) digital channels.

In 2001 and 2002, three licenses for telephone operation were assigned to Orange (France Telecom), Bouygues Telecom, and SFR (Vivendi) for €619 million (US\$ 806 million) combined. To limit the power of this oligopoly on mobile phone services, a second market for virtual operators (indirect recipients of wireless networks, such as NRJ Mobile or M6 Mobile) was organized in 2006. New entrants had to rent parts of bandwidth through unbundling and numerous agreements with the main operators (SFR, Orange, and Bouygues).

Finally, in 2009 the market was opened for a fourth license, which was granted to Free (Iliad) for €240 million (US\$ 312.5 million). This opening caused many protests by the three incumbent firms (who complained that the license price was undervalued).¹⁷¹ Free (which has already played a crucial role in decreasing the prices of fixed line telephone, television, and internet access) has lowered the prices while introducing their mobile products in 2012 and aimed to capture 5–7 percent of the market. ARCEP estimates an investment from Iliad of up to €2 billion (US\$2.6 billion) by 2018. This entry was eagerly anticipated by consumers, who hoped for a price war in mobile telephony, costs being among the highest in Europe (before 2012).

Free has also launched new internet access packages (fixed telephony, internet, and television) including mobile telephony, which should encourage the growth of the mobile internet. In fact, in January 2012, Free revolutionized the market with the introduction of 3G mobile services with unlimited calls and text messages for only €19.99 (US\$26), forcing other mobile operators to improve their offer. During the first three months of 2012, Free had a market share of 4 percent by number of subscribers.¹⁷²

169. R. Gilardin, “La ‘libéralisation’ des télécommunications en France” (“Liberalization” of telecoms in France), Mémoire de 4^e année, sous la direction de Gilles Richard, Sc.Po, Rennes, thesis 2009–2010 (4th year dissertation, supervised by Gilles Richard, Sciences-Po, Rennes, 2009–2010).

170. “Une décision délicate pour le gouvernement: l’attribution du troisième réseau de téléphonie reste en suspens” (Sensitive decision for the government: the suspension of the attribution of the third telephone network), *Le Monde*, 27 September 1994.

171. AFP, “Le Conseil d’Etat confirme l’attribution à Free de la quatrième licence 3G” (State Council confirms the allocation of the fourth license 3G to Free), 12 October 2010.

172. Analyssy Mason, “Free mobile’s successful entry in France driving structural changes in the market,” at <http://www.analysismason.com/About-Us/News/Insight/French-mobile-market-Jun2012> (accessed 24 October 2012).

5.1.3 Competition for Spectrum

The digital dividend was intensely discussed among the main players in the broadcasting market. The traditional French broadcasters have obtained the digital frequencies necessary to continue their activities. However, the switch-over also led to increasing competition in the audiovisual market. The newcomers (see section 1) caused major changes in audience shares and threatened the position of the major traditional broadcasters. The strongest opposition to new entries came from the two traditional operators and market leaders, TF1 and Canal+. However, during the first wave of the digital frequency allocation (2005–2006), the main media operators from radio (NRJ, Europe 1, NextRadio), television (TF1, AB Group, M6, Canal+, France Télévisions), and the press (Lagardère) all received an important share of the available frequencies.

The second wave of the digital frequency allocation (2011–2012) was an opportunity to redistribute frequencies¹⁷³ to the historically dominant channels (TF1, M6, and Canal+) and enabled them to compensate for their loss of audience after the first wave.¹⁷⁴ This new award was, however, blocked by the European Commission, and the six new frequencies were reassigned fairly among incumbents and new players such as *L'Equipe* (Amaury Group), the weekly *Elle* (Lagardère Group), or smaller players such as NRJ Group or Nextradio (BFM).

In June 2011, the prime minister and ARCEP announced the distribution of spectrum for 4G mobiles for 2011 and 2012 (for 800 MHz and 2.6 GHz frequencies).¹⁷⁵ The auction was expected to bring €2.5 billion (US\$3.25 billion) into the state coffers.¹⁷⁶ The conditions of distribution were widely criticized as favoring the biggest operators (the winners are supposed to cover 99.6 percent of the population of mainland France, and Long-Term Evolution (LTE) technology is supposed to be widely adopted). Xavier Niel, the main owner of Free, said that the “preemption for the spectrum will be given to old and rich operators,” and he found the procedure “cynical and absurd.”¹⁷⁷ These conditions were also officially contested by the trades unions, but the Council of State (*Conseil d'Etat*) rejected their claims.¹⁷⁸ ARCEP redistributed the 2.6 GHz frequency among the four operators (Bouygues Telecom, Free Mobile, Orange France, and SFR) in September 2011 and the 800 MHz ones to three operators (Bouygues Telecom, Orange France, and SFR) in December 2011.¹⁷⁹

173. Article 103 from the Law on the Freedom of Communication from 1986 with amendments from 5 March 2007.

174. G. Dutheil, “TNT: l’octroi des ‘chaînes bonus’ remis en cause” (DTT: granting of “bonus channels” questioned), *Le Monde*, 29 September 2011.

175. ARCEP, “Attributions des fréquences 4G” (Award of the 4G frequencies), 15 June 2011, at [http://www.arcep.fr/index.php?id=8571&tx_gs-actualite_pi1\[uid\]=1386&tx_gsactualite_pi1\[annee\]=&tx_gsactualite_pi1\[theme\]=&tx_gsactualite_pi1\[motscle\]=&tx_gsactualite_pi1\[back-ID\]=26&cHash=93d185f672](http://www.arcep.fr/index.php?id=8571&tx_gs-actualite_pi1[uid]=1386&tx_gsactualite_pi1[annee]=&tx_gsactualite_pi1[theme]=&tx_gsactualite_pi1[motscle]=&tx_gsactualite_pi1[back-ID]=26&cHash=93d185f672) (accessed 10 July 2011).

176. M. Ricknas, “France invites mobile operators to 4G spectrum auction,” 15 July 2011, at http://www.pcworld.com/businesscenter/article/230326/france_invites_mobile_operators_to_4g_spectrum_auction.html (accessed 10 July 2011).

177. “Free demande un report de l’attribution des licences 4G” (Free demands a report on 4G license allocation), *Les Echos*, 11 April 2011, at <http://archives.lesechos.fr/archives/2011/leechos.fr/04/11/0201294657222.htm> (accessed 24 October 2012).

178. Conseil d’Etat (Council of State), Decision No. 351929, 23 July 2012, at <http://www.arcep.fr/fileadmin/reprise/textes/recours/dec-conseil-etat-4g-230712.pdf> (accessed 24 October 2012).

179. ARCEP, “4G—très haut débit mobile” (4G—high-speed mobile), at <http://www.arcep.fr/index.php?id=8649> (accessed 24 October 2012).

The delay in the introduction of digital audio broadcasting (DAB), or terrestrial digital radio, reflects the economic challenges particular to this medium.¹⁸⁰ The first call for applications to cover 20 cities (including Paris) was announced by the CSA in June–July 2011. However, before granting any frequencies, the CSA decided to ask the government for its opinion about the financing and pre-empting the frequencies for the public French Radio and RFI.¹⁸¹ The government decided not to participate in the allocation of DAB due to the high costs of double broadcasting during the installation process. The CSA then turned to the commercial radio groups. But their positions remain ambivalent, as they are concerned that the digitization of radio threatens an even more profound fragmentation of the market and audience, which may further reduce dwindling advertising revenues. Regardless of the unfavorable economic situation, the deployment of DAB is now scheduled for early 2013.

5.2 Digital Gatekeeping

5.2.1 Technical Standards

The public debate during switch-over is not focussed on the frequency allocation but rather on the implementation of strong competition in broadcasting (mostly television) or mobile markets.

Discussion of the digital dividend and its distribution has been framed largely in the context of new players arriving on the market (see section 5.1.2) and how this situation might challenge the position of already dominant operators.

In France, it is the CSA¹⁸² that has the authority to select the technical standards for audiovisual programs with the consent of the government and the supervision of the European Commission. The adoption of a technical standard begins with a preliminary study in the form of public consultations launched by the CSA and the conclusions are published in public reports.¹⁸³ The recommended standard is accepted in a decree issued by the minister responsible for telecommunications, and this is validated by the European Commission. Independent experts are often consulted during the development of the technical project or the writing of opinions on often contradictory conclusions.

The broadcasters often seek to influence technical decisions recommended by the CSA in order to maintain their positions and reduce the negative effects of further opening the market. The closeness of the Bouygues Group (TF1) to President Sarkozy was highly discussed as one of the controversies during the launching of the six new digital channels in 2011. At that time, the Minister of Industry wished to impose on those new

180. D. Kessler, “La radio numérique terrestre” (Digital terrestrial radio), 18 March 2011, at <http://www.csa.fr/Media/Files/Radio/Autres-thematiques/RNT-Rapport-David-Kessler> (accessed 5 April 2013).

181. “La radio numérique terrestre en mauvaise passe” (Digital terrestrial radio not on a good path), *L'Express*, 7 September 2012, at http://www.lexpress.fr/actualite/media-people/media/la-radio-numerique-terrestre-traverse-une-mauvaise-passe_1157597.html (accessed 7 September 2012).

182. Article 12 from the Law on Freedom of Communication 1986.

183. For example, see the report “Future of the DTT” by Michel Boyon, president of the CSA, August 2011, at <http://www.csa.fr/Etudes-et-publications/Les-autres-rapports/Rapport-au-Premier-ministre-sur-l-avenir-de-la-TNT-Aout-2011> (accessed 29 January 2013).

digital channels the DVB-T2/MPEG-4 standard, even though it was not compatible with French receivers in households. The standard was supposed to be adopted by the new channels but it was not implemented by TF1. In spite of the pressure on the CSA,¹⁸⁴ the public interest prevailed and all channels were launched using the already existing standard (DVB-T/MPEG-2).

The European Commission also plays an important role as a gatekeeper. Directive 98/34¹⁸⁵ requires EU member states to inform the European Commission about projects on the adoption of technical standards with their justification for such choices. In addition, the European Commission promotes certain standards to facilitate the construction of a single market (e.g. the mobile DVB-H standard for the development of mobile television in July 2007). In November 2010, the European Commission sent the CSA a notice¹⁸⁶ demanding a return to the practice of transparency and non-discriminatory allocations: “The French mechanism of granting licenses to the three historical television channels, without the real free-competition procedure [...] is not in line with EU law.”¹⁸⁷ After this intervention, the plan was abandoned, and all candidates had to be treated equally in the call for applications.

5.2.2 Gatekeepers

The incumbent private television channels (TF1, M6, and Canal+) are trying to preserve their audience share during the process of digitization. The TF1 Group tried to force the CSA to change the status of the Info Channel (La Chaîne Info, LCI), an all-news channel owned by TF1, from the DTT paid option to free broadcast. However, after protests from Canal+ (the owner of i>Télé, another all-news channel) and the Next Group (the owner of the most popular non-stop news service BFMTV), the CSA refused the request.¹⁸⁸ Despite that unsuccessful operation, TF1 remains a significant player on the DTT market, as they own NT1 and TMC (purchased in 2010). Canal+ (owned by the Vivendi Group) has bought Direct8 and Direct Star (from the Bolloré Group) to strengthen their free offer, and now owns eight different paid and free DTT channels. In the future, it will most probably be forced to sell one of its channels, as it is illegal to own more than seven digital channels within one group.¹⁸⁹

184. *La Tribune*, 14 September 2011; *Le Figaro*, 13 September 2011; *le Film Français*, 14 September 2011.

185. Information procedures: technical standards and regulations on information society services, Directive 98/34/CE, European Commission, 2005.

186. “Substantiated recommendation to the French Republic regarding Article 258 of the treaty for the functioning of the EU on the incompatibility of the criteria and procedures granting rights for the usage of the radio resources established by Article 103 of French Law no. 86-1067 from 30 September 1986 regarding the freedom of communication modified by Article 4 of Directive 2002/77/CE and Article 5, point 2 of Directive 2002/20/CE,” at http://www.economie.gouv.fr/files/files/directions_services/daj/publications/lettre-daj/2011/lettre109/avis-ce-29092011.pdf (accessed 29 January 2013) (hereafter “Recommendation to the French Republic”).

187. “Recommendation to the French Republic,” p. 4.

188. CSA, “Le CSA rejette les demandes de passage en clair sur la TNT de LCI et Paris Premier” (CSA rejects change of status for the channels LCI and Paris Premier), 6 December 2011.

189. G. Fraissard and D. Psenny, “D8, l’atout clair de Canal+” (D8, clear advantage of Canal+), 20 September 2012, at http://www.lemonde.fr/culture/article/2012/09/19/d8-l-atout-clair-de-canal_1760772_3246.html (accessed 22 October 2012).

5.2.3 Transmission Networks

The distribution of spectrum resources belongs to the state and its three agencies: ANFr, CSA, and ARCEP.

French broadcasting and telecommunications transmission operators are not represented in these instances; therefore, they cannot intervene directly in the frequency allocation. They have to be consulted for every significant change in frequency plans, but the decisions are taken independently and may be influenced by economic and political issues as well as the current situation of national operators.

The broadcasting transmission network was gradually opened for competition in 1986 and 2005.¹⁹⁰ The TDF Group remains, however, the main operator. The company was founded in 1975 within the framework of public service broadcasting and privatized in 2004 (with France Telecom/Orange among its shareholders). The TDF was responsible for the switch-over from analog to digital broadcasting and ensuring the necessary multiplexing. They will also be responsible for the next step—the technical deployment of HD.

Mobile markets are more competitive. The dominant operators are both network and service operators. Virtual operators, licensed since 2006, can access these networks through unbundling. The operations and good practices in this market are monitored by the ARCEP.

5.3 Telecommunications

5.3.1 Telecoms and News

The audiovisual law does not allow audiovisual media companies to also be network operators. The creation of any type of television, including web television (aimed at a wide audience), must be reported to the CSA. However, the websites launched by the mainstream media forced them to collaborate with internet service providers and search engine operators, in order to maintain linking to their websites in high positions (e.g. in June 2006 the TF1 engaged in the Overblog, a UGC website, Overblog.com).¹⁹¹ There were also agreements between portals and the media to promote the availability of information.

Only France Telecom/Orange seeks to invest in the content market, especially in mobile television. Thus, in 2008, it was granted television broadcasting rights for the football Champions' League,¹⁹² in partnership with Canal+. Orange has also started to produce original content on its online portals, but finally opted for partnerships with the traditional media, especially the state news agency, AFP. In 2012, Orange obtained

190. Law of 30 September 1986 on broadcasting of private audiovisual channels; Law of 23 July 2003 on broadcasting of public audiovisual channels as application of the EU decree; Law of March 2005 on launching DTT.

191. "TF1 cherche sur internet le moyen de séduire un public plus jeune" (TF1 tries to seduce the young public), *Le Monde*, 2 May 2007.

192. "Droits du foot: trois lots pour Orange, à Canal+ le reste" (Concessions for football: three spots for Orange, the rest for Canal+), *Le Figaro*, 7 February 2008, at <http://www.lefigaro.fr/medias/2008/02/07/04002-20080207ARTFIG00345-droits-du-foot-trois-lots-pour-orange-a-canal-le-reste.php> (accessed 10 October 2012).

for four years (2013–2016) the rights to broadcast football matches via its own mobile phone and internet services.

