REPORT BY THE STEERING COMMITTEE OF THE *ÉTATS GÉNÉRAUX DE L'INFORMATION*

Protecting and developing the right to information: an urgent democratic imperative

Contents

Introduction

The urgent need to safeguard and develop the right to information

The États Généraux de l'Information, an independent, collective and collaborative consultation process on the right to information, began in October 2023 and lasted nine months. During this time, citizens, journalists, publishers, researchers, senior officials, the voluntary sector and young people discussed the future of information. Five working groups comprising some 50 people worked to produce a set of proposals on specific themes. The effort was exceptional, with 22 citizen assemblies across France, 174 hearings, and 76 written contributions sent to members of the team.

Taken together, this work naturally covers a great variety of standpoints, beliefs and thoughts, as shown by this volume. Divergences and nuances should however not overshadow what has emerged: there is widespread and profound concern.

This is an urgent matter as information, an independent, verified narrative of reality guaranteed by its author, is under threat and being marginalized. Journalists, for whom this is their profession, and news media, for which it is their business, are losing money. The civic space is being polarized by a new force: that of algorithms with their accelerating and amplifying effects, particularly on social media. Lastly, many forces are seeking to discredit information through "weaponization" of networks, interfaces and algorithms in disinformation and misinformation campaigns.

The deployment of artificial intelligence (AI) and, more specifically, generative artificial intelligence, will further boost the importance of algorithms. That opens up new prospects, some that are promising, and others that are more worrying. That is just one of the risks affecting the production and reception of information: the proliferation of messages adds to the general chaos. Reality is mixed with falsehood. Everyone now has access to tools, even of the lowest quality, that can be used for disinformation. Meanwhile, the privatization and capture of tools by a very small number of very large companies with their own private models limits pluralism and people's freedom to choose their own sources.

In the view of some analysts, there is a risk of information chaos: information deserts are forming, information fatigue is taking root and distrust of the media is becoming widespread. There is sometimes a fear of collapse or even extinction. We are not there yet, thankfully.

But scattergun sectoral measures are no longer enough. It is time to safeguard the right to information for those who produce it, and to develop the right to information for those it is aimed at. For a simple reason: the right to information is what enables an individual to become a citizen. And there can be no democracy without a public space that guarantees informed debate between citizens, founded on a shared reality. The right to information is a prerequisite for the existence of such a public space. And that public space is where democracy is kept alive.

Information is therefore not a good like any other, even if it is often produced by commercial businesses. From an economic point of view, information is a public good: everyone can enjoy it

without depriving others. Its effects are both individual and collective. But philosophically, information is our common good, as what gives society its unity.

A package of measures now needs to be considered, which as a whole form a comprehensive and ambitious policy to safeguard the public space in the age of social media and AI; a policy that can be deployed nationally, but also at European level, with the aim of building a still-nascent public space.

These measures need to stress the rights, roles and powers of citizens, while restoring a condition for the profession of providing information that is professionally guaranteed and economically viable in a technological context that must cease being unfavourable to it. The aim is to serve freedom of expression and pluralism, which are essential pillars of the democratic information space, while guaranteeing three complementary freedoms: the freedom for citizens to freely access information, protected from manipulations and algorithmic bias; freedom for journalists to practise, protected from pressure; and economic freedom, for media publishers to operate, protected from economic dependency.

Each of the reports of the five working groups puts forward a great many proposals that could contribute to shaping a comprehensive policy to safeguard the information space and the public space.

Taking up some of their conclusions, and inspired by the participants' many contributions, the Steering Committee submits:

- Nine proposals to preserve the French public space;
- Six proposals to contribute to building the European public space;
- And two recommendations for media professionals.

This selection is of course not exhaustive, but we feel it could form a framework for a comprehensive policy.

The Steering Committee of the États Généraux de l'Information

Recap of the methodology used by the Steering Committee

In July 2023, fulfilling a commitment made during the presidential campaign in 2022, the French President announced the launch of the États Généraux de l'Information. The goal was to "draw up an analysis of all current issues around information, anticipate evolutions in the future, and propose tangible steps that could be deployed at national, European and international levels". The remit also set out certain themes to examine, such as "the considerable impact of technological innovations, the development of media and information literacy education, the working conditions of professional journalists, the business model and regulation of the media sector and the roles of the different actors, interferences and manipulations". Moreover, the remit stipulated that "the États Généraux de l'Information should involve all stakeholders and citizens [...] transparently and as part of an open procedure involving all sides". The running of the États Généraux de l'Information was entrusted to an independent Steering Committee made up of five qualified figures:

- Bruno Patino, Chairperson of ARTE and Steering Committee Chair;
- Christophe Deloire, Secretary General of Reporters Without Borders and General Delegate;
- Nathalie Collin, Deputy Managing Director of the La Poste group;
- Anne Perrot, member of the Inspecteur-Général des Finances civil servant corps;
- Camille François, Professor at Columbia University.

The Steering Committee also worked in liaison with Maria Ressa, a journalist and 2021 Nobel Peace Prize laureate, in accordance with its remit.

The rapporteur of the États Généraux de l'Information was Maxence Langlois-Berthelot, a member of the Inspecteur-Général des Finances civil servant corps.

Five working groups made up of 44 specialists from different backgrounds (journalists, lawyers, voluntary sector leaders, academics, independent experts, senior civil servants, etc.) were formed to support the Steering Committee's work:

• Information Space and Technological Innovation, entrusted to Sébastien Soriano, Director-General of the National Geographical and Forest Information Institute (IGN);

• Citizenship, Information and Democracy, entrusted to Pascal Ruffenach, CEO of the Bayard group;

• Future of News Media and Journalism, entrusted to Christopher Baldelli, CEO of Public Sénat;

• Sovereignty and Fighting Foreign Interference, entrusted to Arancha González Laya, Dean of the Sciences Po Paris School of International Affairs;

• Government and Regulation, entrusted to Isabelle Falque-Pierrotin, President of the French National Gambling Authority.

The groups began their work on 19 October 2023, with meetings held until May 2024. The working groups and the Steering Committee conducted their work on the basis of contributions from professionals, the public and academia, as well as a series of hearings.

The report resulting from these nine months of work was delivered to the President of the Republic and published on 12 September 2024. It is available in full online on the États Généraux de l'Information website and includes:

- A summary report by the Steering Committee setting out an action plan made up of 15 proposals and avenues for implementation, and two recommendations for media professionals;
- Summaries of the proposals from the five working groups (in English – the full reports are available in French on the EGI website);
- A report from the Sciences Po-Columbia University Innovation Lab (in French on the website);
- A report from the 100 citizens chosen by lottery to take part in the deliberations of the Economic, Social and Environmental Council (in French on the website);
- A report from the policy planning committee on the information world in 2050 (in French on the website);
- A list of all contributions and proposals received and of the hearings held in the last nine months (in French on the website).

List of the proposals and recommendations by the Steering Committee

List of the 15 proposals

Proposal 1: Making critical thinking and media education in schools a priority

Proposal 2: Neutralizing disinformation by large-scale "prebunking" to inoculate the public

Proposal 3: Expanding the scope of "benefit corporations" to include media companies

Proposal 4: Improving the governance of news media

Proposal 5: Strengthening the protection of sources and legislating against intimidation lawsuits

Proposal 6: Introducing voluntary labelling for news influencers

Proposal 7: Creating a new duty: democratic responsibility

Proposal 8: Redistributing some of the wealth drained by the providers of digital services to improve information

Proposal 9: Ensuring media pluralism in the context of media consolidation

Proposal 10: Ensuring European recognition of the right to information

Proposal 11: Establishing effective pluralism in algorithms

Proposal 12: Making the online advertising intermediation market more competitive to ensure value is shared in a balanced way

Proposal 13: Making it compulsory for very large platforms to show news information

Proposal 14: Making the responsibilities of large platforms effective in the fight against disinformation and online harassment by preparing a "second act" of the DSA

Proposal 15: Consolidating a policy to combat disinformation at the European level

List of the 2 recommendations for media professionals

Recommendation 1: The profession should undertake a proactive and wide-ranging labelling process

Recommendation 2: The profession should start building a tool for the collective management of news media

Summary of the proposals and recommendations by the Steering Committee

I. Safeguarding the French public space

1. Making critical thinking and media education in schools a priority

We all form our opinions based on the information at our disposal, but everybody is vulnerable to disinformation and misinformation, especially in a chaotic information space. Knowing how to use and exercise critical thinking is essential. We therefore propose to strengthen teaching of critical thinking and fact processing in school curriculums that are currently being overhauled. We also propose generalizing media and information literacy education in the time scheduled for civic education, on the basis of compulsory projects for children aged 12-15 years. A unit to guide this teaching, with the necessary resources, needs to be created within the Directorate-General for School Education (DGESCO), and the results of this reform should be evaluated in 2027 at the latest. We want all future citizens to have access to a variety of high-quality professional media outlets in their virtual learning environments. This would include political and general publications and press aimed at young people.

2. Neutralizing disinformation by large-scale "prebunking" to inoculate the public

Exposure to disinformation, often orchestrated by foreign powers, is happening on a massive scale. It cannot be controlled in advance. To address it, we propose to strengthen the natural defences of all citizens by organizing large-scale awareness campaigns in schools, universities, businesses and, more generally, any venue that enables us to reach certain particularly exposed audiences. Measures can also be put in place for decision-makers, journalists and officials to raise their awareness of the risks of manipulation and foreign interference. Viginum should be used to illustrate training modules using tangible examples, and research should be drawn on to identify appropriate methods. An interministerial lead should be designated.

3. Expanding the scope of "benefit corporations" to include media companies

Information is both a public good and a common good, but there is so far no specific status for media companies that takes this dual nature into account. The PACTE – Action Plan for Business Growth and Transformation – Act enables companies to define themselves as benefit corporations. We propose to expand this by creating the status of media benefit corporation. Each publisher would have the freedom to adapt the model they adopt; however, it would have to include aspects on the participation of readers or subscribers, as well as journalists, in the company's governance. The company would have to employ a minimum number of journalists with a press card or with a qualification from a recognized training establishment. The editorial team would have to be involved in changes of leadership decided by shareholders. These companies would have to contribute to media education and promote an "ethics of debate", and make commitments to diversity in the themes addressed and viewpoints represented. In return, government subsidies for the media concerned could be boosted significantly. Implementing this measure could be an opportunity to overhaul the system for direct subsidies promoting pluralism.

4. Improving the governance of news media

When mutual confidence between citizens, journalists and the media erodes, greater transparency is required. This is a responsibility for both shareholders and the public authorities. The Bloche Act on strengthening the freedom, independence and pluralism of the media offers some avenues. The aim is to build on it and ensure it is fully applied, extended and clarified where necessary. That applies to five areas in particular:

- In news media, the law stipulates that ethical charters should be drafted jointly by management and the editorial team, but this is not always the case. Not only does the law need to be respected, but these charters also need to be generalized and made easily available to the public.
- Ethics committees need to be expanded to all information media and not only audiovisual media as is the case today, and their terms of designation need to be amended to establish equal nominations by management and the editorial team, apart from "independent" members who would be nominated jointly by both. Failure to comply with either of these obligations (adoption of an ethics code and the terms of designation described) should lead to effective financial sanctions high enough to be dissuasive for the media outlet concerned.
- An independent director on the board of directors should be appointed in groups that own multiple media outlets, in order to ensure independence and prevent conflicts of interest.
- The chair of the outlet's "committee of journalists" should have protected status throughout their term.
- Shareholders would be required to inform the editorial team of their intention to designate new editorial directors with sufficient notice for the representative organizations to put across their point of view. This information should be supported by reasoning and evidence. At the same time, the ethics committee, also informed of this intention, should be able to produce and publish an opinion swiftly. The Steering

Committee preferred these measures, which are strong in themselves, to other proposals it received which were more constraining for shareholders. Those other proposals may appear in the reports of certain working groups. The Steering Committee did not select them, considering that they could not apply to all situations and that there would therefore be downsides to their generalization.