5.3.2 Pressure of Telecoms on News Providers

There is no evident case of pressure by telecoms companies on news producers, journalists, or on the media in general. In the French news market, the information providers are not in competition with the network operators but rather with big online players, such as Google for the online market, or Apple for the equipment providers. The group of French publishers called ePresse Premium, including five French national dailies and three weeklies, tried to sign an agreement to create a “digitized kiosk”¹⁹³ or “virtual newsstand” of the French press. The ePresse Premium Group has also started negotiations with Apple to introduce their content in a range of applications available via AppStore. Initially, the negotiations stalled as Apple demanded 30 percent of total revenues and refused to make information about the users of such applications available to the publishers.¹⁹⁴ But this did not stop each of the group participants from signing a separate agreement with AppStore, accepting the proposed conditions. Finally, the “digital kiosk” became available via applications on Apple and Android.¹⁹⁵

In October 2012, a new issue was raised regarding the Google search engine, which threatened the French (and European) media with banning links to their websites if the government introduced a law forcing the search engine to pay for linking to certain websites (as a part of copyright procedures).¹⁹⁶ French editors say Google’s practices brought them losses of €1 billion (US\$1.3 billion) from advertising between 2010 and 2012 due to direct linking to their online content.^{197, 198}

5.4 Assessments

After the digital switch-over and the deployment of DTT, the usage of broadcast frequencies corresponds to the social and economic necessities of the country. None of the public consultations has revealed any serious inequalities in the allocation processes or shortcomings in the frequency resources available in France.

The public interest is among the high priorities of all legislative acts regulating the activities of media broadcasters and telecoms operators. The public interest is guaranteed by the freedom of speech for all social

193. “Le kiosque numérique e-presse s’agrandit” (Digital kiosk, expansion of the e-press), *Libération*, 6 April 2012.

194. Y. Eudes, “Apple et la presse pas si compatibles” (Apple and the press not that compatible), *Le Monde*, 14 December 2011, at http://www.lemonde.fr/cgi-bin/ACHATS/acheter.cgi?offre=ARCHIVES&type_item=ART_ARCH_30J&objet_id=1177996&xtmc=apple&xtr=4 (accessed 24 October 2012).

195. “Le kiosque numérique e-presse s’agrandit” (Digital kiosk, expansion of the e-press), *Libération*, 6 April 2012, at <http://www.liberation.fr/medias/01012400782-le-kiosque-numerique-e-presse-s-agrandit> (accessed 29 October 2012).

196. R. Myles, “Google threatens to stop linking to French media websites,” 10 October 2012, at <http://digitaljournal.com/article/335100> (accessed 24 October 2012).

197. “Taxe Google,” 27 October 2012, at <http://www.lexpress.fr> (accessed 12 January 2013).

198. “La presse européenne tente l’union contre Google” (European press unites against Google), *Le Monde*, 27 October 2012.

groups and representative organizations (trades unions or associations) as well as by the protection of the rights and interests of the consumers and users.

The CSA gets involved in public interest missions by supervising the programs granting air time to political parties (represented in the Senate or the National Assembly), trades unions, and professional organizations. Such programs are to be broadcast by public television and radio stations. Secondly, the CSA ensures the pluralism of information by allocating access to radio frequencies to various associations and organizations, even though their economic models may not be viable and do not guarantee their sustainability. Those radio stations, as media for the expression of ideas and guarantors of democracy, may be subsidized by special funds organized by the CSA.¹⁹⁹

Different mechanisms were launched to enhance consumers' protection and ensure wider network access. The ARCEP has no prerogatives in this field. The Ombudsman for electronic communications (at that time mobile phones only) was appointed in 2003.²⁰⁰ His authorization has been expanded to cover any electronic communication since January 2007. However, the Ombudsman may participate only in commercial disputes—and not in the frequency allocation. The ARCEP has the ability to intervene to promote fair access to online services (voice, data). That is why it has forced operators to deploy mobile networks throughout the country, leaving no “white” or underserved areas, even if these are not profitable.²⁰¹

The same constraints were imposed on the TDF for the large redeployment of frequencies in 1986 after opening audiovisual markets to private companies. The ARCEP monitors the quality of services and conducts a classification of different mobile operators according to various criteria, in particular the transmission rate of mobile networks. These can vary widely depending on the operator and localization.²⁰²

199. Decree of 25 August 2006 on the application of Article 80 on the creation of subsidies funds from the Law on Freedom of Communication of 30 September 1986.

200. Ministry of the Economy and Finance, “Téléphonie: quelle protection pour les consommateurs?” (Phone service: what kind of protection for the clients?), 5 July 2012, at <http://www.economie.gouv.fr/cedef/telephonie-protection-des-consommateurs> (accessed 29 October 2012).

201. See Annex to Decision No. 01-595 ARCEP, 19 June 2001, on territorial coverage of the mobile telephones. See also the ARCEP decision on the usage of the 800 MHz band, at http://www.ddm.gouv.fr/rubrique.php3?id_rubrique=208 (accessed 22 May 2012).

202. ARCEP, “Qualité de service des réseaux mobiles” (Service quality for the mobile networks), 7 November 2011, at [http://www.arcep.fr/index.php?id=8571&tx_gsactualite_pi1\[uid\]=1443&tx_gsactualite_pi1\[backID\]=1&cHash=f9ebb8c667](http://www.arcep.fr/index.php?id=8571&tx_gsactualite_pi1[uid]=1443&tx_gsactualite_pi1[backID]=1&cHash=f9ebb8c667) (accessed 29 October 2012).

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

The main legal development in media ownership in the past five years has been Law no. 2009-669, voted in on 12 June 2009, known as the High Authority for Transmission of Creative Works and Copyright Protection on the Internet (*Haute Autorité pour la Diffusion des Œuvres et la Protection des Droits sur Internet*, HADOPI) Law (see section 7.1.2),²⁰³ which intends to “optimize the dissemination and the protection of the creative content on the internet.” It also proposes measures to stimulate the spending of press owners on research and technological development. By exempting online news service companies from standard tax rules, Article 27 promoted the diffusion and protection of creation on the internet. Decree no. 2009-1340 of 29 October 2009 defined the criteria required for a communication service to be recognized as an “online press service.” These criteria state:

- the exemption of territorial economic contribution (see Articles 1458 and 1586 of the General Tax Code) and other facilities for online media mainly devoted to the provision of general and political information (see section 17 of Schedule 2 of the General Tax Code);
- provisions for investment under Article 39 bis A of the Code;
- grants or advances for development projects, which shall be obtained through the “aid funds for the development of online media services.”

6.1.2 New Entrants in the News Market

The ownership situation in France is very specific and characteristic of the familial character of French business. At the beginning of the 21st century, the 15 wealthiest people in France included five with assets in the media industry: Bernard Arnault, François Pinault, Serge Dassault, Jean-Claude Decaux, and Francis Bouygues. An additional eight media owners (Pierre Fabre, Jean-Paul Baudecroux, the Hersant family, Elisabeth Badinter, Philippe Amaury, Claude Berda, Arnaud Lagardère, and the Seydoux family) were ranked among the wealthiest individuals and families in the country.²⁰⁴

203. See http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=572FD05296342DAFE2848D59890826F6.tpdjo09v_1?cidTexte=JORFTEXT000020735432&dateTexte=20121026 (accessed 24 October 2012).

204. M. Benilde, “Médias français, une affaire de familles” (French media, a family business), *Le Monde Diplomatique*, November 2003, at <http://www.monde-diplomatique.fr/2003/11/BENILDE/10494> (accessed 29 October 2012).

Some of these “media fortunes” stem from industrial sources and most were inherited. The French media market is rather consolidated, with a few large private players dividing the market between them as well as the large public television and radio providers (see sections 1 and 2). The changes in ownership that have taken place over recent years have largely involved the dominant players in the market. Bolloré Group (created in 1822 and specializing mainly in transport and logistics) has invested recently in the new media technology. It is an owner of nonpaid journals (*Direct Soir* and *Direct Matin*). NextRadioTV Group is an owner of digital television channel BFMTV (24/7 news), radios BusinessFM and RMS, as well as 10SportHebdo (19 percent of shares) and Groupe01 (high-tech, thematic weeklies and monthlies). NRJ Group holds the most popular national and local radio channels and a digital television channel, NRJ12.

Some media owners also depend on public contracts in their current business:

- Serge Dassault, CEO of the press group Socpress, is also the CEO of Dassault Group, which sells fighter jets to the French army.
- Francis Bouygues, CEO of the important private television channel TF1, is also the CEO of the Bouygues Group, a large construction company that signs many contracts with the French state.
- Arnaud Lagardère, CEO of Lagardère, is also one of the most important shareholders of EADS, the European aeronautic group.

In the main television market there are few foreign players. Harris Associates LP (United States) and JP Morgan Chase (United States) both hold 10 percent of shares in TF1. Bertelsmann (Germany) holds 48 percent of shares in M6. Among the distributors of television platforms Vodafone Group (United Kingdom) holds 56 percent of SFR shares.

Radio distribution is divided into three sections: public radio (Radio France), commercial radios, and private radios of different associations. Among the public radio stations, there are: four national channels, three local channels, RFI (Radio France International), and RFO (Radio France Outre-mer). France has hundreds of commercial radio channels, both local and national.

The newspaper industry, suffering from the financial crisis, has faced a few ownership changes. The most significant one was that of the *Le Monde* in June 2010 (the second largest national newspaper by circulation), which was bought by the left-wing businessmen Pierre Bergé, Matthieu Pigasse, and Xavier Niel (also an owner of Free, one of the main digital media distributors: see section 5), who invested between €80 and €120 million (US\$ 104–156 million) (this ownership change was said to be criticized by President Sarkozy).²⁰⁵

The year 2012 was also marked by the death of a legendary title of the French press: *France-Soir*. The newspaper was the most read newspaper among the French popular press until the 1970s, but had been losing readership

205. “Rachat du Monde: Sarkozy a reçu le directeur du journal” (Sale of *Le Monde*: Sarkozy meets with the director of the daily), *Le Nouvel Observateur*, 14 June 2010, at <http://tempsreel.nouvelobs.com/article/20100611.OBS5366/rachat-du-monde-sarkozy-a-recu-le-directeur-du-journal.html> (accessed 29 October 2012).

dramatically since the late 1990s. In January 2009, *France-Soir* was bought by the young Russian billionaire, Alexander Pugachev. After several unsuccessful changes, *France-Soir* was put into liquidation on 23 July 2012.

Regardless of many efforts to cut costs or update newspaper formats, the industry still suffers from financial problems. Editors facing competition from internet news provision and the free press are adding to the national journals regional and local editions (e.g. *Ouest-France* increased the number of its local editions from 40 to 45 in 2010, and from 45 to 53 in 2011).²⁰⁶

The press industry has also adapted to the new challenges of online information provision. The Figaro Group has established a few well-known websites: Figaro.fr (whose content is partly reserved for subscribers), Sport24.com, Explorimmo.com (online real-estate market website), and Cadremploi.fr (job market for managers). *Le Monde* has Lemonde.fr and Talents.fr (job offers). The largest press providers have also launched their services for mobile phones with both paid and free access (e.g. *Le Monde* launched its service “100 percent digital” with a subscription for i-Phone, i-Pad, and internet devices).

20 minutes.fr is a financial success story in merging print and online journalism. It is the third-largest information website²⁰⁷ and the largest free-of-charge journal financed exclusively from advertising. In 2010, it announced an exceptional year with an income of €2.8 million (US\$3.6 million) (growth of 6.4 percent in comparison with 2009). Its website service, until then in development and bringing losses, has registered small losses (€ 200,000 (US\$ 260,433) in 2010 compared with €1.5 million (US\$1.95 million) in 2009).²⁰⁸

Most French media are in a strong position, supported by the state in the public broadcasting sector, and linked to powerful groups in the private sector. This probably explains why there are very few new players on the market. However, the internet allowed for the creation of influential pure players such as Mediapart and Rue89. Despite their online popularity, they have not succeeded as of yet to build prosperous commercial businesses. Therefore, the pure player Rue89 was acquired by the Nouvel Observateur Group, which publishes the eponymous magazine.²⁰⁹ Among the pure players there are eight main news providers: Mediapart, Rue89, Lepost (partly owned by LeMonde)—all launched in 2007; e24 (partly owned by 20minutes); Slate (since 2009); Arrêt sur images (owned by France 5 until 2007); Owni (stopped in December 2012), Atlantico (since 2011), Bakchich (launched in 2006, it also has a small paper edition); and Huffingtonpost (affiliate site of the American original, successfully launched in 2012).

206. AFP, “Le quotidien Ouest-France passe de 44 à 53 éditions papier en 2011” (*Ouest-France* daily grows from 44 to 53 regional editions in 2011), 7 February 2011.

207. 20minutes.fr, “En janvier, 20minutes.fr consolide sa place dans le top 3 des sites d’info” (In January, 20minutes.fr strengthened its place among the top 3 information websites), 20 February 2012, at http://www.20minutes-media.com/tl_files/client/PDF/CP%20pdf/CP%2020.fr%20audience%20MNR%20FEV2012.pdf (accessed 29 October 2012).

208. “20minutes France a vécu une année 2010 ‘exceptionnelle’, finit dans le vert” (20minutes France had an exceptional year in 2010 and finishes in the black), *Le Point*, 23 February 2011, at http://www.lepoint.fr/bourse/20minutes-france-a-vecu-une-annee-2010-exceptionnelle-finit-dans-le-vert-23-02-2011-1298733_81.php (accessed 29 October 2012).

209. “Le Nouvel Observateur’ rachète Rue89,” *Le Monde*, 21 décembre 2012, at http://www.lemonde.fr/actualite-medias/article/2011/12/21/le-nouvel-observateur-rachete-rue89_1621067_3236.html.

6.1.3 Ownership Consolidation

The largest French media owners are believed to be among the closest friends of ex-President Sarkozy. This situation has provoked many comments and accusations of indirect influence on journalists and on the content of newspapers and television programs. Among those considered to be good friends of the former French president are Martin Bouygues (part-owner of TF1, LCI, and Eurosport, a witness at Mr Sarkozy's wedding in 1996 and the godfather of his youngest son, Louis); and Bernard Arnault (CEO of LVMH group and also a witness at Mr Sarkozy's wedding. The media owners who are Mr Sarkozy's supporters are known in France as "the musketeers."²¹⁰

In 2005, Mr Sarkozy (then a Minister of Internal Affairs) allegedly influenced his friend Arnaud Lagardère (part-owner of *Le Monde*, *Elle*, *Paris Match*, *Journal du Dimanche*, and also owner of the Hachette publishing house) to fire the editor of *Paris Match*, Alain Genestar, who ran a front-page story about Cecilia Sarkozy, then his second wife, and her lover.²¹¹ Later, when Cecilia did not vote in the second round of the 2007 elections, it was allegedly due to Mr Sarkozy's connections that this story was never published.²¹² The well-known satirists Stéphane Guillon and Didier Porte were reportedly fired from the state-controlled radio France Inter after being described by Mr Sarkozy as "insulting, vulgar and nasty."²¹³ Mr Sarkozy was also accused of opposing the sale of *Le Monde* in 2010 to the left-wing businessmen Pierre Bergé (who strongly supported the candidacy of Ségolène Royal in the 2007 presidential elections), Matthieu Pigasse, and Xavier Niel.²¹⁴

Martine Gozlan, a journalist from the weekly *Marianne*, wrote in 2008:

We worry very much—because he controls a lot of magazines and television stations and you could see it in the last press conference, where there were 600 journalists and very few questions asked ... It's really a danger for our freedom of expression for our critical sense. It means that there is a kind of a court around him. It is the first time we see such a phenomenon.²¹⁵

In 2010, Francois Bayrou (third in the presidential run of 2007) said in an interview for *Le Nouvel Observateur* that those with power in the country believe that the media should be under their influence, which is

210. "Guillon et Porte virés de France Inter, mais largement soutenus" (Guillon and Porte fired from France Inter but highly supported), *Libération*, 23 June 2009, at <http://www.liberation.fr/medias/0101643026-stephane-guillon-vire-de-la-matinale-de-france-inter> (accessed 29 October 2012) (hereafter *Libération*, "Guillon et Porte").

211. K. Willsher, "How Nicolas Sarkozy influenced French media," *The Guardian*, 5 July 2010, at <http://www.guardian.co.uk/media/2010/jul/05/nicolas-sarkozy-french-media> (accessed 29 October 2012).

212. BBC, "Sarkozy strategy under scrutiny," 17 January 2008, at <http://news.bbc.co.uk/2/hi/7192638.stm> (accessed 29 October 2012) (hereafter BBC, "Sarkozy strategy").

213. *Libération*, "Guillon et Porte."

214. H. Samuel, "Nicolas Sarkozy trying to 'Berlusconise' French media," *The Telegraph*, 13 June 2010, at <http://www.telegraph.co.uk/news/world-news/europe/france/7825017/Nicolas-Sarkozy-trying-to-Berlusconise-French-media.html> (accessed 29 October 2012).

215. BBC, "Sarkozy strategy."

unacceptable. He believes that the rule of pluralism and independence was not fully respected.²¹⁶ Mr Sarkozy often said to journalists: “I know well all the people who hire you.”²¹⁷

A similar situation exists on the left of the political scene. The businessman Pierre Bergé, co-owner of the newspaper *Le Monde*, is also an open supporter of Ségolène Royal (a former candidate of the Socialist Party during the 2007 presidential elections, former life partner of President Hollande and still an influential party figure). Mr Bergé, who was also the president of the Friendship Association of Ségolène Royal, was paying the monthly rent of € 8,000 (US\$ 10,417) for her office until March 2011.²¹⁸

Since the beginning of Mr Hollande’s presidency in 2012, there has been serious political debate about Matthieu Pigasse, an investment banker and a former top official in the offices of Dominique Strauss-Kahn and Laurent Fabius during the late 1990s. Mr Pigasse became the owner of a magazine, *Les Inrockuptibles*, in 2010. In 2011, he was in the group of the three buyers of *Le Monde*. In July 2012, he nominated Audrey Pulvar (a former news presenter on France 3) as the new editorial director of the magazine *Les Inrockuptibles*.²¹⁹ Privately, Audrey Pulvar was at that time the partner of Arnaud Montebourg, the current Minister of Industrial Renewal. In August 2012, the magazine *Le Nouvel Observateur* reported that Mr Pigasse (also a serving director of Lazard) had been chosen to advise the government on the establishment of the public investment bank.²²⁰

6.1.4 Telecoms Business and the Media

The French telecoms market has a unique structure and differs from that of any other EU country. The oligopoly in this market consists of three leading operators providing mainly the same services: Orange (France Telecom), Iliad (Free), and SFR. They offer a bundle, technically a single package, which gives access to broadband, VoIP, Wi-Fi, and IPTV services. All offers are similar in price (a basic service for €30 (US\$39) in 2012). Since 2005 there have been a few moves in this market: in 2005 Tiscali sold its shares to Telecom Italia (which launched Alice), Neuf Cegetel bought AOL France in 2006 and Club Internet from Deutsche Telecom in 2007. SFR took over Tele2 in 2007 and gained control over Neuf Cegetel in 2008, and Iliad acquired Alice in 2008.²²¹

216. “Le Monde: Bayrou denonce l’intervention du pouvoir” (Le Monde: Bayrou denounces the impact of power (KKM: governing power over the media)), *Le Nouvel Observateur*, 17 June 2010, at <http://tempsreel.nouvelobs.com/article/20100617.OBS5666/le-monde-bayrou-fustige-une-illustration-de-plus-de-l-intervention-du-pouvoir.html> (accessed 29 October 2012).

217. R. Bacque, “Nicolas Sarkozy, vingt-cinq ans d’investissement dans les médias” (Nicolas Sarkozy, 25 years of investments in the media), *Le Monde*, 23 February 2007, at http://www.lemonde.fr/societe/article/2007/02/19/nicolas-sarkozy-vingt-cinq-ans-d-investissement-dans-les-medias_869028_3224.html (accessed 29 October 2012).

218. LeJDD, “Royal, sans QG fixe à Paris” (Royal without a headquarters in Paris), 2 March 2011, at <http://www.lejdd.fr/Election-presidentielle-2012/Actualite/Pierre-Berge-arrete-de-payer-le-loyer-du-QG-de-Segolene-Royal-a-Paris-277265> (accessed 29 October 2012).

219. X. Ternisien, “Audrey Pulvar minimise le ‘malaise’ aux ‘Inrocks’” (Audrey Pulvar denies “malaise” in Inrocks), *Le Monde*, 19 July 2012, at http://www.lemonde.fr/economie/article/2012/07/19/audrey-pulvar-minimise-le-malaise-aux-inrocks_1735507_3234.html (accessed 29 October 2012).

220. “Pigasse à la BPI: Audrey Pulvar dément tout conflit d’intérêt” (Pigasse in BPI: Audrey Pulvar denies any conflict of interest), *Le Nouvel Observateur*, 4 September 2012, at <http://tempsreel.nouvelobs.com/politique/20120904.OBS1177/pigasse-a-la-bpi-pulvar-dement-tout-conflit-d-interets.html> (accessed 29 October 2012).

221. IHS Global Insight, Telecoms report, July 2011.

The largest telecoms operator, France Telecom (FT), created as part of the Ministry of Telecommunication, has been a public-sector operator since 1991. In 2003, the changes to French corporate law allowed the French state to hold less than half of the shares. From 2004 to 2007 the French state reduced its stake to 27.3 percent.²²²

Other players in the telecoms market are SFR, Iliad, Bouygues, and Completel. The first three concentrate on the residential market, while Completel specializes in providing internet services to businesses. We can also add Numericable, which is a small cable operator with around 1 million customers.

In 2009, private investors filed a complaint against France Telecom, citing excessive prices for the access to its fixed-line network. Analysts believe that this long-lasting dispute should be solved by the regulator before introducing next-generation networks.²²³

France Telecom's Orange was the largest player with a 44 percent market share in 2009. It was followed by SFR (22 percent) and by Iliad (19 percent).

Each of these operators indirectly owns parts of different media outlets:

- **Bouygues Telecom** is a division of the Bouygues Group, which owns three television channels: TF1, NT1, and TMC;
- **SFR** is a part of the Vivendi Group, which owns three television channels: Canal+, Direct Star, and D8;
- **Free** is a subsidiary of the Iliad Group; Xavier Niel, its CEO, partly owns the important daily newspaper *Le Monde*;
- **Orange** offers a specific television broadcast to its 500,000 subscribers: "Orange Cinéma," a film and television series channel mostly oriented toward entertainment genres.²²⁴

6.1.5 Transparency of Media Ownership

The question of media ownership transparency in France is an occasional reason for heated public debate. Each time this debate raises the problem of the lack of information available to the public about the conflicts of interests among the media, the political actors, and the main press owners.

In 1997, the journalist Serge Halimi published a short book, *Les nouveaux chiens de garde* (The new watchdogs), which accused some prominent French journalists of serving the interests of their media owners and their politician friends.²²⁵ The book, reissued in 2005, was an editorial success; it was adapted into a film in

222. IHS Global Insight, Telecoms report, July 2011.

223. IHS Global Insight, Telecoms report, July 2011.

224. P. Gonzales, "HBO ou la guerre des droits continue entre Canal+ et Orange" (HBO or the rights war continues between Canal+ and Orange), *Le Figaro*, 26 October 2012, at <http://blog.lefigaro.fr/gonzales/2012/10/hbo-ou-la-guerre-des-droits-continue-entre-canal-et-orange.html> (accessed 29 October 2012).

225. S. Halimi, "Les nouveaux chiens de garde" (The new watchdogs), Liber-Raison d'Agir, Paris, 1997.

2011, and sold 250,000 copies in 2012.²²⁶ Since 2008, Mr Halimi has been the editorial director of *Le Monde Diplomatique* monthly (where he sometimes writes about media ownership transparency).²²⁷

In France, editorial independence is hardly discussed in the context of media ownership concentration. Therefore, public debate is poorly informed and often verges on conspiracy theory.²²⁸

In 2012, some independent media, most of them left-oriented, performed substantive work in informing the public about the existence of the conflicts of interest in media ownership (a non-exhaustive list):

- The French association Action-Critique-Médias (ACRIMED),²²⁹ based on the model of the U.S. association F.A.I.R.,²³⁰ offers a volunteer-powered database of information and articles on its website about the supposed consequences of media ownership.
- The online publication *Mediapart* regularly publishes analyses of the conflicts of interest in the French media landscape.²³¹
- The right-oriented website *Atlantico* also informs its public about the conflict of interests between the left-oriented Government and some media owners.²³²

6.2 Media Funding

6.2.1 Public and Private Funding

French advertising agencies are split into two main groups: *monomedia* (mainly focussed on billposting and small surfaces) and *plurimedia* (dealing with many different media providers). The largest advertising agencies focus on their funding roots: TF1 Publicité and France Télévisions Publicité on television, NRJ Global on radio, Lagardère Publicité on the press.

The year 2009, a crisis year, brought a loss of 12.6 percent for the advertising market. However, in 2010 there was already a growth in revenues of 3.9 percent year on year.²³³ In 2011, advertising spending increased by 1.9 percent year on year to €31 billion (US\$ 40.36 billion).²³⁴

226. See <http://www.lesnouveauxchiensdegarde.com> (accessed 29 October 2012).

227. M. Benilde, “Patrons de presse en campagne” (Press owners on campaign), *Le Monde Diplomatique*, September 2011, at <http://www.monde-diplomatique.fr/2011/09/BENILDE/20958> (accessed 29 October 2012).

228. P. Bouquillion et al., “À propos des mouvements récents (2004–2005) de concentration capitaliste dans les industries culturelles et médiatiques” (Apropos the recent changes (2004–2005) in capitalist concentration in the culture and media industries), *Le Temps des médias* 2006, No. 6, pp. 151–164.

229. See <http://www.acrimed.org> (accessed 29 October 2012).

230. See <http://www.fair.org/index.php?page=100> (accessed 29 October 2012).

231. L. Mauduit, “La gauche, les médias et les conflits d’intérêt (II)” (The left, the media, and conflicts of interest, part II), *Mediapart*, 20 July 2012, at <http://www.mediapart.fr/journal/economie/190712/la-gauche-les-medias-et-les-conflits-d-interet-ii> (accessed 29 October 2012).

232. Atlantico.fr, “Affaire Lazard: Audrey Pulvar dément tout conflit d’intérêt et attaque *Le Nouvel Obs*” (Lazard case: Audrey Pulvard rejects all accusations of conflicts of interests and attacks *Le Nouvel Observateur*), 4 September 2012, at <http://www.atlantico.fr/pepites/affaire-lazard-audrey-pulvar-dement-tout-conflit-interets-et-attaque-nouvel-obs-471192.html> (accessed 29 October 2012).

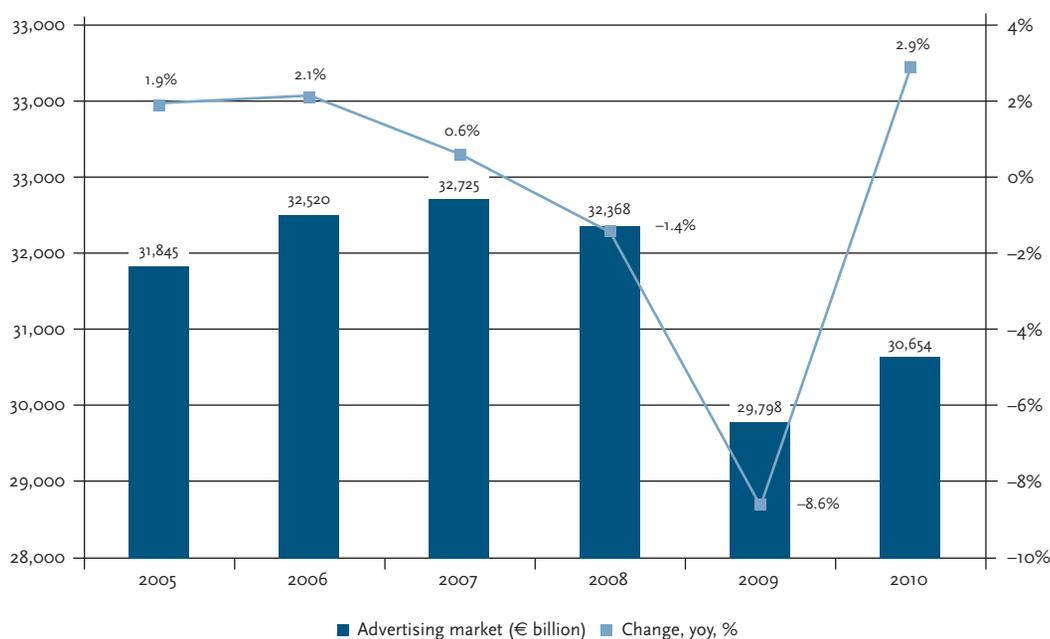
233. Xerfi700, Régies publicitaires, market analysis (Advertising companies, market analysis), April 2011.

234. Institute of Advertising Research and Study (*Institut de Recherches et d’Etudes Publicitaires*, IREP), “Le marché publicitaire française en 2011” (Report 2011: The French advertising market), 15 March 2012, at http://www.irep.asso.fr/_files/marche_publicitaire/IREP_MPF_2011.pdf (accessed 29 October 2012).

Recent years have brought new challenges to the advertising market: digitization forced adjustments to new forms of advertising, such as catch-up television, podcast radio, and online videos, as well as the emergence of new types of outlets such as search engines, social networks, and microblogging. It has also heralded new laws on, for example, advertising online, privacy, and data protection.

In 2009, the decrease in advertising spend was the highest since 1949 (the beginning of data collection by the Institute of Advertising Research and Study (*Institut de Recherches et d'Etudes Publicitaires*, IREP) and France Pub). The crisis brought further changes to the advertising market: a fall in prices, rationalization of general budgets for advertising in companies, gains of the “new” media in market share, decrease of advertising in the traditional media sector. Advertisements have to be prepared for a presence “on 360 degrees and for 365 days”²³⁵ (in many places using different marketing tools).

Figure 6.
Advertising spend in traditional media, 2005–2010



Source: Xerfi700, Régies publicitaires, market analysis (Advertising agencies, market analysis), April 2011

Since 2005, the only important growth in advertising expenditure is observed within the online advertising market. In 2010, e-advertising represented almost €2.8 billion (US\$3.6 billion, compared with €1 billion (US\$1.3 billion) in 2005). In the worst moment of the financial crisis, when advertising in the traditional media fell by 8.6 percent, only the online market noted a growth of 2.6 percent. Almost one-third of e-advertising is generated by sponsored links. The crisis was milder in the television advertising market. With the increasing viewership time (+7 minutes) in 2010 and economic recovery, the television market gained

235. Jean-Marie Dru, president of TBWA Worldwide, according to Xerfi700.

11.2 percent in revenues (though they were still lower than before 2007). In 2004, online advertising on television web platforms constituted 2 percent of turnover and grew in 2010 to 5 percent.