5. Strengthening the protection of sources and legislating against intimidation lawsuits

Without journalistic independence, the right to information is not guaranteed and the public space is damaged. This makes the protection of sources essential. While the principle is enshrined in law, legal exceptions should also be more clearly defined and it should be stipulated that no exception to protection of sources is possible without formal judicial authorization. To address these limitations and enable journalists to exercise their rights without legal action, we propose to clarify – i.e. reduce – the scope of the "overwhelming public interest imperative" mentioned in the 2010 Act on freedom of the press, which can be used to lift protection of sources, and to require prior authorization by a freedoms and detention judge prior to any investigation. This would align French law with the jurisprudence of the European Court of Human Rights. Concerning intimidation lawsuits, we propose the introduction of a precise legal definition of these suits, which should also apply to domestic cases, as well as provisions enabling unfounded proceedings to be thrown out swiftly and dissuasive sanctions in the event of abuse, to cover the legal costs and moral prejudice suffered by the journalist or editorial team, as is already the case in certain European Union countries.

6. Introducing voluntary labelling for news influencers

Everyone who produces a message does not necessarily share news. We must therefore distinguish between those who agree to comply with heightened requirements for information processing – i.e. quality sources, honesty in the treatment and presentation of information, and no anonymity – and those who do not. We propose to introduce suitable labelling for these producers of information who are active on networks and who would be interested in adopting it. Their commitment to comply with these heightened requirements would enable them to benefit from the advantages offered by this recognition. As with all labelling, it should be subject to regular approval by a third party.

7. Creating a new duty: democratic responsibility

Preserving the public space is not solely the responsibility of news media outlets. Economic actors and the State also have a role to play, as advertisers for example. We therefore propose to create a new "democratic responsibility", which would be added to economic actors' corporate social responsibility (CSR) and improve their contribution to safeguarding the democratic public space. It would encourage economic actors who act as advertisers (beyond a certain threshold) to invest in news media. It involves making transparent how they allocate their

advertising investment in news media in comparison to their investments in other areas, including digital platforms. This transparency would be compulsory for the State.

8. Redistributing some of the wealth drained by the providers of digital services to improve information

But incentive measures alone are not enough to correct the imbalances of current economic models. Advertising revenue is increasingly being drained by very large digital platforms, to the detriment of news media. We therefore propose to redistribute some of this wealth by implementing a compulsory contribution from digital platforms' advertising revenue. A bill currently being studied in California – itself based on a Canadian law – merits close examination. But before this new contribution is implemented, we recommend that the State first devotes some of its budgetary resources to funding initiatives to support the positive externalities that the production of information creates for society. This funding will focus on two priorities: combating disinformation and protecting journalists' jobs in editorial teams (through State funding to reduce the social security contributions paid by news media organizations when employing journalists on a permanent basis).

9. Ensuring media pluralism in the context of concentrations

Access to diverse reliable sources is a pillar of the right to information. However, excessive concentration inhibits the expression of this diversity. This principle and this observation laid the foundations for the French Act of 1986. But the public space has since changed and, along with it, the nature of the risks to pluralism. These new risks call for new regulation that appropriately takes into account the media's real power of influence. In order to impose this new regulation, we propose the introduction of a single cross-media threshold. This threshold could be set in two ways: by measuring a news media organization's power of influence by calculating its capacity to reach readers, listeners and viewers, or by allocating each organization a number of points based on the news content it delivers. This change would be a significant shift from the current unsatisfactory situation, which cannot continue. After the Audiovisual and Digital Communications Regulatory Authority (ARCOM) publishes its guidelines setting out the methodology adopted, pluralism checks should then move away from the threshold approach and towards a comprehensive case-by-case pluralism assessment based on analysing multiple factors, both quantitative (audience, economic viability, attention shares, etc.) and qualitative (diversity of content, honesty, etc.).

II. Building the European public space

10. Ensuring European recognition of the right to information

Information knows no borders. The right to information must therefore be protected across new frontiers, particularly in Europe. Currently, this is only partially the case. We therefore propose that the right to reliable information be added to Article 3 of the Treaty on European Union in order to impose the duty to take action by creating specific policies.

11. Establishing effective pluralism in algorithms

Algorithms have seized power, but we must take it back. They have replaced news vendors and secured a foothold in editorial teams. Working with them and for them, we must repeat what was brought about in 1881, when freedom of the press was guaranteed in France, and in 1947, when all newspapers were guaranteed for distribution at all news kiosks. We therefore propose supporting the right to pluralism in algorithms so that they can be seen as the sum of different features that are more or less likely to be chosen among various suppliers. To offer these features, proposals from other actors would be offered, enabling consumers to make an informed choice from the different products available. On an increasingly ambitious scale, several stages could be considered: requiring the relevant platforms to offer users more choice in their recommendations, following on from the EU's Digital Services Act (DSA) and the Digital Markets Act (DMA); encouraging and regulating the use of plug-ins for browsers and applications, enabling users to configure these services individually; and guaranteeing the ability to install intermediary software layers between platforms and users.

12. Making the online advertising intermediation market more competitive to ensure value is shared in a balanced way

The targeted advertising market is currently dominated by very large platforms, which is one of the reasons why news media is losing advertising revenue. Making competition fairer would benefit the right to information. We therefore propose opening adtech services up to competition by adding them to the list of services for which large platforms are prohibited from self-preferencing, as well as making interoperability compulsory in order to encourage the development of competing services.

13. Making it compulsory for very large platforms to show news information

If very large platforms are the news vendors of the 21st century, we must follow the example of the Bichet Act of 1947 and ensure that they cannot conceal or delist news websites. We therefore propose compelling them to show news content in a non-discriminatory manner in comparison to other content. This is essential to enabling the users of these platforms to access high-quality information, but without making the platforms responsible for the content itself.

14. Making the responsibilities of large platforms effective in the fight against disinformation and online harassment by preparing a "second act" of the DSA

Technology creates a cat-and-mouse-game, where regulations can only correct any harmful effects of innovations after the fact. That is how the DSA, which entered into force on 17 February 2024 and is now the most advanced legal framework at the European level for combating fake or misleading messages and online harassment, was implemented after a decade of scandals and the distortion of public debate. Although the priority of the entities in charge of applying this regulation should be ensuring its full operational capacity, its second act must also

be prepared now, and will inevitably involve responding to technological developments – starting with generative AI.

The application of current EU legislation has demonstrated that the conditions for its adaptation need to be defined extremely precisely in order to be effective. The European Commission needs to draw up operational guidelines and the definitions called for by the text in order to enable better application of said legislation.

An assessment of its implementation to determine if it is enough to compel very large platforms and digital services to shoulder their responsibilities in the fight against disinformation should be shared with the Commission with a view to prepare an update of the text after 2026. These measures will also enable the strengthening of national resources to implement the DSA and DMA. Moreover, the European Commission announced in February 2024 that it was considering a text that would harmonize the status of influencers in Europe, which could be a helpful measure.

We are also calling to support associations representing the media and journalists in the fight against the online harassment of news media journalists, for example by establishing themselves as trusted flaggers.

It is also crucial that the Commission ensures strict compliance and effectiveness when platforms provide their data to researchers.

15. Consolidating a policy to combat disinformation at the European level

Disinformation also knows no borders, perhaps even more so than information. Action must be taken collectively at the EU level in order to combat it. That is why we are proposing the creation of a coordination and pooling mechanism to combat disinformation through a new organization enabling member States to share their experts' work on detecting disinformation and to strengthen their power to identify malicious actors on a large scale. We are also advocating for all relevant duties to be brought together under the functional authority of a single commissioner for defence and the fight against disinformation. Moreover, a European network of centres of excellence in research on combatting foreign interference could be created. The network would bring together researchers, government actors and civil society.

⇨ *Two Steering Committee recommendations for media professionals*

Protecting and developing the right to information is therefore essential to preserving the French public space and building a European public space. Our proposals call on everyone to get involved, from citizens to public authorities, regulators and the economic world. It will also require input from media professionals, journalists and news media publishers. We particularly need these professionals and have therefore created two recommendations for them:

Recommendation 1: the profession should undertake a proactive and wide-ranging labelling process. Labels are a mark of distinction for citizens and therefore a way of reinforcing trust. They are crucial to ensuring the effectiveness of public policies and rebalancing the relationship with platforms. The aim is not to advocate for compulsory labelling or impose a single label, but rather

to take into account existing categories and labels (such as the general and political information category, the Journalism Trust Initiative and ARCOM licenses).

Recommendation 2: <u>the profession should start building a tool for the collective management of news media.</u> We need a trusted third party that can protect data from digital operators, potentially ensure the respect of neighbouring rights agreements and, most importantly, prepare the economic model brought about by artificial intelligence – i.e., the shift from a link-based economy, one of neighbouring rights, to a content-based economy, which may require a system of collective licenses or even legal licenses. Neither of these actions can be decided coercively by public authorities. Rather, they should come about following active and intentional engagement with media professionals to serve information and, ultimately, citizens.

Summary of Working Group proposals

I. <u>Working Group n°1</u>: "Information Space and Technological Innovation"

- Promote pluralism in algorithms by guaranteeing the right to configuration founded over time on the principle of unbundling;
- Add compulsory inclusion of news information to the obligations of very large digital platforms;
- Encourage content publishers to gather to protect and make money from their rights when faced with digital platforms and AI companies;
- Create a specific status for influencers with large audiences to better oversee super-spreaders of fake news; Support knowledge of the information space by guaranteeing access to helpful data, as well as the auditability of algorithmic systems;
- Impose transparency requirements on advertisers and purchase managers on their behalf;
- Task an independent regulator with the promotion of these measures over the long term.

II. <u>Working Group n°2</u>: "Citizenship, Information and Democracy"

- Create a "media benefit corporation" status under France's PACTE Act of 22 May 2018 in order to recognize information as a common good;
- Strengthen measures to protect editorial teams from potential editorial interventionism by shareholders;
- Redesign the criteria for the attribution of assistance to the press in order to consolidate a pluralistic news landscape;
- Roll out an external certification procedure for the production of information, like the promotion of the Journalism Trust Initiative by the Media Freedom Act;
- Promote and support better representation of citizens in media governance organizations, including regulatory authorities;
- Use any suitable process or incentive to encourage crossovers between journalism training and economic and/or scientific training; Reform the protection of sources;
- Reform the protection of trade secrets by repealing the Act of 30 July 2018, which has generated serious breaches of press freedom;
- Draw up a charter of best practices regarding appearances of "expert" participants, particularly on rolling news channels;
- Roll out a national plan to improve journalists' occupational well-being;
- Deploy an ambitious and unified public policy for the culture of information at all ages by building a common framework;
- Integrate a culture of information in school curriculums, with one hour focusing on it per week from the age of 9/10;
- Set up a 1% levy for the culture of information at all ages on Big Tech companies that dodge their national tax obligations;
- Involve citizens in decision-making at media coordination, assistance and regulation bodies (EESC);

- Encourage the financing of user associations within national regulatory bodies, such as ARCOM;
- Roll out the "Pass-Info" to combat the information poverty among the general public;
- Support research to effectively measure the impact of training in critical thinking for people of all ages;
- Reinforce efforts to prevent disinformation ahead of elections;
- Introduce a true public policy with the aim of limiting the impact of health information on people of all ages, but focusing in particular on children and young people;
- Create a media coalition to launch and adapt the "My Country Talks" initiative in France.

III. Working Group n°3: "Future of News Media and Journalism"

- Implement an annual study on the cost of information run by public authorities and branch organizations;
- Set up a tripartite charter between the media, advertisers and agencies to remove the obstacles to advertising investment in news media;
- Formalize advertisers' commitment to support news media through their advertising expenses. To do so, create an obligation to declare the sum of advertising expenses allocated to news media in CSR reports;
- Combat fake news by shining a spotlight on high-quality information, drawing on the initiative planned under the Audiovisual Media Services Directive;
- Make it compulsory for platforms to use independent fact-checking tools;
- Ensure full application of publishers' obligations to pay neighbouring rights by creating the conditions for genuinely balanced negotiations between publishers and digital platforms;
- Introduce a tax on Big Tech companies and use the yield to strengthen the economic model of media outlets that contribute significantly to producing reliable and high-quality information;
- Guarantee sufficient, sustained and predictable funding for public broadcast media by reforming France's Organic Act on Finance Laws;
- Prioritize news-related objectives in Objectives and Resources Contracts for public sector broadcasters;
- Resume the provisions of Article 12 of the bill on reforming the French public audiovisual sector, voted at the Senate in 2023;
- Create new assistance to support digital subscription services;
- Implement assistance for press in the general and political information category in rural areas, indexed on the number of journalists;
- Make news media a bigger part of the Culture Pass;
- Modify the Act of 1986 to strengthen the "exemplary" nature of data processing by public service broadcasters when they produce and broadcast information;
- Ensure greater and clearer transparency regarding news media ownership and guarantees of independence by making it compulsory for websites to include this information on their homepages;

- Compel media buyers to maintain the ethical charter of the organization in question for the ongoing period; Expand to all news media outlets the obligation to create ethics committees and change their composition pursuant to the Bloche Act;
- Create legal protection for presidents of committees of journalists or their designated representatives;
- Encourage transparent use of AI by editorial teams;
- Extend the duration of validity of the press card to take any appeals into account;
- Ask France Travail to appoint advisers for freelance journalists;
- Enable French resident journalists working for French media outlets abroad to stay within the French social security system directly;
- Establish reinforced sanctions for offences committed against journalists due to their work;
- Enhance the protection of the right to information in relation to trade secrets, and enhance the protection of confidential relations between journalists and in-house sources;
- Make the so-called "conscience clause" more effective by adjusting the burden of proof.

IV. <u>Working Group n°4</u>: "Sovereignty and Fighting Foreign Interference"

- Carry out wide-scale prebunking, giving Viginum a central role in a palette of actions to raise awareness;
- Specify the scope of EU legislation (draw up guidelines and definitions specifying the scope of EU legislation; formulate measures for sanctions related to the AI Act, the DSA and the DMA);
- Increase the responsibility of those contributing to the spread of fake news;
- Encourage companies to invest in advertising responsibly;
- Require transparency around capital from content publishers;
- Compel each media outlet to create and follow an ethical charter and encourage a proactive labelling process in order to limit potential foreign interference;
- Encourage the structuring of the OSINT community;
- Create a national strategy to fight the manipulation of information;
- Refine/complete transparency rules in France and across the EU regarding interest representatives acting on behalf of foreign mandators;
- Set up a working group to create minimum common standards applicable to all platforms within the OECD;
- Consolidate the EU's modes of action and create a Viginum for Europe.

V. <u>Working Group n°5</u>: "Government and Regulation"

- Simplify the system for sectoral monitoring of concentrations by setting a single maximum threshold for the ownership of multiple media outlets, at a level determined by the legislator;
- For the next revision of the European Media Freedom Act (EMFA), make it compulsory for platforms to provide digital audience data for the media content that they broadcast, using a method specified by the EMFA;
- Include criteria to measure media audience data for certain population groups in the updated concentration monitoring system;

- In the short term, consider the possibility of enshrining a more specific definition of news channels and programmes in law in order to avoid the multiplication of opinion channels and programmes labelled as "news";
- In the long term, remove the obligation for "internal pluralism" required under the French Act of 1986, as interpreted by the recent decision of the Conseil d'État;
- Strengthen the requirement for truthful information and update ARCOM's sanction practices to enhance how effectively it exercises its prerogatives;
- Support certification initiatives for journalistic production and news drafting methods to improve the quality of news, particularly online;
- Implement specific media governance to guarantee journalists' independence (e.g. journalists' right to veto the choice of editorial director);
- Update journalists' right to object, assignment clause and conscience clause;
- Structure a self-regulation body that brings together the sector's ethics stakeholders, pools best practices and ensures transparency; Guarantee the effectiveness of the Bloche Act by reviewing how Ethics Committees function;
- Create a set of minimum obligations applicable to all forms of news-focused media (media influencers, blogs, etc.);
- Increase the responsibility of platforms hosting news content broadcast by producers of information whose publications go extremely viral;
- At the European level, advocate for making an exception to applying to platforms the country-of-origin principle for general regulatory obligations laid down by Member States (see the CJEU judgment of 9 November 2023);
- Maintain political support for the Information and Democracy Partnership;
- Make interoperability compulsory for adtech services;
- Use CSR incentives to redirect the advertising revenue created to the media sector;
- Support press publishers in neighbouring rights negotiations.

Comprehensive Report by the Steering Committee

1. A broad consultation with unanimous conclusions: the information space, currently threatened, must be preserved at all costs in the name of democracy

1.1 Action must be taken urgently to prevent a decrease in the quality of information, essential to preserving the public space

a) The risk of an information collapse: alarm bells have been ringing for the media for over a decade, particularly news organizations.

Investment in advertising is still increasing, but the share of revenue that goes to media that produces content (both news-related and creative) will continue to fall between now and 2030. This share already dropped from €7.3 billion in 2012 to €6.1 billion in 2022, and is expected to slip to €5.3 billion by the end of the decade. This decrease is linked to the decline in audiences, which varies for each media outlet but is universally significant, as well as advertisers' revenue increasingly being drained by digital platforms. However, certain forms of media – such as "free" private television channels – are highly dependent on advertising, revenue from which forms the main part of their business model. There has also been a drastic drop in single-copy sales and subscriptions that has likewise led to the loss of advertising revenue in the press. Meanwhile, digital platforms – which use some content produced by the media – took 50% of advertising revenue in 2022. The media earned 65% of advertising revenue in 2012, but in 2022 that share had dropped to 40%, with the remainder mostly ending up in the pockets of digital players. The issue of compensation paid by platforms for news-related or creative content, known as "neighbouring rights", is still in the very early stages. This form of copyright is currently limited, after long, challenging and unsatisfying negotiations with Google and Meta alone. At the same time, the cost of producing information is high. A recent study by Future of News Media and Journalism, a working group of the *États Généraux de l'Information*, estimated that cost to be €2.4 billion in 2023 – a figure mostly made up of journalists' salaries. These are just some of the signs of a collapse, which The New Yorker has gone as far as describing as a potential "extinction".

A functional public space is one where the right to be informed is protected; i.e., where citizens have access to comprehensive information based on diverse and reliable sources. Due to a lack of a solid economic model, both these sides of the right to information, which make up the public space, are under threat. As a result, the ability of citizens to make informed political and social choices is in danger.

b. Government intervention is legitimate and necessary

In order to preserve the public space, the right to information must not only be safeguarded; it must also be developed. Public authorities have both the power and responsibility to do so. Public policies to foster the production and distribution of high-quality information should

distinguish between the information itself, which is an independent and verified narrative of reality, and the media that writes and shares that information. The media are economic stakeholders that intervene in markets with a level of competitiveness that is more or less marked, for example in the cases of the press and private radio or public sector broadcasting, respectively. Information – and particularly in the category of political and general information – is a public good, i.e. non-rival and non-excludable. It is also a common good that, when produced at a high level of quality, increases collective well-being and contributes to civic life. This category of goods maintains numerous similarities with public goods – goods that lead to positive or negative externalities, such as healthcare and education. Information produces many positive externalities; like knowledge, it enables individuals to make informed choices based on reliable factual elements. It also enables us to renounce mistaken beliefs, even though the cognitive biases that all individuals have are an obstacle to both the production of information and how it is received. It empowers people to base their judgments on a set of facts that are, in theory, complete. Ultimately, information enables us to make informed political choices and, as such, forms part of the bedrock of democracy. It is therefore part of what makes up the "common good". News media organizations are economic stakeholders that operate in an environment that is competitive to varying degrees.

They therefore roll out profit development strategies to boost demand, streamline their production processes and bring in advertising revenue. The competition between organizations is affected by multiple factors such as price (single-copy sale or subscription), advertising revenue, differentiating aspects (e.g. type of content, editorial style, political leanings, etc.) and quality. In this competitive context, news media outlets mostly distinguish themselves from their rivals through their editorial style – the information they choose to address, i.e., what they prioritize and highlight, not to mention op-eds written by journalists and other media figures. The profitability objectives that news media outlets naturally pursue as economic actors do not align with efforts to achieve the social optimum. But they are also a source of media pluralism; in order to respond to audiences' differing demands, outlets set themselves apart from each other by providing varied content. But as producers of a public good, news media outlets should be subject to ideal incentives in terms of quality, as those set by market forces are not always sufficient. In the current context, an additional step has been added to the chain going from the production of news content to when it reaches audiences: intermediation by digital platforms.

Social media and other digital platforms, such as search engines and artificial intelligence (AI) solutions, exploit network externalities. These externalities or effects are "direct" in the case of social media networks, where users derive more and more satisfaction as others join the same network. They are "indirect" when a platform connects several categories of user, such as buyers and sellers. Network externalities generate returns to scale, leading digital players to attempt to scale up their operations, as this boosts the quality of the service rendered. In certain cases, these platforms have achieved almost monopolistic positions. For media outlets, the presence of these players as intermediaries between news content and the audience has also contributed to making public intervention necessary in order to reduce the gap between the situation created by market forces and the social optimum. To sum up, at least three mechanisms call for public intervention in the media field: positive externalities, which originate from the production of high-quality information; network externalities, which are characteristic of both the media and digital platforms; and the existence of monopolies, which result from platforms' network effects. In all these configurations, the public authorities have a role to play to bring the situation

spontaneously emerging from the behaviour of economic players – the media and audiences or readers – closer to the social optimum. The forms that this intervention may take are central to the questions that the *États Généraux de l'Information* sought to answer.

c. Intervention should address four interdependent issues

The current situation is that of a system that is weakening in all aspects as part of a vicious cycle that is being further reinforced every day. Four developments, all linked and interdependent, mark this process: pauperization, marginalization, polarization and undermining of credibility. Combating pauperization and restoring media resources are prerequisites to addressing the other issues. Journalists should have funding and secure working conditions in material terms, while the working conditions of the profession must be protected. The media has also been marginalized; although the proportion of people who continue to stay informed by way of traditional media remains high (e.g., 66% report catching up on the news once a day by watching television), it is decreasing regularly. Today, 62% of French people report that they stay informed by way of social media. However, use of these networks increases receptiveness to conspiracy theories and damages trust in news media. The prevalence of social media, which sometimes fails to focus on the reliability of the content that it distributes, as well as the phenomenon of virality, upon which the functioning of algorithms is based, leads to a polarization of opinions – the most controversial and extreme content attracts a larger audience. Platforms monetize that audience through targeted advertising. There are therefore few self-regulating mechanisms, while recommender algorithms encourage audiences to concentrate on the most popular content. The credibility of information produced by the media is being undermined as a result of these movements. Overloaded by more or less reliable information, citizens are suffering from "information fatigue", struggling to distinguish truth from falsehood and tending to conflate content without discriminating by the credibility of its source. This leads to news media losing its role as a point of reference in the mass of information circulating.