After a peak of revenues in 1999/2000 two traditional media outlets—the press and radio—are steadily losing advertising market share. This leads to a vicious circle: less advertising means less money for journalists and development, which means smaller audiences, which means fewer advertisers.²³⁶

Table 20.

Net advertising expenditure, breakdown by sector (€ million (US\$ million)), 2005–2010

	2005	2006	2007	2008	2009	2010
Television	3,313 (4,314)	3,495 (4,551)	3,617 (4,709)	3,476 (4,526)	3,094 (4,028)	3,441 (4,480)
Press: magazines	1,542 (2,007)	1,527 (1,988)	1,478 (1,924)	1,417 (1,845)	1,161 (1,511)	1,249 (1,626)
Press: national dailies	358 (466)	362 (471)	331 (431)	316 (411)	260 (338)	217 (282)
Radio	836 (1,088)	848 (1,104)	805 (1,048)	779 (1,014)	710 (924)	881 (1,147)
Internet (without sponsored links)	240 (312)	348 (453)	460 (598)	516 (671)	482 (627)	507 (660)

Source: Xerfi700, based on data from IREP

Private radio stations are financed from advertisements, while the public stations rely predominantly on license fee revenue and state-administered funds (*Fonds de soutien à l'expression radiophonique*, FSER). The FSERs are aimed primarily at community radio stations, and in 2008 the amount of such subsidies stood at €25.8 million (US\$33.5 million). Certain products cannot be advertised on the radio, such as alcohol products, cigarettes, or online gambling.

In 2010, the two main private television channels, TF1 and M6, shared 62 percent of the total television advertisement market. They both took advantage of the narrowing available space on the France Télévisions channels, after the 2008 government decision to eliminate advertising on public channels after 8 p.m. These two private channels had undergone a catastrophic year in 2009 in advertising because of the economic crisis. “There has been a structural reconstruction of the advertising market, which has gradually taken up value,” according to Xavier Guillon from France Pub (Hersant Media Group).²³⁷

The most dynamic television advertising market is located on the digital terrestrial television (DTT) platform. The new commercial free-to-air channels saw revenues grow positively (31 percent) between 2009 and 2010. However, this growth rate was lower than during the launch of the new DTT channels: 2007 (+100 percent) and 2008 (+89 percent). The cumulative revenues of all the new commercial free-to-air channels reached

236. J. Juice, “Life after 30-second spot,” Adweek Books, 2005, at <http://www.lifeafter30.com/synopsis.php> (accessed 29 October 2012).

237. Laurence Girard, “Moindre progression des dépenses publicitaires” (Slower growth in advertising spending), *Le Monde*, 1 October 2010.

€ 451 million (US\$ 587 million) in 2010, an increase of more than €107 million (US\$ 139 million) compared to 2009.²³⁸

Table 21.
Revenues of TV stations from advertisements, 2009–2010

	Sales revenues, € billion (US\$), 2009–2010	Change (%), year on year	Advertising market share in 2009 (%)
TF1	1.5* (1.9)	8.5	42
M6	0.67* (0.87)	10.7	20
France Télévisions (all channels)	0.4** (0.5)	25.7	7
Canal +	0.13** (0.16)	3.2	3
Digital terrestrial television	n/a	n/a	18
Cable TV	n/a	n/a	10

Notes: * 2010; ** 2009; n/a: not available

Source: Xerfi700 Report TV, August 2010

France Télévisions (FT) is facing a difficult situation following the loss of an important part of its advertising revenues, which is only partly offset by state grants. Successive France Télévisions CEOs have asked for an increase in the license fees to balance their budgets, but such requests are persistently rejected by politicians who do not want to risk a potentially unpopular decision. The € 125 (US\$162) license fee per household will increase by €6 (US\$7.8) in 2013.²³⁹ Since 2012, the public broadcaster has faced an additional challenge: its subsidies may be cut due to the overall budgetary difficulties of the French state and the consequent austerity measures.

The fee that funds public television has hardly increased since 2002. Upon adoption of the 2009 Broadcasting Act under the presidency of Mr Sarkozy,²⁴⁰ the parliamentary majority was opposed to any increase. Proponents of a fee increase argue that the amount remains low compared with that of neighboring countries. France Télévisions has also faced a decline in advertising revenues (a loss of €50 million (US\$65 million) in 2012). The government of Jean-Marc Ayrault has proposed introducing a tax for television sets in second homes. This would have generated an additional €150 million (US\$ 195 million), of which two-thirds would go to France Télévisions. The project was, however, dropped. According to public officials, France Télévisions is likely to suffer from strong cuts in 2013, in a bid to comply with the deficits reduction plan imposed by the Ayrault government.²⁴¹

238. CSA, “Bilan financier 2010 des chaînes gratuites et payantes” (Financial balance 2010 for free and paid channels), 16 December 2011, at <http://www.csa.fr/Etudes-et-publications/Les-bilans/Les-bilans-des-chaines-de-television-publiques-et-privées/Bilan-financier-2010-des-chaines-gratuites-et-payantes> (accessed 29 October 2012).

239. E. Barretta, “Filippetti confirme la hausse de six euros de la redevance” (Filippetti confirms an increase in the license fee of €6), *Le Point*, 21 October 2012, at http://www.lepoint.fr/chroniqueurs-du-point/emmanuel-berretta/filippetti-confirme-la-hausse-de-six-euros-de-la-redevance-31-10-2012-1523437_52.php (accessed 29 October 2012).

240. Vie Public, “La réforme de l’audiovisuel public de 2009” (Public audiovisual reforms in 2009), 9 December 2010, at <http://www.vie-publique.fr/politiques-publiques/politique-audiovisuel/reforme-audiovisuel-public-2009> (accessed 29 October 2012).

241. M. Vergès, “La diète imposée à France Télévisions provoquera ‘des dommages’” (Regime imposed on France Télévisions will incur damages), *Le Monde*, 24 October 2012, at http://www.lemonde.fr/actualite-medias/article/2012/10/24/economies-a-france-televvisions-remy-pflimlin-tire-la-sonnette-d-alarme_1780229_3236.html (accessed 29 October 2012).

Table 22.

France Télévisions budget, breakdown by source of revenues (€ million (US\$ million)), 2005–2010

	2005	2006	2007	2008	2009	2010
License fee	1,796 (2,338)	1,834 (2,388)	1,879 (2,446)	1,945 (2,532)	2,412 (3,140)	2,472 (3,218)
Advertising and sponsorship	780 (1,015)	834 (1,086)	823 (1,071)	618 (804)	430 (559)	485 (631)
Sales revenues	2,727 (3,551)	2,853 (3,715)	2,927 (3,811)	2,750 (3,580)	3,034 (3,950)	3,140 (4,088)
Net result	23 (29)	13 (16)	22 (28)	-78 (-101)	19 (24)	12 (15)

Source: France Télévisions Financial Reports Results for 2005–2010

In 2010, the newspaper industry still had not recovered from the crisis of 2009, with a decrease of revenues of 9.5 percent for the national press and 4.6 percent for the regional press. This decrease was mainly caused by the decline in advertising revenues (which typically constitute 40 percent of the budget) and a constantly falling readership (see section 1).

In 2008, 37 percent of national press income was derived from advertisements, 36 percent from selling individual print copies, 21 percent from subscriptions, and 6 percent from classified listings. For the regional press the numbers were: 28 percent from advertising, 36 percent from selling dailies, 23 percent from subscriptions, and 13 percent from classifieds. The general tendency in the revenue structure of the press industry in 2008 was as follows: subscriptions grew (from 11 percent in 1990 to 22 percent), while daily sales of copies fell from 41 percent to 36 percent, and revenue from advertising fell from 48 percent to 42 percent since 1990.²⁴²

An important event, called “Etats Généraux de la Presse,” took place in autumn 2008 between the government and French press owners.²⁴³ In 2009, President Sarkozy summarized the lessons of the 2008 meeting: the government should finance a three-year plan to get the press out of the current crisis, as well as enable it to overcome the transition to digital publishing.²⁴⁴ Significant funding was allocated to this plan: € 278 million (US\$ 362 million) was invested in 2009, € 418 million (US\$ 544 million) in 2010, € 422 million (US\$ 549 million) in 2011.

These funding measures, assured by HADOPI, were supposed to help publishers to endure the pressures of digitization, to change their attitudes and consider themselves rather as owners of “online news services” than “press news.” The advantageous regime for “online news service” companies had been complemented by significant funding to help print media improve their online activities. The success of these measures is rather questionable. A report from the Ministry of Culture and Communication about the deployment of

242. Xerfi, “Press national and regional report,” July 2010.

243. Ministry of Culture and Communication, “Les Etats généraux de la presse écrite” (General Conditions of the Printed Press), 16 June 2010, at http://www.ddm.gouv.fr/rubrique.php?id_rubrique=175 (accessed 29 October 2012).

244. See <http://www.droit-medias-culture.com/Etats-generaux-de-la-presse-suite.html> (accessed 29 October 2012).

these public funds assessed that they were mostly spent on financing expenses related to the printed versions of the newspapers; only a small part was invested in the transition to digital publishing.²⁴⁵ Commentators explained that press owners were preoccupied with the survival of the paper editions rather than launching online platforms.²⁴⁶

Table 23.

Direct state aid to the press, 2009–2011

Title	Direct aid direct for each issue distributed, € (US\$)	Yearly aid (mean for 2009–2011), € (US\$)
<i>L'humanité</i>	0.48 (0.62)	6,761,434 (8,804,523)
<i>La Croix</i>	0.32 (0.41)	9,988,388 (13,006,560)
<i>Télérama</i>	0.29 (0.37)	9,411,822 (12,255,774)
<i>Le Nouvel Observateur</i>	0.29 (0.37)	7,800,161 (10,157,120)
<i>Libération</i>	0.27 (0.35)	9,908,617 (12,902,685)
<i>Pèlerin</i>	0.24 (0.31)	2,849,399 (3,710,396)
<i>L'Express</i>	0.23 (0.29)	6,232,242 (8,115,426)
<i>Challenges</i>	0.22 (0.28)	2,384,145 (3,104,557)
<i>Le Point</i>	0.20 (0.26)	4,501,245 (5,861,377)
<i>Le Monde</i>	0.19 (0.24)	18,465,277 (24,044,894)
<i>Le Figaro</i>	0.17 (0.22)	17,217,154 (24,419,628)
<i>Elle</i>	0.16 (0.20)	3,413,233 (4,444,603)
<i>Aujourd'hui en France</i>	0.15 (0.19)	9,331,562 (12,151,262)
<i>Les Echos</i>	0.15 (0.19)	4,513,559 (5,877,412)
<i>Paris Match</i>	0.14 (0.18)	5,151,418 (6,708,012)
<i>Télécâble Satellite Hebdo</i>	0.10 (0.13)	3,390,880 (4,415,495)
<i>Télé 7 Jours</i>	0.10 (0.13)	7,279,547 (9,479,193)

Source: Cour des comptes, Annual report 2013, p. 647, at <http://www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2013> (accessed 15 February 2013). (Here we present a section of the table published in the official report)

In February 2013, the Court of Auditors (*La Cour des comptes*) reported that state subsidies to the press in 2009–2011 exceeded €5 billion (US\$6.5 billion).²⁴⁷ The report criticizes this aid in very strong terms, calling

245. “Rapport de la Commission de contrôle du Fonds d’aide à la modernisation de la presse quotidienne et assimilée d’information politique et générale” (Report by the Commission on Funds for Modernizing the Print Press), Decree no. 99-79 of 5 February 1999, Article 13, “Aid in 2008–2009,” at http://www.ladocumentationfrancaise.fr/rapports-publics/114000126-rapport-de-la-commission-de-contrôle-du-fonds-d-aide-a-la-modernisation-de-la-presse#book_sommaire (accessed 29 October 2012).

246. D. Medioni and V. Truffly, “Crise de la presse: comment fut loupé le virage du numérique” (Press Crisis: How the Change to Digital Failed), 19 January 2011, at <http://www.mediapart.fr/journal/economie/130111/crise-de-la-presse-comment-fut-loupe-le-virage-du-numerique> (accessed 29 October 2012).

247. See <http://www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2013> (accessed 15 February 2013).

for radical reform.²⁴⁸ It says that this aid neither helps to arrest the fall in circulation nor encourages reform on the scale needed, for example the development of new online strategies.

6.2.2 Other Sources of Funding

Television channels in France have four²⁴⁹ main funding sources:

- payments directly from the audience (consisting of subscription payments and pay-per-view content);
- license fees paid by the audience, collected through taxes, and redistributed by the state;
- advertising and sponsorship;
- other sources, such as product reselling, support from organizations, e.g. the Society for the Funding of the Cinematic and Audiovisual Arts (*Société pour le financement de l'industrie cinématographique et audiovisuelle*, SOFGICA) which supports the cinematic and audiovisual arts).

General television channels in France represent different types of financing. Commercial channel revenues (TF1 and M6) come almost exclusively from advertising income. Public channels are mainly financed through license fees (which also sponsor Radio France and the National Audiovisual Institute). License fee incomes are distributed as follows: 67 percent to France Télévisions, 19 percent to Radio France, 8 percent to Arte, and 7 percent to other parties. Thematic channels (e.g. sports, travel) are financed in part from subscriptions (though subscriptions are paid to television distributors and not to television stations directly) and partly through advertising.

In 2009, the state increased its television subsidies by 19 percent (after disallowing advertising on public television after 8 p.m.). These subsidies increased in 2010 by a further 3 percent.

In 2008, President Sarkozy initiated a national debate on the “state of the press,”²⁵⁰ where four main topics were discussed: the future of journalism, technical issues (printing, transport, and distribution), changes brought by the internet, and the press and society (how to deliver what readers want) (see section 6.2). As a result, some actions were undertaken by the government; among the most important were the granting of annual subsidies of € 200 million (US\$ 260 million) for three years, subscription subsidies for young readers, creating a status for online editors, and increasing support to develop online information delivery.

The French state is prominently involved in helping the press to overcome the crisis in readership. It has established financial help for small retailers to sell printed copies in their shops and cafés. In July 2008, there was an agreement between the press industry and the national postal service relating to the cost of delivering

248. X. Ternisien, “La Cour des comptes juge les aides à la presse écrite peu efficaces” (Court of Auditors judges the aid to the press to be inefficient), *Le Monde*, at http://www.lemonde.fr/politique/article/2013/02/12/la-cour-des-comptes-juge-les-aides-a-la-presse-ecrite-peu-efficaces_1830699_823448.html (accessed 15 February 2013).

249. Xerfi700, Television report, August 2010.

250. See www.etsgenerauxdelapresseecrite.fr (accessed 29 October 2012).

the press (fixed for the period 2009–2015). Lastly, the state budget has allocated a yearly subsidy for press delivery (€ 242 million (US\$ 315 million) in 2009, which will decrease to € 180 million (US\$ 234 million) by 2015).²⁵¹

In order to compensate for the end to advertising on France Télévisions channels after 8 p.m., the government has seriously reduced the budget of public broadcasting (see section 6.2.1). Indeed, a tax established in 2009 by the previous government to compensate for the loss of advertising on public television after 8 p.m. was censured by the European Commission.

In 2009, Parliament voted through a 0.9 percent tax on telecoms operators' turnover. This delivered some € 370 million (US\$ 481 million) to the state budget. Telecoms and internet providers complained to the European Commission, which—concerned about internet development in Europe—found that the tax was unfair. Its finding applied to Spain's reform of public service television, as well as to France. In support of this finding, the Commission relied on a 2002 directive that aimed to open the telecommunications market up to new operators by ensuring that taxation could not become a financial barrier for any newcomer to the industry. The Commission explained that taxes on operators “must be directly related to covering the costs of regulating the industry.” These taxes shall not fund public broadcasting. Therefore, the government has set aside €1.3 billion (US\$1.6 billion) in its 2013 budget for a possible refund of this tax.²⁵²

6.3 Media Business Models

French television includes four distinct economic models:

- France Télévisions: free-to-air public television funded from license fees, state aid, and some advertising revenue.
- Private free-to-air channels, TF1 and M6, relying on advertising income.
- Private subscription channels, such as Canal+ (part of the Vivendi Group), with 12 million subscribers paying on average €36 (US\$46) per month.
- ARTE France was created by ARTE (*Association Relative à la Télévision Européenne*), a European Economic Interest Grouping (EEIG) created on 30 April 1991,²⁵³ and comprising ARTE France and ARTE Deutschland TV GmbH. ARTE France operates almost exclusively with funds from French and German license fees.

251. Xerfi700, *Presse quotidienne nationale et régionale* (Press national and regional report), July 2010.

252. E. Ercolani, “Budget 2013: le gouvernement provisionne 1,3 milliard sur la taxe opérateurs” (Budget 2013: Government provisions €1.3 billion from tele-operators tax), *L'Informaticien*, at <http://www.linformaticien.com/actualites/id/26497/budget-2013-le-gouvernement-provisionne-1-3-milliard-sur-la-taxe-operateurs.aspx> (accessed 21 February 2013).

253. See <http://www.arte.tv/fr/arte-g-e-i-e/2153580,CmC=2196658.html> (accessed 29 October 2012).

Legacy channels, facing the loss of audience followed by a drop in advertising revenues, are trying to establish themselves among the unpaid and paid digital terrestrial channels. In 2010, TF1 (Bouygues) bought TMC and NT1 from the AB Group for € 192 million (US\$ 250 million). To finance this purchase, TF1 and M6 sold their shares in Canal+ to the Vivendi Group (TF1 sold its shares for € 744 million (US\$ 968 million) in 2009 and M6 for € 384 million (US\$ 500 million) in 2010).

In a bid to improve their financial situation, some television channels are taking advantage of the deregulation of the online gambling market. TF1 created EurosportBet and EurosportPoker, Canal+ is associated with English Ladbrokes, and M6 with Mangas Gaming (BetClick for betting and EverestPoker for gaming), since renamed the BetClic Everest Group.

6.3.1 Changes in Media Business Models

Digitization brought three significant changes to the media business models of the audiovisual sector. First, the development of a digital terrestrial network allows operators to offer 18 free or almost free channels and nine paid channels on a single distribution platform. This has intensified competition for advertising. New channels have begun to make substantial gains against incumbents. TF1, which averaged a 32 percent audience share in 2005, had less than 24 percent in 2011 after the arrival of DTT. Similarly, France 2's viewership decreased from 20 percent in 2005 to 15 percent in the same period.²⁵⁴ Therefore, three private channels, TF1, M6, and Canal+, each bought one or two other channels to avoid losing their overall share of the advertising market.²⁵⁵

The second major change is the arrival of free and paid television channels through ADSL. In 2009, ADSL became the primary medium for paid television channels. The distribution of content via telecoms networks heralds the massive arrival of new operators, which are mainly internet service providers and mobile operators (such as Orange or SFR). These new entrants are confronted with incumbent television services. This transformation in the media landscape changed many things for French consumers: it led to data exchange, interactivity, and the purchasing of bundled services. It has also catalyzed the emergence of new services: VoD, Podcasts, and triple-play offers. Confronted by the success of these services, the current Ministry of Digital Economy has been working on a new tax for ADSL television. This new "tax on television services," adapted to the optional television subscription system proposed by ADSL operators, should help to finance the National Film Center (*Centre National du Cinéma et de l'image animée*, CNC).²⁵⁶

254. G. Dutheil, "La TNT a bousculé le paysage audiovisuel" (DTT has changed the audiovisual landscape), *Le Monde*, 30 November 2011.

255. J. Gabszewicz and N. Sonnac, *L'industrie des médias à l'ère numérique* (The Media Industry in the Digital Era), Editions La Découverte, Paris, 2010.

256. C. Ducourtieux, "Nouvelle taxation en vue pour les offres 'triple play'" (Probable new taxes for the "triple play"), *Le Monde*, 3 October 2012, at http://www.lemonde.fr/economie/article/2012/10/02/nouvelle-taxation-en-vue-pour-les-offres-triple-play_1768728_3234.html (accessed 29 October 2012).

6.4 Assessments

The 2012 presidential election saw the defeat of Mr Sarkozy. During the campaign, the incumbent president and his political allies regularly complained about the so-called “hate campaign” of French journalists against them.²⁵⁷ It is very difficult to judge the veracity of such statements, expressed during the fever of a presidential campaign. However, such comments invite some reflections about the political and economic structure of the media in France.

The news media largely survive thanks to state subsidies. The state finances public service broadcasting and the press. The French laws assign the right to regulate the commercial break quotas for private channels.²⁵⁸ The CSA decisions, which are often in tune with those of the head of state, authorize the acquisition of radio frequencies and television channels.²⁵⁹ Therefore, the good poll results attributed to Mr Hollande during the 2012 campaign may have led many journalists and media owners to promote—or to spare from scrutiny, at the very least—the most probable winner.

The new president has recently made a strong promise to the French press: that Parliament will probably soon vote on a proposed tax to be levied against search engines that publish information without the authorization of the information sites. This tax would be first imposed on Google.²⁶⁰ The profits of this tax would probably be paid to the French press owners, a decision that would eventually increase the dependency of the French press on political power.

Even though no prominent French politicians own media outlets in France, the close ties between political and media elites have led to comparisons with the “Berlusconization” of the Italian media.²⁶¹ This is reflected in the apparent influence that President Sarkozy exerted over the media through his closest friends owning or partly owning the most influential traditional media (television and press). As described above, the French media market is characterized by a heavy state presence through state-owned media (such as public television or radio outlets with large market shares) or through entangled state regulation or aid. Thus, the possibility of state (or political) intervention in the media remains strong. Some commentators on the evolution of the French press even argue that this collusion between the state and media owners is the main problem of the French press today.

257. L. Joffrin, “Haro sur les journalistes” (Blame on journalists), *Le Nouvel Observateur*, 15 April 2012, at <http://autantenemportelevant.blogs.nouvelobs.com/archive/2012/04/14/haro-sur-les-journalistes.html> (accessed 29 October 2012).

258. “Tf1 et M6 introduisent une deuxième coupure pub” (TF1 and M6 will introduce the second cut (in films and magazines) for publicity), *Le Nouvel Observateur*, 13 March 2009, at <http://tempsreel.nouvelobs.com/medias-pouvoirs/20090310.OBS8135/tf1-et-m6-introduisent-une-deuxieme-coupure-de-pub.html> (accessed 29 October 2012).

259. CSA, “Achat par TF1 des chaînes NT1 et TMC” (Purchase of the NT1 and TMC channels by TF1), 29 September 2009, at <http://www.csa.fr/Press-area/Communiqués-de-presse/Achat-par-TF1-des-chaînes-NT1-et-TMC-le-CSA-emet-un-avis-favorable-assorti-de-reserves> (accessed 29 October 2012).

260. L. de La Raudière, “Google et la presse: François Hollande, taxer Google ne résoudra pas le problème” (Google and the press: François Hollande, taxing Google will not solve the problem), *Le Nouvel Observateur*, 31 October 2012, at <http://leplus.nouvelobs.com/contribution/677999-google-et-la-presse-francois-hollande-taxer-google-ne-resoudra-pas-le-probleme.html> (accessed 29 October 2012).

261. H. Samuel, “Nicolas Sarkozy trying to ‘Berlusconise’ French media,” *The Telegraph*, 13 June 2010, at <http://www.telegraph.co.uk/news/world-news/europe/france/7825017/Nicolas-Sarkozy-trying-to-Berlusconise-French-media.html> (accessed 29 October 2012).

According to the professor of journalism and author Jean Stern, the worst problems afflicting the French press can be traced to the fact that the owners' principal interests usually lie in other sectors. Jean Stern suggests that the state subsidizes press employers and distributors excessively, without scrutinizing the use to which this public money is put.²⁶² According to this author, this lax attitude—which is intended to avoid politically expensive conflicts with the industry—has delayed the implementation of the main project relating to the “state of the press” (see section 6.2): identifying viable economic models to encourage media owners to refocus their newsrooms on online journalism.

Jean Stern's observation about the immobility of the ruling circles among the French press is accurate. Since 1945, the French press has benefitted from cartel-like privileges. Unionized printers, distribution companies, and politicians probably all have had an interest in preserving the *status quo* and this helps to explain the slow pace of migration to digital platforms. However, other factors probably also contribute. Digitization was supposed to help new actors to be independent from the large traditional media industry, but very few news companies can claim to have established a viable online business model.

In 2013, French pure-player news sites can be grouped into three broad categories.²⁶³ The first category consists of small webzines powered by small semi-professional teams. Hundreds of these teams benefit from the low publishing costs on the internet to provide news and opinions. Some of these sites repay their development costs through online donations and advertising, but the teams that feed them with news are mostly volunteers. This niche market with relatively low online ratings does not represent the future of the press.

The second category of news sites comprises the few significant sites that are also financed through advertising revenues, while paying professionals to supply them with information (see section 6.1.2). These sites (such as Atlantico, Owni, Rue89, Backchich, LePost, e24, and Huffingtonpost) are not profitable. Sites that are not backed by a media company seem to suffer more than the others. One of these little sites—Owni, which is a branch of a small business group called “22 mars”—ceased activity on December 2012. Backchich went into receivership on 26 January 2011 and reopened on 24 June 2011. Sites that are owned by a paper press group are used as digital editions of paper products. One of these—Rue89—has been bought by an important French news group, which combines its web activities with those of Rue89. Another such site, e24, an economics site, is owned by the free national newspaper *20 minutes*, which belongs to the Norwegian group Schibsted; journalists from e24 regularly feed the economic pages of *20 minutes*.

It is striking that media groups that publish paper editions have succeeded in acquiring pure players, while pure players who tried to spin off printed magazines from their web production failed to make them economically viable. Backchich and Rue89 both tried to publish news magazines with the main articles from their websites;

262. Jean Stern, *Les patrons de la presse nationale, tous mauvais* (The Bosses of the National Press are all Bad), La Fabrique, Paris, 2012.

263. For more information, see Éric Dagiral and Sylvain Parasié (eds), “Presse en ligne” (Online Press), *Réseaux* 160–161 (2–3, 2010).

the scale of losses forced them to stop.²⁶⁴ In a different economic configuration, LePost and Huffingtonpost.fr are backed by *Le Monde* and Huffingtonpost.com, respectively. As they mostly publish opinion pieces by unpaid volunteers, and operate with a skeleton paid staff, these sites are cheaper to operate than the genuine information online sites, which have to pay journalists for content.

The third group comprises specialized news websites accessible only to subscribers. Slate, Arrêt sur Images, and Mediapart offer political information, stories, and opinions for a fee of between €40 (US\$52) and €100 (US\$ 130) per year. Two of these sites are profitable: Arrêt sur Images²⁶⁵ and Mediapart.²⁶⁶ The staffing levels of these sites are not comparable with those of a national newspaper or any television channel. Their business model is not applicable to large media groups.

In this situation, it is difficult to criticize the inertia of French media publishers for their slow migration online. French newspapers publish for a francophone community that does not exceed 100 million people, while the anglophone community can be counted in billions. Under these conditions, the choice of the second category of publishers to offer their online content for free amounts to losing money in order to get a foothold in cyberspace, in the hope of some future advantage. This strategy is unaffordable for all but the major players, as well as controversial, and is not followed by all actors. The satirical weekly *Le Canard Enchaîné*, which sells 500,000 copies and remains profitable without advertising, has no website.

At the time of writing, the first and third economic models appear to be the most viable. They are based on a relationship of trust with the reader, evidenced by subscription, punctual crowd funding, and demonstrable editorial independence. This strong connection with readers seems to be the most effective way to maintain a lasting relationship with an audience that has, otherwise, hundreds of available sources offering approximately the same free content.

264. For example, the site Rue89 loses €300,000–€500,000 (US\$ 390,650–US\$ 651,084) per year, probably a little less without the magazine. See “Rue89 ferme la page de son mensuel papier” (Rue89 closes its paper monthly edition), *Latribune.fr*, at <http://www.latribune.fr/technos-medias/medias/20120312trib000687801/rue89-ferme-la-page-de-son-mensuel-papier.html> (accessed 21 February 2013).

265. “We are still beneficiaries in 2011: €51,082 profit from €1,097,534 of sales (...). Over four years have passed since the creation of the site, fiscal year 2009 was the only negative one. So this confirms that our (very) small business is sustainable.” Daniel Schneidermann, CEO of Arrêt sur Images, 17 April 2012, at <http://www.arretsurimages.net/forum/read.php?4,1220120,1220120> (accessed 21 February 2013).

266. “Launched in March 2008 by Edwy Plenel and former journalists of *Le Monde*, the site has benefitted from its scoops on the Bettencourt affair in 2010: it would have won more than 55,000 subscribers, and declared a profit of 500,000 euros in 2011 for a 5 million euros turnover.” Delphine Cuny, “Les nouveaux éditeurs d’information en ligne toujours déficitaires” (New information online publishers are still deficient), *La Tribune*, 30 January 2012, at <http://www.latribune.fr/technos-medias/internet/20120130trib000681234/les-nouveaux-editeurs-d-information-en-ligne-toujours-deficitaires.html>.

7. Policies, Laws, and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

7.1.1.1 Access and Affordability

The overall legal framework of the terrestrial transmission to digital switch-over was first established by the Law on the Modernization of Audiovisual Broadcasting and the Television of the Future of 5 March 2007²⁶⁷ (hereafter the Law on the Modernization of Audiovisual Broadcasting), which amended the 1986 Law on the Freedom of Communication.²⁶⁸ In line with recommendations of the EU Council from December 2005, it provided that analog broadcasting should be switched off no later than 30 November 2011. Several provisions of the law aimed to ensure “continuity of television services,” which means that all citizens should have a means of receiving digital terrestrial television (DTT) at the time of the phase-out of analog broadcasting.

It was first decided that the extension of the DTT territorial coverage should precede the phase-out of analog signals. The 2007 Law required that DTT national channels cover 95 percent of the French population before analog signals could be switched off. Free historical television channels were to comply with this requirement in order to be allowed to keep their licenses for five years longer, and new DTT national channels were encouraged by a decree²⁶⁹ to commit themselves to the same obligation. The scheme adopted by the CSA on 10 July 2007 to extend DTT coverage between 2008 and 2011 required that DTT covers at least 91 percent of the population of each department²⁷⁰ for the historic free-to-air national channels, and 85 percent for other national channels before analog signals could be switched off.