I.2. After having received hundreds of propositions, the Steering Committee of the États Généraux de l'Information is putting forward an action plan made up of 15 proposals

a. The *États Généraux de l'Information*: a collective process bringing together citizens, professionals and researchers

In July 2023, fulfilling a commitment made during the presidential campaign in 2022, the French President announced the launch of the *États Généraux de l'Information*. The goal was to "draw up an analysis of all current issues around information, anticipate evolutions in the future, and propose tangible steps that could be deployed at national, European and international levels". The remit also set out certain themes to examine, such as "the considerable impact of technological innovations, the development of media and information literacy education, the working conditions of professional journalists, the business model and regulation of the media sector and the roles of the different actors, interferences and manipulations". Moreover, the remit stipulated that "the *États Généraux de l'Information* should involve all stakeholders and citizens [...] transparently and as part of an open procedure involving all sides". The running of

the *États Généraux de l'Information* was entrusted to an independent Steering Committee made up of five qualified figures: Bruno Patino, Chairperson of ARTE and Steering Committee Chair; Christophe Deloire, Secretary General of Reporters Without Borders and General Delegate; Nathalie Collin, Deputy Managing Director of the La Poste group; Anne Perrot, member of the Inspecteur-Général des Finances civil servant corps; and Camille François, Professor at Columbia University. The Steering Committee also worked in liaison with Maria Ressa, a journalist and 2021 Nobel Peace Prize laureate, in accordance with its remit. The rapporteur of the *États Généraux de l'Information* was Maxence Langlois-Berthelot, a member of the Inspecteur-Général des Finances civil servant corps. Five working groups made up of 44 specialists from different backgrounds (journalists, lawyers, voluntary sector leaders, academics, independent experts, senior civil servants, etc.) were formed to support the Steering Committee's work:

- Information Space and Technological Innovation, entrusted to Sébastien Soriano, Director-General of the National Geographical and Forest Information Institute (IGN);
- Citizenship, Information and Democracy, entrusted to Pascal Ruffenach, CEO of the Bayard group;
- Future of News Media and Journalism, entrusted to Christopher Baldelli, CEO of Public Sénat;
- Sovereignty and Fighting Foreign Interference, entrusted to Arancha González Laya, Dean of the Sciences Po Paris School of International Affairs;
- Government and Regulation, entrusted to Isabelle Falque-Pierrotin, President of the French National Gambling Authority.

The groups began their work on 19 October 2023, with meetings held until May 2024. The working groups and the Steering Committee conducted their work on the basis of contributions from professionals, the public and academia, as well as a series of hearings.

Professional contributions

In order to collect the contributions of stakeholders and experts from the information world, the *États Généraux de l'Information* put a form on its website from the start to invite professionals to submit their contributions. These were then sent to the Steering Committee and the relevant working groups. A total of 76 contributions were received.

Citizen contributions and the "Tour de France"

All citizens have the right to information. As stipulated in its remit, the Steering Committee therefore strove to place citizens at the heart of the *États Généraux de l'Information*, from its beginning on 3 October 2023 and until April 2024, through:

→ an online consultation from 3 October to 19 November 2023, carried out in partnership with the Economic, Social and Environmental Council (CESE): 80,000 contributions were collected from 4,902 people;

→ deliberations on 27 and 28 January and 3 and 4 February 2024 at the CESE headquarters in Paris. Over four days, 100 citizens drawn randomly from participants in the consultation debated a wide range of issues and wrote a five-chapter report proposing around 100 recommendations that were incorporated in the work of the *États Généraux de l'Information*. A webinar took place on 31 May 2024 between representatives of the working groups and the 100 randomly selected citizens in order to talk about their recommendations and the working groups' discussions;

→ a "tour de France" of the *États Généraux de l'Information* from autumn 2023, which involved holding citizen assemblies in order to compile citizens' expectations and proposals. These assemblies were led by members of the *États Généraux de l'Information* in the regions of mainland and overseas (La Réunion) France. All of the proposals from these discussions were submitted to the Steering Committee and working groups.

Academic contributions and report by the Foresight Committee

A series of hearings with researchers was held throughout the project, and a call for academic contributions was launched in October 2023. A Foresight Committee, coordinated by the French National Audiovisual Institute and entrusted to experts, also drew up a report on the information world in 2050. That report presented three scenarios developed using a hypothesis matrix. Lastly, an innovation lab created in partnership between Columbia University and Sciences Po particularly focused on issues related to AI and its impact on the democratic information space.

Hearings of the Steering Committee and the working groups

Working in parallel, the Steering Committee and the working groups organized from autumn 2023 a series of hearings of 174 people, including members of parliament, representatives of professional organizations, professionals and officials from independent administrative authorities. As a contribution to the *États Généraux de l'Information*, the CESE's education, culture and communication committee adopted an opinion on 13 March 2024 that is available on its own website and that of the EGI.

A report comprising a set of documents and the Steering Committee's summary report

These nine months of work led to a report that the Steering Committee delivered to the President of the Republic. It includes:

- A summary report by the Steering Committee setting out an action plan made up of 15 proposals and avenues for implementation, and two recommendations for media professionals;
- Reports from the five working groups and summaries of their proposals;
- A report from the Sciences Po-Columbia University Innovation Lab;
- A report from the 100 citizens chosen by lottery to take part in the deliberations of the Economic, Social and Environmental Council;
- A report from the policy planning committee on the information world in 2050;

- A list of all contributions and proposals received and of the hearings held in the nine months of work.

b. An action plan that rejects the most pessimistic hypotheses but underlines that the restoration of the public space requires a strengthening of the trinity of citizens, news media and journalists

The Steering Committee applied two principles in producing its summary report:

- The scenarios with total collapse of the public information space were rejected, as they were deemed to be inextricable. That was recommended by the policy planning committee;
- Freedom of expression (Declarations of the Rights of Man and of the Citizen, preamble of the French Constitution, 1881 Act on the Press) and the defence of pluralism were its compass.

c. In light of these principles, guidelines were identified:

1. The notion of democratic responsibility was created to mark the commitment of economic actors and the State. Like social and environmental responsibility, democratic responsibility can become a corporate goal. It can be applied to advertisers – those capable of financing – in the form of a commitment to transparency, as well as to the media (as benefit corporations) and public institutions;

2. Collective solidarity mechanisms have been highlighted; preference has been given to the collective actions and negotiation of information professionals, which is more needed than ever in the era of AI;

3. The economic model of news outlets will be a special focus, provided that the potential improvement of the economic situation of media companies goes in hand with a new social pact for journalists;

4. The activity of media outlets, as economic actors, is distinct from the production of information; although linked, they are not the same. The actions of the economic stakeholders in information must therefore be examined from two different perspectives: on the one hand, the typical control of economic consolidation, and on the other, the risk of undermining pluralism;

5. Lawmakers should correct the asymmetries that are most harmful to information in the new digital space. Internationally, France can lead the way here;

6. The belief that the culture of facts, information, discernment and the active commitment of citizens are the ultimate foundations of the restoration of the information space and resistance to disinformation operations waged against our country;

7. The promotion of mechanisms to restore trust in the media professionals that journalists are by reaffirming a necessary alignment between publishers and editorial directors, and by expanding the protection of sources.

2. Protecting and developing the right to information to preserve the French public space

If we want to preserve democracy, we must preserve the public space. Without it, forming fact-based opinions is impossible. Without it, bringing what we think face to face with what others think and want is impossible. Without it, creating, debating and assessing the guidelines of civic life is impossible. The right to information is therefore essential to its existence. Information is a common good that enables everyone to exercise their civic responsibility. The right to information is as much the right to producing information as it is the right to accessing this common good. It entails the freedom to seek and receive reliable information. It is both the right to inform and to be informed. But often, this right is already vulnerable and continues to weaken. Citizens are placing less trust in the information offered to them. They are also exposed to increasingly powerful waves of disinformation. Every day, these waves attack everything that can be used to distinguish between reliable and unreliable information – to the extent that a growing number of our fellow citizens opt for information that confirms what they already believe, rather than confronting them with reality. Their defence capabilities must be strengthened. Those who research and produce information are also vulnerable, which has rarely been the case. Without a viable economic model and compliance with their professional rules, they are unable to fully play their role in society. This imperative must be addressed. In order to preserve the public space, we must protect and develop the right to information.

Proposal 1: Making critical thinking and media education in schools a priority

Information is a prerequisite for the existence of the public space; along with other knowledge, it enables everyone to form an opinion. Above all, work must be done on how information is understood – i.e., giving all citizens the ability to exercise critical thinking. It is unrealistic to think that the information space may be exempt from erroneous, falsified or biased information, and a priori regulation of information would go against freedom of expression. It is therefore up to education in critical thinking and media to enable everyone to sort through what is reliable and what is not, and what is important and what is marginal.

The most effective protection against these risks is exercising critical thinking from a young age.

However, a distinction should be made between education in critical thinking and in media literacy. Both sets of skills should be acquired cumulatively. Although the first applies to all fields, the second should take into account the specifics of the constantly-evolving information world. It has been shown that the internet alters how we perceive and understand information. We should therefore develop educational methods to suit the new ways that information is used and, more generally, the shift of our social lives to the online space.

The proposal first involves developing education in critical thinking and facts at school. It will involve increasing the share of this teaching in school curriculums being overhauled, beginning with secondary and high school level. This objective should not be achieved by adding more

teaching hours or by replacing specific lessons for existing subjects, but by incorporating these skills into existing subjects, and avoiding any impact on timetables.

Moreover, media and information literacy, which implies specialized knowledge, should be made widespread as part of allotted time for moral and civic education on the basis of compulsory projects given to students aged between 12 and 15 years old through the reform of this subject applied from the start of the 2024 academic year. A steering unit for this subject, equipped with the necessary resources, must be formed within the Directorate-General of School Education. The results of this reform should be assessed by 2027 at the latest.

These lessons must be based on regularly consulting high-quality news articles and programmes. Getting future citizens into the habit of staying informed by consulting varied and high-quality sources early, from school, is important. All future citizens should to have access to a variety of high-quality professional news media (national and regional daily and weekly press, online subscription media, etc.) in their virtual learning environments. This would include political and general publications and press aimed at young people (arts and literature, history, sciences, etc.).