Second, all viewers had to have digital reception equipment at the time of shutdown of analog broadcasting. For this purpose, new buildings had to be equipped to receive DTT. Television sets and recorders sold to the public from March 2008 were to incorporate an “adapter for the reception of digital terrestrial television

267. Law no. 2007-309 of 5 March 2007 on the Modernization of Audiovisual Broadcasting and the Television of the Future, *Journal officiel*, 7 March 2007, p. 4347; all laws are available at <http://legifrance.gouv.fr>.

268. Law no. 86-1967 of 30 September 1986 on Freedom of Communication.

269. Decree—application of Law no. 86-1067 of 30 September 1986, relative to Article 97, *Journal officiel*, 11 May 2007, p. 8583.

270. France is administratively divided into 27 regions and 101 departments.

services.” The law also provided for the payment of subsidies to those who could not afford set-top boxes (STBs) or digital television sets.²⁷¹

A national communication campaign relayed in the national and local media was to be organized to inform consumers about the timing, terms, and consequences of the phase-out of analog broadcasting. This mission, as well as the distribution of subsidies, was entrusted to a public interest group (*Groupement d'intérêt public*, GIP) consisting of the historical private and public channels of analog television (TF1, France Télévisions, M6, Canal+, ARTE).

Mandated by the law to ensure “the continuity of reception of television services by viewers,” this group (called “France Télé numérique”) was created in 2007.²⁷² It established a website to inform citizens about digital switch-over,²⁷³ and organized seven television advertising campaigns that reached 97 percent of the French population. A regional information campaign was also organized in the local media and 25,000 information points were installed, especially in municipalities. A printed guide to digital switch-over was distributed to 30 million households.

To improve DTT territorial coverage and “fight the digital divide,” a law from 17 December 2009 completed the legislative framework established in March 2007.²⁷⁴ This second text mandated the CSA’s powers of enforcement over editors and local authorities to ensure a minimal DTT coverage in each department. It also established financial compensation for territorial communities (e.g. municipalities) that would finance the installation of a new DTT transmitter or other equipment to ensure DTT reception. The 2009 Law finally provided for the establishment of free technical assistance for the elderly (people over 70 years) and people with a disability.²⁷⁵ Responsible for this assistance, France Télé numérique trained more than 50,000 technicians to help people connect their adapters and set DTT channels in some 466,000 homes.

“Achieving digital switch-over by 2012” and “allowing all French people to receive new television services” were objectives of the digital economy development plan Digital France 2012, published on 20 October 2008. In line with the national scheme (approved by the prime minister on 22 December 2008²⁷⁶ and updated in 2009)²⁷⁷ to stop analog broadcasting and switch to digital, switch-over started in Coulommiers (Seine-et-Marne) on 4 February 2009.

271. These subsidies are detailed in section 7.1.1.2.

272. Order to confirm the creation of the group France Télé numérique, *Journal officiel*, 27 April 2007, p. 7510.

273. See <http://www.tousaunumerique.fr>.

274. Law no. 2009-1572 of 17 December 2009 concerning the Fight against the Digital Divide, *Journal officiel*, 18 December 2009, p. 21825.

275. Decree no. 2010-546 of 26 May 2010 relating to Household Technical Assistance to Provide Television, *Journal officiel*, 27 May 2010, p. 9603.

276. Order to approve the national plan to stop analog broadcasting and to make the switch-over to digital broadcasting, *Journal officiel*, 23 December 2008, p. 19747.

277. Order of 26 March 2009 completing the national plan to stop analog broadcasting and make the switch-over to digital broadcasting, *Journal officiel*, 27 March 2009, p. 5459; Order of 23 July 2009 to confirm the revision of the national digitization plan and make the switch-over to digital broadcasting, *Journal officiel*, 24 July 2009, p. 12365.

7.1.1.2 Subsidies for Equipment

To ensure the continuity of analog terrestrial television reception after the digital switch-over for all citizens, the government established various subsidies for the most disadvantaged social categories and people living in areas not covered by DTT.

The Law on the Modernization of Audiovisual Broadcasting from 5 March 2007 provided for the establishment of an assistance fund for low-income households exonerated from contributing to public broadcasting and living in areas covered by DTT. This fund was to cover all or part of the costs necessary to adapt or change reception equipment to receive DTT. A government decree²⁷⁸ stated that it would subsidize either the purchase of digital adapters (up to a limit of €25 (US\$32)) or the adjustment of television antennas (up to a limit of € 120 (US\$ 156)).

For people living in areas not covered by DTT, the Law from 17 December 2009 created another fund to subsidize the purchase and installation of equipment to maintain free television reception, such as satellite dishes. Based on the principle of territorial equity, this subsidy for DTT reception (fixed by the 2010 Decree²⁷⁹ to a maximum of € 250 (US\$ 325)) was granted to all households without any means testing; France Télé numérique was to receive the requests for subsidies and distribute them.

7.1.1.3 Legal Provisions on Public Interest

Public interest is not expressly defined by the legal framework, but digital switch-over is itself considered to be a public interest operation. Several legal provisions are aimed at protecting the public interest.

In the digital licensing process, as in the preceding analog era, the CSA must take into account “the interest of each project for the public,”²⁸⁰ with regard to safeguarding pluralism, the diversification of operators, and preservation of free competition. In DTT licensing, the CSA is also to consider “the need to provide services likely to meet a wide audience and to encourage a rapid development of DTT.”²⁸¹

Apart from that, the implementation of the digital switch-over has been entrusted to a GIP, France Télé numérique, which brought together incumbent broadcasters, with a view to ensuring “the continuity of the reception of television services by viewers.”²⁸² The Law on the Modernization of Audiovisual Broadcasting also provided that one or several GIPs (other than France Télé numérique) could be created to permit, under the same conditions, the phase-out of analog broadcasting in overseas departments and territories (Guadeloupe, Guyana, Martinique, Réunion, and Mayotte). At the time of writing, no other GIP has been created.

278. Decree no. 2009-1670 of 28 December 2009 relating to assistance to ensure the continuity of television reception diffused by terrestrial analog channels, *Journal officiel*, 30 December 2009, p. 22766.

279. Decree no. 2010-993 of 26 August 2010 relating to assistance to ensure the continuity of television reception diffused by terrestrial analog channels in areas without digital coverage, *Journal officiel*, 28 August 2010, p. 15692.

280. Article 29 from the Law on Freedom of Communication no. 86-1067 of 30 September 1986.

281. Article 30-1 from the Law on Freedom of Communication no. 86-1067 of 30 September 1986.

282. Article 100 from the Law on Freedom of Communication with the modifications of the law of 17 December 2009.

Priority rights to use DTT frequencies have also been granted to channels with public service missions²⁸³ (France Télévisions, Audiovisuel extérieur de la France, ARTE, and the Parliamentary Channel) to allow them to have the resources needed to accomplish these tasks in the general interest.²⁸⁴ The government has made use of this right to obtain DTT frequencies for public channels in terrestrial digital broadcasting (2002), as well as high-definition (HD) television and personal mobile television (2008).

7.1.1.4 Public Consultation

The Law on the Modernization of Audiovisual Broadcasting from 5 March 2007 provided that a national scheme to stop analog broadcasting and switch to digital would be approved by the prime minister after a public consultation organized by the CSA.²⁸⁵ This consultation took place from 11 December 2007 to 4 February 2008 in order to collect the positions of all stakeholders involved in the phase-out of analog broadcasting and digital switch-over.²⁸⁶ Fifty-eight questions were asked about the timing and terms of the switch-over and the way the public should be informed and supported. The CSA received 80 contributions from different stakeholders: services editors, electronic communication operators, professional organizations, technical broadcasters and industrialists, associations of local councilors, local authorities, and publicly owned establishments and individuals. The synthesis of this consultation²⁸⁷ and the recommendations formulated by the CSA²⁸⁸ were used as a basis for the development of the aforementioned national scheme approved by the prime minister on 22 December 2008.²⁸⁹

Another public consultation about the digital dividend²⁹⁰ was launched on 3 April 2008 by the Commission for the Digital Dividend (*Commission du dividende numérique*, CDN)²⁹¹ and the Strategic Committee for Digitization (*Comité stratégique pour le numérique*, CSN).²⁹² On 23 July 2008, the Commission published its conclusions and recommendations for the adoption of a national scheme to reuse the frequencies freed up by

283. Office for Media Development (*Direction du développement des médias*, DDM), “Right for the priority usage of the frequencies for the public services,” 14 May 2012, at http://www.ddm.gouv.fr/article.php?id_article=1311 (accessed 19 October 2012).

284. Article 26-II from the Law on Freedom of Communication with the 2009 modifications.

285. Article 99 of the Law on Freedom of Communication with 2009 amendments.

286. CSA, “Le CSA lance une consultation publique pour préparer le basculement vers la diffusion numérique” (CSA launches a public consultation to prepare switch-over to digital broadcasting), 11 December 2007, at <http://www.csa.fr/Espace-Presses/Communiqués-de-presses/Le-CSA-lance-une-consultation-publique-pour-preparer-le-basculement-vers-la-diffusion-numerique> (accessed 19 October 2012).

287. CSA, “Synthèse des contributions à la consultation publique sur l’arrêt de la diffusion analogique et le passage au tout numérique” (Synthesis of the contributions to the public consultation on the stopping of analog broadcasting and the switch-over to digital broadcasting), 15 April 2008, at <http://www.csa.fr/Etudes-et-publications/Les-dossiers-d-actualite/Synthese-des-contributions-a-la-consultation-publique-sur-l-arret-de-la-diffusion-analogique-et-le-passage-au-tout-numerique> (accessed 22 July 2012).

288. CSA, “Contribution du CSA pour l’établissement d’un schéma national d’arrêt de la diffusion analogique et de basculement vers le numérique” (Contribution of the CSA for the establishment of a national scheme to stop analog broadcasting and switch to digital), 15 April 2008, at <http://www.csa.fr/Etudes-et-publications/Les-dossiers-d-actualite/Contribution-du-CSA-pour-l-etablissement-d-un-schema-national-d-arret-de-la-diffusion-analogique-et-de-basculement-vers-le-numerique> (accessed 19 October 2012).

289. Order of 22 December 2008 to approve the national plan to stop analog broadcasting and switch to digital broadcasting, *Journal officiel*, 23 December 2008, p. 19747.

290. See <http://archives.dividende-numerique.fr>.

291. Created by Law no. 2007-309 from 5 March 2007.

292. Created by Decree no. 2006-502 from 3 May 2006.

the end of analog broadcasting. This scheme was approved by the prime minister on 22 December 2008,²⁹³ and amended in 2011.²⁹⁴

The prime minister is allowed to take decisions on this issue, under rights granted by Parliament. The Law on the Modernization of Audiovisual Broadcasting from 5 March 2007 provided that a national scheme to reassign the spectrum freed up by the end of analog broadcasting would be prepared by the prime minister's office, after consultation with the CDN. The project proposed by the prime minister did not include frequency allocation. It only identified which frequencies would be allocated by the CSA and ARCEP, both of which are independent administrative authorities (see section 7.2.2). This division of responsibility in respect of frequency allocation minimizes the risk that the process will be politicized. The CDN was created by law (5 March 2007) to oversee the decisions made by the prime minister. The CDN includes four members from the Lower Chamber of Parliament and four senators, appointed by their respective assemblies.

As provided by the 1986 Law on Freedom of Communication modified in 2007, many other public consultations were organized by the CSA before the launching of calls for applications to select national or local DTT channels, HD and personal mobile television services or digital radio broadcasters.

7.1.2 The Internet

7.1.2.1 Regulation of News on the Internet

Until 2004, there was no specific regulation of news on the internet: online news was regulated by the same rules as news in traditional media, either print or audiovisual. In 2004, a new Law for Trust in the Digital Economy (LCEN) was introduced²⁹⁵ coupling together various EU directives. It introduced a “double click” rule for online commerce (the requirement to consent twice to finalize a purchase) and spam regulation (the advertising goal of an e-mail has to be clearly notified, and the recipient can refrain from receiving it at any time).

As far as news regulation is concerned, the LCEN asserts that “electronic communication to the public is free.”²⁹⁶ It means that freedom of expression applies to the internet, as to other media. But the LCEN also provides that penal offenses punishable by the 1881 Law on Freedom of the Press apply to the internet. In other words, online defamations, insults, racist or sexist statements and comments are punishable as they are in print or audiovisual media. The rights to privacy and presumption of innocence also apply to internet content. All messages published on a website, a blog, or a Facebook page are judicially punishable if they breach the law.

The LCEN establishes a specific regulation for the right of reply on the internet which takes into account the network's interactivity. Every person named or designed in an online service is allowed to exercise the right

293. Order of 22 December 2008 to approve the national plan to stop analog broadcasting and switch to digital broadcasting, *Journal officiel*, 23 December 2008, p. 19747. See <http://archives.dividende-numerique.fr> (accessed 3 February 2013).

294. Order of 23 June 2011 for the revision of the national plan of re-usage of the free frequencies available after digital switch-over, *Journal officiel*, 25 June 2011, p. 10793.

295. Law for Trust in the Digital Economy no. 2004-575, 21 June 2004, *Journal officiel*, 22 June 2004.

296. Article 1 from the Law for Trust in the Digital Economy, *Journal officiel*, 22 June 2004, p. 11168.

of reply unless the service provides another means to formulate one's remarks. The availability of a comment function somewhere on a website is not sufficient to fulfill the right of reply. In order to be considered as a reply, a message should always be published in the same place as the initial message, or be accessible from it.²⁹⁷ A Decree from 24 October 2007 on the online right to reply requires that the person involved can make observations "directly," meaning that someone who reads the initial message should have the opportunity to read the reply at the same time.²⁹⁸

Since 2004, online journalists are considered as professional journalists with the same status as those employed in the print and audiovisual broadcasting media. It means that the Journalist Professional Statute Act, passed on 29 March 1935 (and now included in the French labor code), regulates the professional status of online journalists, their contracts, wages, and identification cards. According to this code, journalists can resign regardless of their contract and with the right to dismissal indemnities if there is a change of ownership or editorial line of the media they are employed in.

The HADOPI Bill (see section 6.1.1), adopted in June 2009,²⁹⁹ ensured that online press services have the same obligations as print media and are entitled to the same state subsidies. In the copyright field, the HADOPI Law, slightly amended by the constitutional court and supplemented in October 2009 by a second law, the so-called "HADOPI 2 Law,"³⁰⁰ established a "graduated response" procedure based on a warning and sanction mechanism. After two warnings from the HADOPI, it authorizes the disconnection of those who repeatedly illegally download copyrighted content. The implementation of the penalty has to be preceded by an independent court ruling. The law was highly criticized by operators and customer groups, who cited the necessity to "spy" on web utilization. The bill is also not favored by EU authorities.³⁰¹

7.1.2.2 Legal Liability for Internet Content

The liability for internet content in respect of penal offenses (punishable by the 1881 Law on Freedom of the Press) rests with the author or the publication director.

According to the LCEN, which implements the EU's Electronic Commerce Directive,³⁰² intermediary internet service providers have no "general obligation to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity." Access providers are

297. TGI Paris, ord. réf., 19 November 2007, CNP Assurances c/UFC Que Choisir, *Legipresse*, December 2007, No. 247.III.265.

298. Decree no. 2007-1527 of 24 October 2007 for the right to respond within online public communications and application of Article 6 from the Law for Trust in the Digital Economy, at <http://www.legifrance.gouv.fr> (accessed 21 February 2013).

299. Law no. 2009-669 of 12 June 2009 on the Diffusion and Protection of Authors' Rights on the Internet, *Journal officiel*, 13 June 2009, p. 9666, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020735432&categorieLien=id> (accessed 12 January 2013).

300. Law no. 2009-1311 of 28 October 2009 on the Criminal Protection of Literary and Artistic Property on the Internet, *Journal officiel*, 29 October 2009, p. 18290, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000021208046&categorieLien=id> (accessed 12 January 2013).

301. IHS Global Insight, Telecoms report, July 2011.

302. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, *Official Journal of the European Communities* 178, 17 July 2000, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:178:0001:0001:EN:PDF> (accessed 12 January 2013), pp. 1–16.

not liable for the content posted by the users to whom they provide access if they do not have control over content. Hosting providers are not liable for the information posted by a hosted service, except when the host has knowledge about illegal information and does not take any action to remove or to disable access to it.

Liability for internet content rests with the author or the publication director, depending on the infringement involved in the case. The author or poster of a message is responsible for its content except when penal offenses punishable by the 1881 Law on Freedom of the Press are concerned. For this kind of infringement, a Law from 29 July 1982³⁰³ provides a special regime of liability—the so-called “cascading liability.” Successive responsibility of three different actors (the publication director, author of the offending message, and provider of the site) can be involved. The primary liability rests with the publication’s director, if she/he could have knowledge of the offending message. If it is impossible to identify the publication director, the author of the message will be liable for its content. If neither the publication director nor the author is found, the third responsible actor is the site host.

In 2009, the HADOPI Law introduced an exception to this “cascading liability” rule for messages posted by internet users in comments sections and the like. The publication director cannot be liable for UGC if she/he does not have actual knowledge of illegal activity or information, or acts expeditiously to remove or to disable access to the information upon becoming aware of its illegality. In this case, liability rests with the author.

This liability regime does not affect the performance and independence of the news media. On 8 February 2010 the Loppsi2 Law was introduced. It was criticized for its Article 4 (allowing a webmaster to block a website if it contains child pornography, without an official court warrant), which is treated as censorship of the internet.³⁰⁴ It also regulates the issue of “identity theft” (with penalties of up to one year in prison and a € 15,000 (US\$ 19,532) fine).

7.2 Regulators

7.2.1 Changes in Content Regulation

The CSA is the only French regulation authority actually in charge of regulating media content.

In 1982, a new law was introduced whereby the public monopoly on television broadcasting was abolished and a regulatory institution, the High Authority of Audiovisual Communication (*Haute Autorité de la Communication Audiovisuelle*, HACA), was established. It was replaced by the National Commission for Communication and Liberties (*Commission Nationale de la Communication et des Libertés*, CNCL) in 1986. It was again replaced by the CSA by the Law from 17 January 1989. The CSA exists to protect the liberty of

303. Article 93-3 of the Law no. 82-652 of 29 July 1982 on Audiovisual Communication, at <http://www.legifrance.gouv.fr/affichTexteArticle.do?cidTexte=JORFTEXT000000880222&idArticle=LEGIARTI000020740559&dateTexte=> (accessed 12 January 2013).

304. G. Deleurence, “Filtrage, mouchards: le projet de loi Loppsi 2 adopté par le Parlement” (Filtering and sneaks: Loppsi2 law passed by Parliament), 9 February 2011, at <http://www.01net.com/editorial/528008/filtrage-mouchards-le-projet-de-loi-loppsi-2-adopte-par-le-parlement> (accessed 22 July 2011).

broadcasting communication. The body is to distribute the broadband frequencies and give permission for radio and television broadcasting. It is responsible for allocating terrestrial, cable, and digital frequencies; it gives its opinion on new laws concerning audiovisual issues; and regulates the relations between producers and distributors. It is also responsible for ensuring pluralism of expression and competition and has enforcement powers to penalize broadcasters if regulations are violated. It also presides over the radio sector, regulating competition issues and the distribution of frequencies, and presiding over changes to radio categories (e.g. different broadcasting levels: national, local, etc.).

The 1992 Decree introduced changes in the broadcast of advertising, sponsoring, self-promotion, and television markets.³⁰⁵ It confirmed the general rules that should be respected within those sectors: the principles of non-discrimination, rights of people and goods, environmental protection, etc. When advertising on public broadcasting channels was restricted in 2009, private channels were allowed to have additional advertising breaks during programs and to broadcast longer advertising blocks (6–9 minutes with a limit of 216 minutes per 24 hours).

The decrees from 2001 and 2003³⁰⁶ obliged television channels to contribute to audiovisual and cinema productions. In 2009, the obligation to adopt programs to meet the needs of disabled people and for catch-up television was introduced.

Since 1989, the CSA's competencies have been much expanded. In 2004, the LCEN Law extended the regulation exerted by the Council to internet television and radio. The 1986 Law amended by the Law from 5 March 2009 implementing the EU Audiovisual Media Services Directive³⁰⁷ now allows the CSA to regulate on-demand audiovisual media services, especially VoD and catch-up television. This development has increased internet regulation without weakening traditional linear content regulation.

In 2006, the Law on Authors' Rights and Related Rights in the Information Society created the Authority for Technical Regulation (*Autorité de régulation des mesures techniques*, ARMT) in order to ensure that Digital Rights Management (DRM) systems comply with exceptions to copyright.³⁰⁸ But this authority disappeared in 2009 with the establishment of the HADOPI, which was responsible for controlling internet provision and property rights. The first HADOPI Law from 12 June 2009 gave the HADOPI the powers both to warn online infringers and to cut internet access for people who repeatedly illegally download copyrighted contents.

305. Decree no. 92-280 of 27 March 1992, on Article 27 of the Law of 30 September 1986 on Freedom of Communication and on General Principles on Advertising and Sponsorship, *Journal officiel*, 28 March 1992, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORF-TEXT000000346165&dateTexte=&categorieLien=id> (accessed 12 January 2013).

306. Ministry of Culture and Communication, "La réforme du régime de contribution des éditeurs de services de télévision à la production d'œuvres audiovisuelles" (Reform of the system of contributions of television broadcasters in audiovisual production), 2 August 2010, at http://www.ddm.gouv.fr/rubrique.php?id_rubrique=183 (accessed 22 July 2011).

307. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation, or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), *European Union Official Journal* L 095, 15 April 2010, pp. 1–24, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:095:0001:0024:EN:PDF> (accessed 12 January 2013).

308. Law no. 2006-961 of 1 August 2006 on authors' rights and related rights in the information society (DADVSI), *Journal officiel*, 3 August 2006, p. 11529.

But the French Constitutional Court considered that the HADOPI's ability to proceed to disconnection was contrary to the freedom of communication, and thus unconstitutional.

The HADOPI 2 Law was introduced (see section 7.1.2.1) to give this power of sanction to a judge. The HADOPI is still in charge of the warning mechanism, but the penalty of disconnection is to be decided by a judge. The HADOPI can address electronic warnings to internet users who illegally download contents protected by intellectual property rights, but it has no enforcement powers in respect of illegal downloading. Deprived of its most controversial function, namely the ability to cut internet access from people who illegally download content protected by intellectual property rights, the HADOPI may be reformed or abolished by the new majority PS government.

In 2007, the question of creating a regulation authority for the internet (e.g. *Commission nationale de déontologie des services de communication au public en ligne* or *Commission nationale de déontologie du numérique*) was much debated in France. Within the framework of the Digital Plan for 2012, the establishment of a National Council for Digitization (*Conseil national du numérique*, CNN) was suggested. The goal was to gather within a single body various commissions or committees established over the last two decades to deal with specific issues related to the information and communication technologies sector.³⁰⁹

The CNN was intended to have three goals: to provide strategic guidance, to host discussions with service providers and operators about charters and good practices, and to monitor how regulations were respected.

In February 2011, a report by Pierre Kosciusko-Morizet, a well-known online entrepreneur, suggested limiting the CNN to a forecasting and advisory role, for two main reasons. First, it appeared that the various missions assigned to the CNN by the "Digital France 2012" plan were no longer provided by the state. All the previous commissions or committees that were to merge to create the CNN had disappeared, because they had been dissolved or had not been renewed. Since the FDI was dissolved in 2010, mediation and dispute resolution have been provided by professional bodies and consumer associations. Charters of good practice imposed by the state have often been ineffective.

Second, most actors in the digital economy who responded to the public consultation, held before Mr Kosciusko-Morizet wrote his report, were against the creation of a regulatory institution with the power to adopt standards and control internet content. They considered that there were already many legal standards applicable to the internet and charters of good practice should be voluntarily adopted and controlled by professional organizations.

309. These include: Committee for Anonymous Telematics (*Comité de la télématique anonyme*, CTA), High Council for Telematics (*Conseil supérieur de la télématique*, CST), Internet Rights Forum (*Forum des droits de l'Internet*, FDI), Internet Advisory Council (*Conseil consultatif de l'Internet*, CCI), Strategic Council for Technologies on Information (*Conseil stratégique des technologies de l'information*, CSTI), and the Committee for Coordination of Sciences and Technologies of Information and Communication (*Comité de coordination des sciences et technologies de l'information et de la communication*, CCSTIC).

It was concluded that the CNN should advise the public authorities when drafting regulations, and it should not be involved in any regulatory activity. The report stresses that the CNN must not control the way in which operators and providers comply with regulations or implement good practices and charters of good conduct.

Contrary to the FDI, the CNN should not act as a mediating body in litigations or disputes between providers and consumers. This report clearly reflects the view of a number of internet service providers, who consider self-regulation better than public regulation. Finally, according to a decree by the president on 29 April 2011, the CNN is not an actual regulator of the internet.³¹⁰ Comprising 18 members selected for their expertise in the digital economy, it is an advisory body responsible for giving its opinion on draft regulations. But it has no power to control or sanction internet content.

7.2.2 Regulatory Independence

In France, all the institutions regulating the digital environment (CSA, CNIL, ARCEP, and HADOPI) are considered by law as “independent administrative authorities” (*Autorité Administrative Indépendante*, AAI). This status means that the state, the government, and political parties should not interfere in the activities of these authorities where public freedoms are involved. This independence is theoretically ensured by the composition of the regulators and the status of their members.

As far as the CSA is concerned, its members cannot be dismissed or reappointed. They should not have any elective mandate, public job, or other professional activity. They are not allowed to work for private or state-owned companies involved in the media (audiovisual, cinema, publishing, or advertising) or to get money from them. To avoid any external pressure on the institution, members of the CSA must not divulge any confidential information obtained in the course of their work, and they are not allowed to talk publicly about the activities of the regulator. CSA employees are obliged to keep all information confidential.

However, its independence from the state is questionable, since its nine board members are nominated by political bodies: the President of the Republic (who nominates three members), the President of the Parliament (three members), and the President of the Senate (three members). As it is, the board was nominated (albeit at different times) by center-right governing party representatives.

Furthermore, the AAI’s budget, as that of any administrative body, is decided by the government and voted by Parliament. The impending squeeze on public funding of regulators threatens to limit their independence and capacity for action. The new government, which is not in favor of the HADOPI, recently decided that funds allocated to this authority would be reduced by one-third in 2013.

310. See <http://www.cnnumerique.fr>.

7.2.3 Digital Licensing

The system of licensing is governed by the Law on Freedom of Communication from 30 September 1986, and was amended in 2007 and 2009 in order to include digital licensing. Public channels have a priority right to use DTT frequencies due to their public service mission. Either analog or digital licenses are granted to private channels by the CSA. The licensing process starts with a call for applications procedure, which is supposed to ensure transparency and impartiality. This procedure is sometimes preceded by a public consultation organized by the CSA. The law also provides certain criteria that the CSA has to apply while considering applications.

In the analog era, the CSA's function was to allocate broadcasting permissions, taking into consideration whether the project met the required conditions regarding preserving pluralism, the diversity of operators, and free competition. The CSA also had to take account of the candidate's experience in broadcasting, the funding basis, and the prospects for exploitation and development. The same criteria apply to digital licensing. However, in 2007 and 2009 specific requirements for DTT, high-definition (HD) and personal mobile television were added. In DTT licensing, the CSA takes into account the commitments of the applicant in terms of geographical coverage; production and distribution of French and European audiovisual and cinematographic works; services that are likely to reach a wide audience and encourage a rapid development of DTT; and the promotion of free services.

As far as HD television is concerned, the CSA must promote previously authorized DTT services and take into account the commitments of the applicant in terms of the production and broadcast of HD programs. Licenses for personal mobile television services are granted in consideration of the commitments of the applicant in terms of: production or distribution of French and European audiovisual and cinematographic works; program offer; geographical coverage; and the quality of reception.

Since 2001, the CSA has launched many and various calls for license applications and delivered licenses to private societies (commercial channels) for national DTT channels (2001, 2004), HDTV (2007) and personal mobile television (*Télévision Mobile Personnelle*, TMP) services (2007), and local DTT channels. In 2004, six licenses granted by the CSA for national DTT services were cancelled by a judge.³¹¹ But the fairness or transparency of the licensing process was not questioned (see section 7.3.2). The six companies involved in the licensing process (MCM, Canal J, Sport+, i>Télévision, Ciné-Cinéma Câble, and Planète Câble) were controlled by the CanalPlus Group. This group already held a DTT license, and the 1986 Law limited to five the number of licenses that could be delivered to the same person or company. The six licenses had thus been granted in violation of anti-concentration rules and therefore had to be cancelled.

311. Council of State (*Conseil d'Etat*), 20 October 2004, No. 260898.

7.2.4 Role of Self-regulatory Mechanisms

There is no press council in France despite the efforts of the first French Journalists Trades Union, which was created in France in 1918. In the same year, the Trades Union of Journalists (*Syndicat des Journalistes*), which later became the National Trades Union of Journalists (*Syndicat national des journalistes*, SNJ) adopted a charter of French professional journalists (reviewed in 1938). There are in addition a few other trades unions for journalists: the National Union of Journalists (*Syndicat national des journalistes*, SNJ-CGT), the Union of the Syndicate of Journalists (*Union syndicale des journalistes*, CFDT), the General Union of Journalists (*Syndicat général des journalistes*, SGJ-FO), and the Union of Journalists (*Syndicat des journalistes*, CFTC). But they are more involved in defending the employees' material interests than in ethics and self-regulation issues.

Employers are associates of the National Federation of the French Press (*Fédération Nationale de la Presse Française*, FNPF), which deals with common issues involving the media industry (negotiations with employees, with providers of technology and materials, and with press distributors such as La Poste). In the 1990s, some of its members—the National Federation of the Specialized Press, the Trades Union of the Daily Regional Press, and the Trades Union of the Weekly Regional Press (*Fédération Nationale de la Presse Spécialisée*, *Syndicat de la presse hebdomadaire régionale*, *Syndicat de la presse quotidienne régionale*)—adopted codes of good practice. The Forum of Journalists' Consortia (*Forum des sociétés de journalistes*)³¹² was created in 2005; it now numbers around 33 members. Since 2006, the Association for establishing the Press Council Association (*Association de préfiguration d'un Conseil de presse en France*, APCP) has been fighting for legitimization as the official self-regulatory institution of the press in France.