⇨ *Implementation:* **The current overhaul of cycles 1-4 of the French education system should allow education in critical thinking and facts to be included as a cross-cutting component in different disciplines (humanities, languages, history, sciences, technological and artistic subjects), whether at cycle 3 to consolidate fundamental knowledge (for pupils aged 9-11) or at cycle 4 to deepen learning (pupils aged 12-15). It is important to explicitly incorporate this aspect as a cornerstone in the preparation of students for citizenship in a digital society. In terms of moral and civic education, media and information literacy should be explicitly mentioned as a component. It is important that cycle 4 is the initial focus, by incorporating media and information literacy in both lessons and projects. The latter area should be made a priority by encouraging establishments to promote active "learning by doing" among students (see Proposal 6 by Working Group 2). The subject schedule, limited to 18 hours per year for the three years of each cycle, should be given with help from professionals. The teaching materials should be prepared by a dedicate unit within the Directorate-General of School Education that will be responsible for running the subject. This unit should provide schools with educational examples drawn from analysis of recent tangible case studies carried out by independent authorities from outside of the profession as well as the school system, such as ARCOM or VIGINUM. An assessment of this subject should be carried out in 2027 in order to consider on the three years of cycle 4 and measure the tangible impact of these theoretical and practical lessons on how students acquire information. An "Information Pass", inspired by but separate from the "Culture Pass", could be planned. It would give students in cycles 3 and 4 access to subscriptions to media publications in their personalized virtual learning environments.**

Proposal 2: Neutralizing disinformation by large-scale "prebunking" to inoculate the public

Disinformation campaigns are now used systemically as part of a broader pattern of conflict. It is difficult to curb their proliferation in real time and they can often only be detected after the fact. Moreover, most false information is not illegal. The challenge is therefore to be ready to counter their harmful effects once we have been exposed.

Studies tend to show the effectiveness of awareness based on preventive exposure to issues ahead. Prebunking refers to "immunization" against the effects of disinformation before being a victim of it. To build natural defences, it is important to focus on exercises suited to each audience and based on real cases. The research world must be involved, upstream to design educational modules, and downstream to evaluate them. An unsuitable approach could prove counter-productive.

Large-scale awareness must therefore be ensured, not just within citizenship education in schools, but also in universities and businesses and, more generally, wherever certain more vulnerable audiences may be reached. Measures should also be put in place for decision-makers, journalists and officials to raise their awareness of the risks of manipulation and foreign interference. Viginum should be used to illustrate training modules using recent, tangible examples.

⇨ *Implementation:* **The challenges and means of achieving this should be set out in the national strategy to fight disinformation, which needs to be formalized. That is the role of the General Secretariat for Defence and National Security (SGDSN), which should set out the role and resources of each ministry and their respective agencies. In particular, the responsibilities of each actor, the mechanisms for implementation, the legal framework and the employment doctrine for resources in each administrations should be set out, as well as the roles of agencies and civil society. Moreover, while the steering of the awareness effort, which should be able to reach all citizens, is ultimately the responsibility of the government, its preparation and deployment will have to involve a great many actors, including from civil society (media outlets, associations, businesses, volunteers, etc.). Work to coordinate and generate momentum is important. For longer-term supervision, we propose appointing an interministerial delegate for information citizenship education and fighting disinformation, who, supported by the SGDSN with which they would draw up the programme of work and the goals to attain, in terms of both resources to deploy and the impact to achieve. The delegate would have an organization, to be defined at a later stage, bringing together the various stakeholders to produce a common benchmark of content to share and tools to do so that sets out those empowered to implement it. For detailed examples of action to carry out, we refer to the recommendations of Working Group 1 (Recommendation 5), Working Group 2 (Recommendations 6 and 8) and Working Group 4 (Recommendations 1 and 8).**

Proposal 3: **Expanding the scope of benefit corporations to include media companies**

Information is a public good, and information media outlets require their own business model. But information is also a common good that enables everyone to exercise their civic responsibility. Without the trust of citizens and those who work to produce it, the public space becomes dysfunctional and civic life with it. To address this issue, a special status for information is needed to take into account their two-fold nature. Specific rules do already apply, concerning publication of equity, control of foreign investments, control of concentration, responsibility and labour laws with regard to relations with journalists. These guarantee trust. But a special, optional status would help make the system even more coherent. It would bolster and highlight the role of information media in fostering democracy.

The PACTE – Action Plan for Business Growth and Transformation – Act of 22 May 2019 enables companies to define their "purpose" by becoming "benefit corporations". In their bylaws, they can set down the goals that they seek to fulfil to serve society and protect the environment, in addition to their corporate interest. The PACTE Act encourages companies to assert, recognize and take into account their contribution to the public interest. These commitments are monitored and assessed. The same could be done for media outlets by specifically recognizing their role in forming a democratic public space. In the same vein, we therefore propose establishing a new family of benefit corporations: media benefit corporations. This status would define rules to comply with in the spirit of going beyond mere commercial interest to produce high-quality information and, more generally, journalism that serves the public interest.

This is about encouraging them, not constraining them. Being a media benefit corporation must be a voluntary choice and should not be too restrictive, leaving each publisher free to adapt the model they want to use. Certain principles should however be set down, including:

- Participation of citizens, readers or subscribers, as well as journalists, in the company's governance;
- Employment of a minimum number of journalists with a press card or with a qualification from a recognized training establishment;
- Involvement of the editorial team in changes of leadership decided by shareholders. The terms of this involvement, combined with the information and consultation rules applicable to all media outlets (see the recommendation below on media governance) should be defined on a case-by-case basis. A veto that is not binding on the shareholder but would lead, in the event of a double negative vote by two thirds of the editorial team, to the triggering of a "conscience clause", as proposed by one of the working groups, is one example;
- Contribution to the media education policy, with obligations of means;
- Promotion of a "discussion ethic" by organizing public discussions and debates;
- When it comes to content, without prejudice to the principle of editorial freedom, commitments in terms of diversity of subjects addressed and points of view, as well as an effort to distinguish between opinion and factual information, including on social media.

In return, government subsidies for the media outlets concerned could be boosted significantly. The media benefit corporation should thus become a benchmark for information media. The creation of the status is an opportunity to fully overhaul the system of direct aid to the press so

that aid supports the media outlets that most actively support, through their commitments, exacting journalism that serves society more widely.

⇨ *Implementation:* **The terms of implementation of the proposal, which would require amendment of the PACTE Act, are detailed in Proposal 1 of Working Group 2. The law must specify the major principles that must be respected, as well as the nature of the principles incumbent upon media benefit corporations, but sufficient latitude for adaptation should be left to enable each company to find a framework suited to its specific circumstances.**

Proposal 4: Improving the governance of news media

More than half of French people are distrusting of the media, and almost 60% consider them not to be independent of political and shareholder pressure. This distrust should not be confused with a healthy critical distance, even with regard to the media, in an over-informed society. On the contrary, it could lead to undifferentiated discredit of journalism as a whole, fuelling scepticism and even conspiracy theories. Guaranteeing citizens' trust in the media is therefore a matter both for lawmakers and for shareholders. It requires even more transparency of the media when it comes to governance and internal functioning. Moreover, these rules on functioning and decision-making must offer the best working conditions possible for editorial teams. In this respect, the "Bloche" Act of 14 November 2016 is a benchmark which we are building on. The aim is to ensure it is fully implemented wherever necessary. The amendments we propose address several dimensions: adoption and publication of ethics codes; generalization of ethics committees and changes in how they are appointed; appointment of an independent director to the boards of directors of groups that own multiple outlets; protection of the chairs of committees of journalists; and involvement of editorial teams and ethics committees when editorial directors are changed.

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

Article 1 of the Bloche Act requires joint drafting by management and the editorial team of an ethical code for each media outlet. As observed by the National Assembly report of 6 March 2024 evaluating the Act, this obligation is not always fulfilled. Moreover, it is not possible to identify all these codes, as some of them are not public. The Act should therefore be clarified and enforced, generalizing these codes and making them easily accessible to the public. This transparency requirement should also extend to the adoption process, in the spirit of the 2016 Act.

⇨ *Implementation:* **The terms of implementation of these proposals is addressed in Proposals 5, 6 and 7 of the National Assembly's investigative mission evaluating the Act of 14 November 2016, which we refer to here. The implementation of Proposal 6 requires a legal change to clarify which texts set down the terms of ethics. The implementation of Proposal 7 (clarify the authority responsible for examining the negotiation of codes) can be achieved through regulations, but we recommend specifying, in law, the conditions for the penalty applicable in the event of non-compliance. The Steering Committee proposes, in addition to these proposals, the**

addition of a transparency requirement concerning the adoption of the code and its publication in an easily accessible form (such as on the publisher's website).

b. Establishing protected status of the president of the outlet's "committee of journalists" throughout their term

To enable the committee of journalists to express itself freely, we propose that the law should offer protected employee status for its chair throughout their term.

⇨ *Implementation:* **These legislative provisions should be incorporated into the labour code: protection from dismissal of the chair of the committee of journalists (Articles L. 2411 et seq.), criminalization of discrimination against the chair of the committee of journalists (Articles L. 2146-2 et seq.).**

c. Involvement of the editorial team and ethics committee in appointment of a new editorial director

Media benefit corporations should be required to involve editorial teams in a change of editorial director desired by shareholders. However, we do not propose making it compulsory for all media outlets. Out of the many proposals submitted to the *États Généraux de l'Information*, several of which are advocated by journalists or their representative organizations, and which inspire some of the proposals by certain working groups, none is without its disadvantages and none addresses all situations, which are all different. Some raise legal questions. Moreover, it is not guaranteed that they would help resolve the financial difficulties encountered by the media, particularly regional outlets.

However, there are cases where shareholders and editorial teams are not aligned, which can lead to major difficulties. The steering committee therefore proposes an obligation requiring shareholders to inform the editorial team of their intention to designate new editorial directors with sufficient notice for the representative organizations to put across their point of view. This notice should be supported by reasoning and evidence. At the same time, the ethics committee, also informed of this intention, should be able to produce and publish an opinion swiftly.

⇨ *Implementation:* **The law should also be amended to require shareholders to inform editorial teams of their intention to appoint a new editorial director, and to give grounds for that decision, as well as to require them to inform the ethics committee at the same time. The opinion of the ethics committee, issued within a given time period, should be published.**

d. Generalization of ethics committees and changes to terms of appointment

The Bloche Act also requires audiovisual media to set up ethics committees (Integrity, Independence and Pluralism of Information and Programmes Committees – CHIPIP). We propose to expand this to all information media.

Similarly, their terms of appointment should be changed. Today, the law states that the choice of members is up to management. We propose strengthening their independence by establishing equal appointments by management and the editorial team, apart from "independent" members appointed jointly by both management and the editorial team.

Failure to comply with either of these obligations (adoption of an ethics code and the terms of designation described) should lead to effective financial sanctions high enough to be dissuasive for the media outlet concerned. The authority responsible for sanctioning publishers that fail to comply with their obligations, and the amount of sanctions, should be set down in law.

> ⇨ *Implementation:* **Extension of ethics committees to all media outlets would require an amendment to Article 30 of the Act of 30 September 1986. Changing the terms of appointment of members would also require legislative changes.**

e. Appointment of an independent director on the board of directors to ensure independence and prevent of conflicts of interest

To foster citizens' involvement in the operating and decision-making bodies of media outlets, an independent director responsible for upholding codes and independence and preventing conflicts of interest should be appointed within the board of directors. This would however apply only to groups owning multiple outlets, and only beyond a certain threshold, so as to avoid making it harder for smaller publishers to operate.

> ⇨ *Implementation:* **This obligation would have to be established in law. The Steering Committee proposes limiting it to groups owning multiple outlets, and beyond a threshold to define by law.**

Proposal 5: Strengthening the protection of sources and legislating against intimidation lawsuits

Independent journalism is impossible without protection of sources. And without independent journalism, the right to information is not guaranteed and the public space is damaged. That is why the professional codes of the journalism profession attach such importance to this principle.

While its introduction in the 2010 Act on freedom of the press was a step forward, its application in case law is insufficient as the law does not set down the scope of the "overwhelming public interest imperative" that can be invoked to lift protection. Nor does it require prior authorization by a freedoms and detention judge prior to any investigation.

Yet the European Court of Human Rights has reiterated the need for prior authorization by a judge on several occasions. By adding this requirement to the law, lawmakers would merely be completing the alignment with European Court of Human Rights case law and confirming rights France already recognizes under treaties. Above all, this would allow journalists to invoke this right immediately, and not after the fact, once protection has been lifted, as is the case today.

This guarantee could be strengthened with the introduction of criminal penalties for violation of the protection of sources, which are not currently set down in law.

Intimidation lawsuits aim to obstruct the work of journalist, notably through the threat of legal action. They are also harmful to freedom of expression and journalistic work, and can therefore limit the right to information. Yet they have not yet been defined legally in France. A European directive has been adopted on this subject and must be transposed by 2026. It brings progress but remains limited to cross-border cases only.

We therefore propose introducing a precise legal definition of these suits, which should also apply to domestic cases, as well as provisions enabling unfounded proceedings to be thrown out swiftly and dissuasive sanctions in the event of abuse, to cover the legal costs and moral prejudice suffered by journalists and editorial teams, as is already the case in certain European Union countries.

⇨ *Implementation:* **The proposal on protection of sources requires an amendment to Article 2 of the Act of 29 July 1881. It could be drafted as follows: "The protection of sources may only be undermined if justified by an overwhelming public interest imperative relating to prevention or punishment of a crime or misdemeanour constituting a serious attack on a person or the fundamental interests of the nation and if the measures envisaged are strictly necessary and proportionate to the aim. Any investigative act aimed at undermining the protection of sources must receive prior authorization by a specifically reasoned order from a freedoms and detention judge, referred to, as applicable, by a reasoned request from a public prosecutor or a reasoned order from an investigating judge." As serious attacks on persons and the fundamental interests of the nation are precisely defined notions, the impact study could refer to the penal code:**
  - **For "serious attacks on persons", Articles R. 221-1 et seq. of the Penal Code (murder, rape, etc.);**
  - **For "fundamental interests of the nation", Article R 410-1 of the Penal Code ("The 'fundamental interests of the Nation' in the sense of the present title covers its independence, the integrity of its territory, its security, the republican form of its institutions, its means of defence and diplomacy, the safeguarding of its population in France and abroad, the balance of its natural surroundings and environment, and the essential elements of its scientific and economic potential and cultural heritage").**

Proposal 6: Introducing voluntary labelling for "news influencers"

Journalists are not the only producers of information in the public space. Influencers, media accounts on social media and bloggers also contribute. Yet only press publishers and audiovisual services are subject to strict obligations, and journalists must obey ethical rules.

The aim is not to impose even the slightest specific obligations on these new actors: their freedom of expression and freedom of enterprise must be respected.

However, a distinction has to be made between those who express individual opinions and those who seek to offer the public higher-quality, fact-driven information.

The activity of the latter is similar to that of journalists, although it remains distinct. Appropriate labelling would identify those who agree to comply with heightened requirements for information processing – i.e. quality sources, integrity in the treatment and presentation of information, and no anonymity. In return, the label would offer benefits. As with all labelling, it should be subject to regular approval by a third party.

Proposal 7: Creating a new duty: democratic responsibility

Protecting the public space is a democratic imperative, and not the sole responsibility of the media. It requires all stakeholders to contribute to safeguarding and developing the right to information, and economic actors must shoulder their full share. They have already realized that they have to combine economic performance and social and environmental responsibility. Some of them even claim to be "citizen companies". On top of these two responsibilities, we propose another: democratic responsibility. This is a singular responsibility: protecting the public space means enabling fair and calm confrontation of points of view, which is essential to civic life. It is therefore not the same as social and environmental responsibility: it is a precondition for both. Without a functional public space, how can corporate social and environmental impact be defined, debated, highlighted and reported? It is also just as much in businesses' interest as in everyone else's, as they need reliable information to operate. Setting down the democratic responsibility of economic actors – and by extension, the State as an economic agent – is therefore not merely symbolic: it is a key provision to foster civic life. Corporate social and environmental responsibility should therefore become corporate social, environmental and democratic responsibility. This new responsibility for companies would be particularly measured in their role as advertisers, which is essential to the business model of the media, as well as potentially being expanded considerably in the various roles played by economic actors.

Concerning the advertising sector, the media as a whole have lost both readers and advertising revenue, due to two phenomena linked to digital technology: free access to certain content and the growing capture of advertising revenue by platforms. To address just the first of these phenomena, we cite the latest Reuters report, which notes that in France, the proportion of people not willing to pay anything for news stands at 67%. Deprived of these traditional sources of revenue, the media, especially the news media, are suffering a considerable deterioration of their business model, threatening the production of reliable, high-quality information.

Advertising revenue is therefore essential. Yet much advertising spending is captured by major platforms due to the presence there of an attractive audience for targeted advertising. The market power of these digital actors makes it possible to capture value. It is therefore important to rebalance the sharing of value between platforms, advertisers and the media, in favour of the latter.

The creation of a new "democratic responsibility" would thus recognize the role of advertisers in democratic life, encouraging them to invest in information media. It would involve making transparent how they allocate their advertising investment in news media in comparison to their investments in other areas, including digital platforms. As such, this spending would be viewed

as a commitment to society as a whole and its democratic life. This incentive-based measure would thus take a "name and praise" approach.

Such transparency should of course apply to the State, and on a compulsory basis. Public agencies and local government bodies should be encouraged to follow this trend.

This innovation in French law could later be promoted by France at European level.

⇨ *Implementation:* **We refer to Proposal 6 of Working Group 1 to address the feasibility of this proposal.**

Proposal 8: **Redistributing some of the wealth drained by the providers of digital services to improve information**

Establishing a social, environmental and democratic responsibility alone will not suffice to rebalance the business model of the media. Yet this situation, far from reflecting a mere natural evolution of economic balances caused by technological changes, engenders many negative externalities for society. Loss of income for the producers of information threatens their very existence and also leads to a drop in quality of information for readers. It threatens pluralism and the functioning of the information space. It also contributes to the formation of "information deserts" like those emerging in the United States, for example. It leads to long-term loss of human capital due to reduced staffing of editorial teams, notably. In light of such imbalances, incentives will not suffice.

That is why, without going so far as strict application of a "polluter pays" principle, which would mean precisely measuring the effects of these negative externalities for society, the aim is to use taxation to redistribute part of the wealth that has shifted towards digital platforms, to benefit information producers, so that, to borrow the words of Ethan Zuckerman, the former director of MIT's Center for Civic Media, "what divides us" (targeted advertisement) should finance "what unites us" (the public space, supported by information produced by professional journalists). This contribution should therefore be based on the advertising revenue captured by new digital actors to the detriment of information media.

Initially, until this new contribution is implemented, the State should first devote some of its budgetary resources to funding initiatives to support the positive externalities that the production of information creates for society. On these grounds, we feel there are two priorities. Critical thinking education for citizens, addressing and fighting disinformation (see Proposals 1 and 2), on the one hand, and protecting journalist jobs on editorial teams, on the other. The cost of human production of information to professional standards is growing constantly, while artificial intelligence tools, including generative AI, are developing. Ensuring that these new tools, far from competing with humans, contribute to improving the quality of journalists' work, and thus increase social benefits, would certainly be a public interest goal. We therefore propose that the State should finance a reduction in social contributions paid by information media for permanent journalist positions (and not those in the form of unstable jobs).

For taxation per se, the bill currently being studied in California, itself inspired by a Canadian act, to establish a compulsory contribution from digital advertising revenue, would be worthy of study.

The current tax on digital services does not meet all the criteria to address the objective. In particular, its base is not solely calculated from digital advertising revenue. However, this tax does impact, in part, the digital platforms that should be subject to future taxation of digital advertising. To avoid doubly taxing these platforms, and to take into account the planned expiry of the tax on digital services which is set to be replaced with a new international tax being discussed at the OECD, the design of the compulsory contribution on digital advertising revenue should be carried out swiftly, so as to be implemented as soon as the tax on digital services is abolished.

⇨ *Implementation:* **The proposal is to allocate part of the product to two key actions:**
  - **A mechanism to reduce social security contributions for permanent journalists on information media editorial teams;**
  - **Implementation of the national strategy to counter disinformation.**

Concerning the mechanism to reduce contributions, aimed at supporting outlets that employ journalists, the law should define the scope of companies eligible for the scheme, the positions concerned, the terms of calculation of support and the eligibility conditions and, if necessary, end support if these conditions cease to be fulfilled.

Proposal 9: Ensuring media pluralism in the context of media consolidation

For democracy to function, every citizen must be able to fully exercise their right to information. This means there must be a public space in which everyone has the power to receive, seek and access a variety of reliable sources. However, it cannot be denied that excessive levels of media consolidation and concentration is harmful to the expression of pluralism.

It was in the name of this principle, and based on this observation, that in 1986 the legislator strived to regulate the power of influence held by the media, particularly by controlling consolidation. Since then, however, the public space has changed. This has brought new risks to pluralism. Media consolidation regulation is no longer fit for purpose. To safeguard the right to information, regulation must therefore evolve.

Today, the control of pluralism conducted by the Audiovisual and Digital Communications Regulatory Authority (ARCOM) when assessing consolidation operations does not take into account the digital presence of media outlets and their convergence across various media channels. Furthermore, the algorithms proposed by platforms polarize opinions and limit the variety of content shown. The true power of influence is no longer adequately taken into consideration. We suggest adapting current regulation to this new environment.

Current regulation is based on a two-fold control process: control of economic consolidation, which is handled by the French competition authority; and control of pluralism, which is the responsibility of ARCOM. The second part is based on thresholds that are limited to traditional media outlets. These thresholds cannot take into account the changing uses in digital media channels nor the convergence of media circulation methods that digital technology allows. They do not take into account the amplification effects that constitute the media influence on public opinion, beyond their audience share.

The system that we are proposing applies only to media outlets that provide information content, but it applies to all of these media outlets. It does not change the control of economic consolidation carried out by the French competition authority, but brings a gradual change to the control of pluralism carried out by ARCOM.