Since 1994, many print and audiovisual media outlets have adopted individual codes and charters of good practice, but only a few of them (*Le Monde*, France Télévisions, France 2, France 3, Radio France, RFI) have ombudsmen. The French press ombudsmen club that was created in June 2006 currently has only 10 members. In 2010, the daily newspaper *Le Monde* adopted a new charter of ethics and established an Ethical Committee to control its implementation.

With digitization, most of the traditional media outlets adopted new charters for their internet sites or added specific dispositions in their existing charters to deal with online information and the use of social media. A few of them, like the state-owned AFP, adopted specific codes in respect of these areas. The pure players grouped belonging to the Trades Union of the Independent Online Information Press (*Syndicat de la presse indépendante d'information en ligne*, SPIIL) also have had codes of ethics since 2009. In March 2011, the SNJ replaced the 1918 Charter with a “Charter of Professional Ethics.”

Finally, an Information Ethics Observatory (*Observatoire de la Déontologie de l'Information*, ODI) was created in September 2012. This institution has 20 members from professional organizations, press companies, and civil society organizations. It aims to contribute to raising awareness of the importance of ethics in the

312. See <http://forumsdj.free.fr> (accessed 12 January 2013).

collection, formatting, and dissemination of information. It will collect and examine facts dealing with both breaches of ethics and “good practices” in order to analyze reasons for poor performance, and promote good practices.

7.3 Government Interference

7.3.1 The Market

In France, the role of the state is very visible in all media sectors, and not only through regulation. The state provides subsidies to the print media. In television, public channels have one-third of the audience and public broadcasters maintain a dominant position within radio. The state is also extending its power over television through to new regulations that practically allow the President of the Republic to name the president of the main public broadcaster France Télévisions.

The ban on commercial advertising on public television channels has made France Télévisions more reliant on state subsidies and favors private media owners who have capitalized on the freed-up advertising pool. The private media owners were good acquaintances of the powerful governing party (UMP, 2002–2012) members and the previous French president (before the 2012 elections).³¹³ The relations between politicians, media, and journalists still remain intertwined following the 2012 change in the presidential and parliamentary majority (see section 6.1.3).

7.3.2 The Regulator

In France, there have been no cases of digital regulators abusing their power so far. Even if in 2004 the CSA illegally delivered broadcasting licenses for national DTT services to six companies controlled by the CanalPlus Group (MCM, Canal J, Sport+, i>Télévision, Ciné-Cinéma Câble, and Planète Câble), it could not have been considered as abusing its powers. The licenses were cancelled by the Council of State (*Conseil d'Etat*), since they were in violation of anti-concentration rules.

All the decisions of the CSA—especially licenses and sanctions—are likely to be challenged in court by the interested parties. Judicial intervention is the best guarantee against abuses of power by the regulatory authorities.

7.3.3 Other Forms of Interference

The independence of the CSA from the political authorities is questionable, but the body is not suspected of extra-legal pressure on the digital media. At the same time, there is no evidence for any other forms of interference from government.

313. K. Willsher, “How Nicolas Sarkozy influences French media,” *The Guardian*, 5 July 2010, at <http://www.guardian.co.uk/media/2010/jul/05/nicolas-sarkozy-french-media> (accessed 10 March 2013).

7.4 Assessments

The overall framework of the digital switch-over is globally responsive to the challenges of digitization. Public interest has been taken into account in the global process and legal provisions have ensured equal access to DTT for almost all French citizens.

Despite criticisms of the CSA in terms of its dependence on political authorities, the licensing process implemented by the regulator ensures transparency and fair economic competition. The only case when licenses were granted in violation of anti-concentration rules was sanctioned in court.

Interference in media markets by state authorities has increased significantly over the past five years. This change should be attributed more to audiovisual public sector reform than to digitization. The Law of 5 March 2009 gave the President of the Republic the power to nominate the presidents of all public sector bodies and banned advertising on public channels from 8 p.m. to 6 a.m.³¹⁴ This increased France Télévisions' dependence on state subsidies, although it does not imply direct state intervention in editorial content.

There has been a significant increase in public consultation with respect to new media technologies. As a regulation authority, the CSA has always used public consultation in the analog context. It often organized public consultations on debated topics such as the definition of audiovisual works (2002) or on digital radio (2005). The importance of such consultations has increased with digitization. The 2007 Law on Freedom of Communication³¹⁵ also imposed the organization of public consultations to prepare the digital switch-over and the allocation of digital broadcasting licenses. The CSA is to organize a public consultation when licenses granted to radio or television broadcasters are “likely to change significantly the relevant market.”

“Developing the production and supply of the digital content” was the second priority of the development plan for a digital economy (Digital France 2012) published on 20 October 2008. DTT has trebled the number of national channels available free of charge³¹⁶ (see section 1.3.1.4).

The Law on the Modernization of Audiovisual Broadcasting (2007) is to promote the development of the number and variety of programs with high image and sound quality, as well as to encourage pluralism and creativity. Preserving pluralism and the diversity of operators is among the priority goals for fulfilling the CSA's rule of “the interest of each project for the public.” Another goal is to deliver the largest program offer possible when evaluating applications for HDTV or personal mobile television licenses.

314. Law no. 2009-258 of 5 March 2009 concerning audiovisual communication and the new public service of the television, *Journal officiel*, 7 March 2009, p. 4321.

315. Article 31 from Law no. 86-1067 of 30 September 1986 on the freedom of communication with the 2009 modifications, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068930> (accessed 12 January 2013).

316. CSA, “Les chaînes hertziennes terrestres” (The terrestrial Hertzian channels), at <http://www.csa.fr/Television/Les-chaines-de-television/Les-chaines-hertziennes-terrestres> (accessed 25 January 2013).

8. Conclusions

8.1 Media Today

The complete switch-over to digital terrestrial broadcasting, the arrival of pure-player online news sites, and the spread of social network platforms are among the most important changes in the media environment during the last few years.

The pure players and the UGC websites have allowed for greater expression of those voices not aired by the mainstream media. Today, news spreads first in the new media, gets publicity, and then becomes the “topic of the day” in more traditional coverage (such as the evening news bulletin or the paper edition of the newspapers). However, in societies with information delivered 24/7, claims of “being first” with a news story are very difficult if not impossible. Constantly updated online news has changed the media landscape and news delivery for ever, in France as elsewhere. What may, however, be exceptional about France is the persisting strong attachment of different social groups to reading or listening to the more in-depth analysis of political and social issues provided by legacy media and online media alike.

Television, radio, and newspapers are having to adopt hypermedia strategies in order to keep pace with technological developments. One strategy is to be present on all available platforms: via television and radio sets, but also on websites, social network profiles (with Facebook being the most popular), and micro-blogs (with Twitter being the most popular), or via applications available on smartphones.

It is questionable whether the traditional and new media news outlets have established distinct and innovative agenda setting, as the news agencies (AFP, Reuters), press conferences, or press releases still constitute the main news sources for most of them. Due to its almost unlimited capacity, online platforms voice more diverse content. Its general impact, however, is not measurable. Moreover, changes to journalism practice have raised concerns about the quality of news content in the digital media. Time pressures often do not permit journalists to verify sources or the news itself.

Blurry relations between media, their owners, and political power are quite emblematic of the French media system. Strong dependence on the owner, whether state or private (see section 6), causes questions to arise about journalistic standards and independence, as well as political impartiality.

Digitization has brought significant changes in the services offered to French consumers. It has facilitated more interactive television services with catch-up television or VoD. The introduction of new players into the mobile broadcasting market (Free) was one of the most important developments. It significantly lowered the prices of the mobile services available and popularized the usage of internet “on the go” with 3G (and soon 4G) services.

8.2 Media Tomorrow

The coming years are likely to herald the creation of new digital television channels dedicated to more specialized audiences. However, this will probably not bring another drastic change in the audience share of the traditional television channels. The revolution will be probably more in the area of technology, with 3D television sets, more catch-up television, interactive programs, and VoD services offering wider choice and flexibility to viewers. The introduction of fiber optic internet cables and 4G technology will facilitate high-speed connections and raise the reception quality.

The growth of internet penetration will induce an even stronger emphasis on hypermedia strategies. Traditional media providers will be even more present on all possible technological and service platforms, especially via mobiles. Terrestrial broadcasting and the press are being challenged by new technology and communication tools; however, these same tools will also offer—by force of the ever-increasing popularity of mobile phones and tablets—new opportunities to connect with wider audiences and make more content available to the public.

Traditional media will have to base their storytelling more intensively on the co-creation of news by both professional and non-professional journalists. Stories will no longer be in a single format, but will be available via video, in written texts, as short notes on microblogs, and commented on blogs and on social networks. In order to retain and build audiences, the media may wish to reward their community members (e.g. on social networks) who can help in disseminating advertisements about programs via viral marketing.

The business model of the media will depend on recovery from the general economic crisis. However, it may not be possible for operators to lower their prices even further.³¹⁷ They will probably place more emphasis on the quality and scope of services (e.g. mobile services in standard television and telephone offers, more international television channels, or a greater choice of films on demand). The return of advertising revenues and higher sales of physical copies may stop print titles disappearing from the market. However, the future of the press lies probably within online business models.

317. As of 2013, a four-service bundle (television, broadband, fixed-line, and mobile phone) is proposed for example by Free for less than €30 (US\$39) a month.

List of Abbreviations, Figures, Tables, and Companies

Acronyms and Abbreviations

AAI	Independent Administrative Authority (<i>Autorité Administrative Indépendante</i>)
ACRIMED	Action-Critique-Médias
ADSL	Asymmetric Digital Subscriber Line
AEF	External Audiovisual of France (<i>Audiovisuel Extérieur de France</i>)
AFP	Agence France Presse
ANFr	National Frequencies Agency (<i>Agence Nationale des Fréquences</i>)
ARCEP	French Electronic Communication and Postal Sector Regulator (<i>Autorité de Régulation des Communications Electroniques et des Postes</i>)
ARMT	Authority for Technical Regulation (<i>Autorité de regulation des mesures techniques</i>)
ARTE	Association Relative à la Télévision Européenne
CDN	Commission for the Digital Dividend (<i>Commission du dividende numérique</i>)
CFDT	Union of the Syndicate of Journalists (<i>Union syndicale des journalistes</i>)
CFTC	Union of Journalists (<i>Syndicat des journalistes</i>)
CMC	Cross Médias Consulting
CNC	National Film Centre
CNCL	National Commission for Communication and Liberties (<i>Commission Nationale de la Communication et des Libertés</i>)
CNIL	Commission on Information Technology and Liberties (<i>Commission Nationale de l'Informatique et des Libertés</i>)
CNN	National Council for Digitization (<i>Conseil national du numérique</i>)
CRÉDOC	Research Center for the Study and Observation of Living (<i>Centre de recherche pour l'étude et l'observation des conditions de vie</i>)
CSA	National Audiovisual Council (<i>Conseil supérieur de l'audiovisuel</i>)
CSN	Strategic Committee for Digitization (<i>Comité stratégique pour le numérique</i>)
DAB	Digital audio broadcasting
DAMS	On-demand audiovisual media service
DDM	Office for Media Development (<i>Direction du développement des médias</i>)

DRM	Digital Rights Management
DTT	Digital terrestrial television
DVB-T2	Digital Video Broadcasting–Second Generation Terrestrial
EEIG	European Economic Interest Grouping
EP	European Parliament
EU	European Union
FNPF	National Federation of the French Press (<i>Fédération Nationale de la Presse Française</i>)
FSER	Funds to Support Radio Broadcasting (<i>Fonds de soutien à l'expression radiophonique</i>)
FT	France Télévisions
FTTP	Fiber-to-the-premises
GfK	Society for Consumer Research (<i>Gesellschaft für Konsumforschung</i>)
GIP	Public interest group (<i>Groupement d'intérêt public</i>)
HACA	High Authority of Audiovisual Communication (<i>Haute Autorité de la Communication Audiovisuelle</i>)
HDTV	High-definition television
IFOP	French Institute of Public Opinion (<i>Institut français d'opinion publique</i>)
INSEE	National Institute for Statistics and Economic Studies (<i>L'Institut national de la statistique et des études économiques</i>)
ITU	International Telecommunication Union
LCEN	Law for Trust in the Digital Economy (<i>Loi pour la confiance dans l'économie numérique</i>)
LCI	La Chaîne Info
LED	Light-emitting diode
LTE	Long-Term Evolution
MCC	Ministry of Culture and Communication
MoDem	Democratic Movement (<i>Mouvement démocrate</i>)
NGO	Non-governmental organization
ODI	Information Ethics Observatory (<i>Observatoire de la Déontologie de l'Information</i>)
PC	Personal computer
PS	Socialist Party (<i>Parti socialiste</i>)
RFI	Radio France Internationale
RFO	Radio France Outre-mer
RPR	Rally for the Republic (<i>Rassemblement pour la République</i>)
RSS	Rich Site Summary
SEO	Search engine optimization
SGJ-FO	General Union of Journalists (<i>Syndicat général des journalistes</i>)
SNE	French Publishers Association (<i>Syndicat National de l'Édition</i>)
SNJ	National Trades Union of Journalists (<i>Syndicat national des journalistes</i>)
SNJ-CGT	National Union of Journalists (<i>Syndicat national des journalistes</i>)
SOFGICA	Society for the funding of the cinematic and audiovisual arts (<i>Société pour le financement de l'industrie cinématographique et audiovisuelle</i>)
SPIIL	Trades Union of the Independent Online Information Press (<i>Syndicat de la presse indépendante d'information en ligne</i>)

STB	Set-top box
TMP	Personal mobile television (<i>Télévision Mobile Personelle</i>)
UGC	User-Generated Content
UMP	Union for a Popular Movement (<i>Union pour un mouvement populaire</i>)
VAA	Voting Advice Application
VoD	Video on Demand
VoIP	Voice Over Internet Protocol

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Companies

Amaury	Iliad
AOL France	JCDecaux
Apple	JP Morgan Chase
ARTE France	Ladbrokes
ARTE Deutschland TV GmbH	Lagardère Group
Bertelsmann	Lazard Bank
BetClic Everest Group	M6 Mobile
BFM	Mangas Gaming
Bolloré group	Médiamétrie
Bouygues Telecom	NextRadioTV Group
Canal Plus group (Canal+)	NPA Conseil
Clearstream Banking	NRJ
Completel	Orange
Deutsche Börse	RTL
ePressPremium Group	SFR group
Figaro Group	TDF group
France Telecom	Telecom Italia
Free Mobile	Tiscali
GfK France	TNS Sofres
Google	Twitter
Hachette	Vodafone Group
Harris Associates LP	Vivendi
Hersant Media Group	Yahoo!

Mapping Digital Media: Country Reports (published in English)

1. Romania
2. Thailand
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27. Georgia
28. Nigeria
29. Colombia
30. Croatia
31. Slovenia
32. China
33. Peru
34. Chile
35. Spain
36. Kenya
37. Bulgaria
38. India

Mapping Digital Media is a project of the **Open Society Media Program** and the **Open Society Information Program**.

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The Media Program works globally to support independent and professional media as crucial players for informing citizens and allowing for their democratic participation in debate. The program provides operational and developmental support to independent media outlets and networks around the world, proposes engaging media policies, and engages in efforts towards improving media laws and creating an enabling legal environment for good, brave and enterprising journalism to flourish. In order to promote transparency and accountability, and tackle issues of organized crime and corruption the Program also fosters quality investigative journalism.

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