Initially, the system proposed will maintain a maximum threshold of media ownership by a single actor, but it will be a single, multimedia threshold. Two methods are possible for setting this threshold:

- The first is inspired by the German system and is based on measuring the "influence power" of news media. This power is assessed according to their ability to reach readers, listeners and viewers (otherwise known simply as their "reach"). The method assesses the strength of each media outlet's power of suggestion (such as the combination of sound, image and text, by identifying the percentage of each medium in the information), their uptake (increased by accessibility online or via social media) and their topicality. Such measuring methods already exist and are used. In this context, the single, multimedia threshold that limits ownership of news media outlets by a single actor is determined in terms of influence share;

- A second option involves assigning a number of points to each news media outlet according to its information content, whether it is audiovisual, digital, text, etc. (for example 2 for a news channel, 1 for general interest media, etc.). It is this total of points for parties to a consolidation which is subjected to a threshold.

For both options, a specific threshold may be determined when one of the parties to the consolidation is a non-European actor. Similarly, regulations on foreign investments in France, which today only apply to the press, could be expanded to all news media.

Secondly, once ARCOM has published its guidelines indicating the methodology that it adopts, the control of pluralism must move away from the threshold approach. It will require a 360-degree evaluation of pluralism, on a case-by-case basis. This evaluation will be based on a multi-factor analysis, that is both quantitative (audience, economic viability, share of attention, etc.) and qualitative (variety of content, integrity, etc.). Such an analysis, like that conducted by Ofcom in the United Kingdom for its "public interest test", accounts for the digital environment in which the media operate. It factors in all the elements that play a role in the power held by a media outlet or media group after a consolidation operation. As such, it would enable a plurality evaluation and the changes to plurality before and after a merger.

⇨ *Implementation:* **A crucial element of the proposal involves unquestionable measurements of the multimedia audience, which implies including audience data of media on online platforms. Having this data will be even more important in a 360-degree plurality evaluation, which the steering committee recommends conducting subsequently. For the next revision of the European Media Freedom Act (EMFA), we therefore suggest making it compulsory for platforms to provide digital audience data for the media content that they broadcast, using a method specified by the EMFA.**

Today, audience data for media content broadcast on platforms are only provided through proprietary audience measurement systems. Unlike most national media outlets, which allow trusted third parties to access their audience data so that they may have a comparable measurement as well as certification or labelling, platforms do not provide such access to their audience measurement data. They choose the data that they share. However, as data extraction methods are not standardized, they are not directly comparable: for example, they may be delivered monthly, whereas the media provide daily figures, or else the type of traffic behind their data is not specified (territorially, depending on if it is generated by a robot or a human). Furthermore, Netflix provides its own type of indicator, in millions of viewer hours, while other platforms offer information in terms of numbers of subscribers. Article 24 of the EMFA proposal sets out a framework to harmonize transparency across the various methods used for this measurement. It sets out that, without prejudice to the protection of trade secrets as defined in Article 2, Point 1) of EU directive 2016/943, platforms using proprietary audience measurement systems shall provide accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. However, this provision does not provide for a harmonized measurement of the audience of media content on these platforms. To address this observation, Médiamétrie plans to develop specific tools to measure viewer audiences for audiovisual on-demand platforms, such as on Netflix, by 2025. But in this case, the lack of direct provision of audience data by platforms forces the regulator to use private services to draw up the data required for their calculation. This constraint subjects it to several uncertainties regarding the availability of the data (replicability of the measurement tool on other platforms and on other types of content, availability of financing for other developments, etc.). At least part of the data required for measuring audiences of media content on platforms is not covered by business law, and could be used by the regulator to establish the digital audience of media on that platform. This is the case, for example, for the number of pages printed and the number of clicks that the French competition authority has obliged Google to communicate to press publishers and press agencies under Article L. 218-4 of the French Intellectual Property Code. This data is to be distinguished from additional information that was only shared with the designated representative and their experts to protect business secrets, such as advertising revenue generated by this content. While waiting on access to this data, the use of digital audience measurement systems developed by IPSOS (MediaCell solution for Cross-Platform - MXP) or Nielsen (Nielsen Audience Segments) could make it possible to roll out this new monitoring system for consolidations by including an approximation of the media content audience that these platforms can reach. Knowledge of this data could also mean that the level of influence held by one media outlet or media group could be accounted for across specific audiences, such as young people or the inhabitants of a certain country or region.

3. Creating a European public space

Safeguarding the French information space is a priority. Information freely circulates, however, beyond national borders. What's more, most of the stakeholders that access to information relies on are foreign. Action is therefore necessary at the international level, and first and foremost at the European level. While European citizenship exists, it cannot be complete without a European public space, which requires, as we recommend for France, preserving, safeguarding and developing the right to information at the European level.

Proposal 10: **Ensuring European recognition of the right to information**

Information is a public good and the news media are economic actors. It is first and foremost in this perspective that the European Union took action to regulate the information space.

The latest building block to be laid was the regulation adopted in March 2024 on media freedom. This regulation ensures that freedom of expression and freedom of opinion are safeguarded. But it was on the basis of Article 114 of the Treaty on European Union (TEU), regarding bringing national legislations closer with a view to eliminating obstacles to the internal market, that the European Union justified its intervention. This was for a simple reason: the right to information, meaning the freedom to seek, receive and access a plurality of reliable information, is not currently enshrined in European primary law. Independent media, freedom of the press and pluralism are not yet fully safeguarded. That is what we must rectify. We therefore propose that the right to reliable information should be included in Article 3 of the Treaty on European Union as a cross-cutting objective that must be sought through all of its policies, irrespective of the field of action. It is a prerequisite for safeguarding the public space.

In this hypothesis, an assessment should be conducted to determine whether it is possible and worthwhile to envisage an "information exception" principle, to safeguard information as a public good, based on the cultural exception. On this basis, exemptions to the rules of the internal market could be permitted to the extent that they are necessary and proportionate with a view to ensuring citizens in every EU country have access to reliable information.

Proposal 11: **Establishing effective pluralism in algorithms**

Algorithms have seized power, but we must take it back. Just as in 1881 we safeguarded freedom of the press, and in 1947 we ensured that all newspapers would be available at newsstands, we must urgently establish similar safeguards in the digital technology arena. The formation of ideas, and ultimately, democracy, depends on it. The algorithms have replaced news vendors and secured a foothold in editorial teams. It is therefore at their level that the only rule possible in a democracy should prevail, and that rule is pluralism. Not only should the algorithms even-handedly show information content, but there must be true diversity among the algorithms, to return sovereignty to the citizen reader or viewer.

Platform algorithms offer their viewers, in a non-transparent manner, prioritization of their content which modulates the visibility. It is "de facto editorialization" of this content. This leads to polarization which often favours extremist opinions. It supports the monetization of content

through advertising, which profits platforms, but is not conducive to the visibility of information and diverse opinions, and less extremist messages.

For traditional information broadcasting modes (press, radio and television), the protection of pluralism relies on a set of rules. For digital media, this principle has yet to be invented. And yet, it is an urgent matter, as the audience numbers of some online content creators exceeds the audience numbers measured across other media.

Work has already begun on the transparency and loyalty of algorithms. These two principles are central to the Digital Markets Act and Digital Services Act (DMA/DSA). They are essential prerequisites to the requirement of pluralism. By using these regulations, which are a first step in that direction, we propose promoting the right to "algorithm pluralism". This would mean the algorithmic functions (such as recommendation and moderation) proposed by the main platforms and social media (gatekeepers under the DMA and very large platforms and very large search engines under the DSA) would no longer be considered to be inextricably linked to each other, and imposing a sort of take-it-or-leave-it for the user, but rather as separate functionalities, that can be selected among the various suppliers. In that spirit, to offer these features, proposals from other actors could be offered, enabling consumers to make an informed choice from the different products available.

Existing initiatives are proof of both the technical feasibility and the opportunity offered by this openness. Nonetheless, these third-party functionalities often come up against the reluctance of the dominant players who hamper their roll-out. Until now, the success of these decentralized networks, which do exist, has been limited. Users have stayed on the main social media websites. To make progress, choices must be possible within these dominant networks.

This principle implies that the regulatory authorities intervene to ensure there is effective access for users. The legal and regulatory environment that has been shaped in recent years offers the relevant framework to provide these new options to users. This openness could also be an additional way to ensure the proper implementation of the obligations imposed on the very large platforms.

Allowing third-party functionalities would also provide an opportunity to capitalize on the wealth of French and European initiatives and businesses, while giving them the possibility to offer their services in ecosystems that today are closed and monopolistic. It would even be possible to imagine that traditional media outlets could offer, on the major social media sites, a proposal to categorize and highlight content, by following their editorial line and being supported by partnerships with French and European AI actors. New solutions would also be possible for young people, through parental control algorithms with an educational dimension.

It is therefore both an economic and a democratic opportunity in the face of the dominant structures that limit innovation and sometimes contravene European values. Nonetheless, in order to achieve these objectives, we must reduce the barriers at entry to these digital services markets. To do this, one promising path would be to make certain technological building blocks accessible. This idea is gaining tract, even at certain platforms. During the Munich Security Conference in 2024, they made a commitment to making certain building blocks for moderation and combating deceptive content available through open source. This initiative should be given clear guidelines and accelerated so that it may fulfil its potential. Establishing true algorithm pluralism would therefore also be an opportunity for the media, and more generally speaking

for French actors offering digital services and AI, to help them position themselves at the forefront of innovation in regulation and digital security. By supporting an ecosystem of open source AI and transparent moderation, France, and more generally Europe, could become leaders in the development of responsible, ethical technologies. On a scale of increasingly ambitious configuration, which could go as far as full unbundling, several stages could be envisaged:

- Following on from the DMA and DSA, it could involve requiring the platforms concerned to offer users more choice in their recommendations and moderation among the native features. For social media, the DSA takes a first step in this direction with the obligation to offer a feed that is not based on profiling;
- Nonetheless, the majority of platforms appear to conform to this obligation by offering a chronological feed without content curation, which is not a satisfactory alternative in terms of user experience and which will undoubtedly be rarely adopted. To go further, this configuration could expand to include, for example, moderation, or give users greater freedom in their choices. The Bluesky platform demonstrates the feasibility of this configuration: this social network allows users to build their own recommendation algorithms using an interface that is both intuitive and highly flexible, and to share these feeds with other users;
- in the absence of native developments on digital platforms, an "adversarial" approach could be adopted, by encouraging and regulating the use of plug-ins for browsers and applications, allowing users to configure these services individually. For example, the Tournesol plug-in offers a community recommendation system, whereby users can rank the content they view and recommend it or not. These evaluations are then shared with the rest of the community. Even if no changes are necessary to existing texts, the user interfaces or terms and conditions should not make these adaptations more difficult for the user to access;
- To move towards true interoperability, we should go further, and ensure it is possible to install middleware between the platforms and users, and which are not operated by the platforms, as is possible with some middleware (such as Mastodon). Better still, using public APIs, entire services can be consulted using different infrastructures (also possible with Mastodon). At the technical level, this requires platforms to share their data with one another, which would imply a change to the DMA.

⇨ *Implementation:* **The principle of algorithm pluralism could be implemented in two phases:**
  - o **In the short term, France should petition the Commission for clarification on how to interpret the DMA and the DSA as it is indicated, in particular following on from European Parliament Resolution of 12 December 2023 on addictive design of online services, calling on the Commission to explore, as a remediation measure against this systemic risk (Article 34 of the DSA), the possibility of opening up the network infrastructure in order to allow the user the possibility to configure their experience:**

- as such, the option to configure social media platforms could be a way to remedy the systemic risks identified in Article 35 of the DSA;
- regarding the use of plug-ins for browsers and applications: while they may not require changes to the regulations, the user interfaces and terms and conditions should not make these adaptations more difficult for the user. The European Commission should provide details in that respect, in its interpretation of the regulations (delegated acts or guidelines);
    - meanwhile, France could set itself a goal of moving forward with the mandatory opening of gatekeepers' APIs for the next review of the DMA, scheduled for May 2026:
        - to enable the installation of middlewares between the platform and the user, or authorize consultation of entire services from different infrastructures using public APIs, which would require platforms to share their data with each other, a change to the DMA would be necessary: Article 6 should include, in particular, social media in the list of services concerned by the interoperability obligation;
        - the regulation would supply a suitable legal basis if we wished to extend that rationale to include enshrining a proper unbundling principle, which would give any third-party operator access to certain key resources of the major gatekeeper platforms. In that case, the principle should be explicitly enshrined in the DMA;
        - the technical details of opening up the APIs would have to be determined. Between now and 2026, there should be a focus on improving user data portability, and on identifying the conditions to be met so that a third-party actor can access a social network.

In addition, brainstorming could be carried out to anticipate how to design and practically implement pluralism within information access services, such as voice assistants and immersive interfaces.

Proposal 12: Making the online advertising intermediation market more competitive to enable balanced value-sharing

One of the reasons why media advertising revenue has dropped (by approximately 50% in 10 years) is the dominant position formed by online platforms on the advertisement services markets. Advertising technology software ("adtechs") plays a key role in targeted advertising: between the advertiser who places an advertisement on an inventory and the internet user to whom it is delivered, various intermediary functions gather the messages on adservers, collect the destination inventories, organize real-time bidding to select the ad that will appear to the user who consults a website, and so on. However, all these functions have gradually been monopolized by Google and Facebook, each of which are in an ultra-dominant position across all of these services in their own logged-in environment. An essential aspect of the recent digital transformation in advertising is the advertisers' and inventory owners' inability to put advertising intermediation services in competition with each other: the competing services have gradually been pushed out of the market. This situation leads to an advertisement price hike, and more

importantly to platforms acquiring a growing share of revenue, at the expense of the inventory owners that are the media outlets.

The DMA forces the major platforms not to prioritize their own services at the expense of competing services in certain market segments. It also enforces interoperability with the competing services. However, only virtual assistants and operator services are affected by these binding measures, not adtechs. The proposal therefore consists of opening adtech services up to competition by adding them to the list of services covered by the DMA, for which large platforms are prohibited from self-preferencing, as well as making interoperability compulsory in order to encourage the development of competing services.

⇨ *Implementation:* **Today, the DMA is limited in two ways in enabling a more competitive advertising intermediation market to emerge:**
  o **the ban on self-preferencing is limited to search engines and classification services (Article 6.5), even though it is a crucial aspect for all actors in the sector, for whom referencing in the digital space depends on occasionally unsound algorithms by certain gatekeepers;**
  o **the interoperability obligation does not apply to online advertising intermediation services (Article 6.7), although it is an essential tool to reduce market entry barriers and allow the development of competitor services available to the entire ecosystem, including to finance press publishers and online media.**

The DMA revision planned for 3 May 2026 (Article 53) provides an opportunity to review these two limits to the European regulation. It would involve making changes to Articles 6.5 and 6.7 by adding advertising intermediation services so that they would be concerned by the self-preference ban and the interoperability obligation. It would be the fastest and most effective way to incorporate these measures at European level.

To do so, and obtain a significant lever of political negotiation, it could be interesting to explore, initially, the enshrining in French law of a general principle of interoperability of advertising intermediation systems under the supervision of the Electronic Communications, Postal and Print media distribution Regulatory Authority (ARCEP), similar to the governmental initiative for cloud suppliers. This would ensure clear, consistent government support from French authorities in preparing the DMA revision and, failing that, provide at least a functioning system for French territory. Nonetheless, the incorporation into French law of a general interoperability principle would have two limits:

  o **the first is that the foreign businesses concerned would be reluctant to initiate significant technical changes for a single country and would probably intensify measures to get around them or appeals to delay them. It would therefore be insufficient, and legally exposed;**
  o **the second is that it would be a complex provision to implement due to the CJEU judgment of 9 November 2023. This judgment considers that a Member State which subjects a business established in another Member State to "general and abstract" measures is an infringement on the principle of the origin country in the e-commerce directive. In this context, a procedure**

requiring the publication of a judgment following the opinion by ARCEP for each of the actors concerned would have to be put in place, which would make the mechanism complex.

Proposal 13: **Making it compulsory for very large platforms to show news information**

If very large platforms are the news vendors of the 21st century, then they should not be permitted to conceal or delist news websites. Today, platforms are disengaging from these websites. And there is nothing in the regulation that provides a response to this.

To counter this risk of marginalization, and even the total disappearance of internet users' exposure to quality, professionally-sourced information, we propose banning the concealment or delisting of news websites by the largest platforms. This means taking action in the digital technology field, in the spirit of the 1947 Bichet Act in France. This obligation would ensure the users of these platforms continue accessing high-quality information. It is especially necessary as a growing number of citizens get their news via these platforms; 49% of French citizens through search engines and 47% through social networks.

The obligation would not render the platforms liable for the content. However, they would be held responsible for showing news-type content in an unbiased manner, compared to other types of content.

⇨ *Implementation:* **This proposal follows the DSA' asymmetrical regulation rationale. It would only apply to the very large platforms and search engines, with the aim of remediating systemic risks (Articles 34 and 35 of the regulation).**

At the legal level, the European Commission could specify, in its delegated acts, that this "ban on concealment" of news media must feature among the measures to remediate the systemic risks which are mentioned in Article 35. Only the news media identified by recognized labelling, which have declared themselves to the Commission, would be concerned, as in Media Freedom Act.

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

- o **in the short term, by enforcing Articles 65 and 66 of the DSA which grant the Commission the ability to launch an investigation into the data made available by the platforms and sanction, if necessary, illegal practices;**
- o **in the medium term, by establishing true "regulation per datum" by the regulation authorities, using algorithm tests and comparison tools (scoring, name-and-shame, etc.) in liaison with civil society and the research world, if necessary by expanding and detailing Article 40 of the DSA regarding platforms' access to data.**

Proposal 14: Making the responsibilities of large platforms effective in the fight against disinformation and online harassment by preparing a "second act" of the DSA

Without question, the working methods of digital platforms, and particularly their curation and recommendation algorithms, are weaponised by the spreaders of false, misleading or manipulative information. Without extremely strong and effective corrective measures, this trend will accelerate because of the abilities of these actors to use increasingly powerful and more easily accessible tools to produce and spread their messages.

The revolution represented by the generative AI era must be fully apprehended in this respect. Generative AI makes it unprecedentedly easy to create highly realistic fake or manipulative content in the form of text, images, videos or audio files which are sometimes impossible to distinguish from the real thing. "Deepfakes", for example, which are used to manipulate the image and voice of people to make them do or say things they never actually did or said, can be extremely damaging (it should be highlighted that the vast majority of deepfakes are non-consensual pornographic content, typically depicting women).

It is therefore essential to strengthen the legal arsenal to fight disinformation campaigns that are spread and amplified on platforms, and to address harassment campaigns against journalists and information influences, whether they are spread by high-audience influencers or amplified by platforms' algorithms.

While this fight against online disinformation and cyber bullying is an absolute priority, the legal framework is complicated to design as it must address several imperatives, and particularly respect for freedom of opinion and freedom of expression. The hosting of partially or totally fake information and misleading messages cannot be an offence in itself: only certain, strictly defined speech can constitute an offence. Moreover, hosts have relatively limited liability for the messages they host, under the status of host as defined by the Electronic Commerce Directive 2000, is relatively limited. Their contribution to the fight against disinformation is essential, but must therefore be based on a liability regime that can only be partial and an exception from the rules that apply to this host status. While this status does not help the fight against the circulation of fake or misleading messages and cyber bullying, establishing a regime of host liability similar to any extent to that of a publisher, while it is sometimes proposed, is not recommended, as it would raise many, probably inextricable problems.

In this context and addressing these many constraints, the Digital Services Act (DSA) took effect on 17 February 2024. For the Member States, while it is not an obstacle to the establishment of national standards for the responsibility of hosts, such as in France with the (pre-DSA) Act of 22 December 2018 on the fight against the manipulation of information, the priority is therefore to ensure the DSA is fully operational.

To this end, the drafting by the enforcing authorities, first and foremost the European Commission, of operational guidelines and the definitions provided for in the DSA, would enable better enforcement and would appear necessary in various respects. These include: the transparency reports platforms must submit; conditions for researcher access to platform data; protection of minors; applicable legal definitions in relations to human rights and international law, as these are tending to disappear from terms of conditions and be replaced by businesses'

own criteria; and the prohibition on "bots" hiding their identity passing themselves off as users. Those are just a few examples.

In parallel, to prepare the planned update to the DSA after 2026, an evaluation should be envisaged now and advocated to the Commission. This review should determine whether the text is sufficient to make the largest platforms and digital service providers shoulder their responsibilities. That applies in particular to their obligations to remediate systemic risks and ensure specific supervision of high-audience accounts. The review should determine whether the obligations of these actors need to be clarified and strengthened to fight disinformation. It will also be an important opportunity to strengthen national resources to implement the DSA. Lastly, the scope of these texts should be considered with regard to the potential of mega-influencers outside the very large platforms alone.

Similarly, civil society involvement in effective implementation of the DSA is essential. Media and journalist associations must be supported in playing a key role in fighting online harassment of media, for example by acting as trusted flaggers under the DSA. It is also crucial that the Commission ensures strict compliance and genuine provision of platform data to researchers.

Proposal 15: Consolidating a policy to combat disinformation at the European level

Disinformation knows no borders, perhaps even less so than information. Disinformation campaigns and foreign interference are carried out at both EU and Member State levels, yet there is no permanent response unit at European level. Moreover, the limited resources deployed by certain States undermine EU-wide risk reduction.

In light of the benefits of the experience France has gained through the creation of VIGINUM, we propose creating a mechanism to coordinate and pool resources in fighting disinformation at EU level. A European Union Agency for Cybersecurity (ENISA) already exists. However, it does not appear appropriate to extend its remit to disinformation, given the different expertise involved in information systems security and characterization and analysing information content. A new coordination structure could therefore be created. The Member States could thus pool the detection work of their disinformation experts and strengthen their firepower when it comes to identifying malicious actors on a large scale. For example, a Member State could draw on the resources of one or more others to detect and address a disinformation campaign against it. An ethical and scientific committee attached to the coordination body would help apply its doctrine.

Moreover, functions related to fighting disinformation are currently dispersed across various European Commission Directorates-General. They should be gathered under the functional authority of a single commissioner responsible for defence and fighting disinformation. Analysis of the realities of information manipulation and disinformation would also help the Commission implement recent legislation, including the DSA.

Lastly, a European network of centres of excellence in research on combatting foreign interference could be structured, with sufficient funding. This network would bring together researchers and government actors, as well as civil society, including journalists and the open-source intelligence community. It would help share and deepen analysis and solutions and foster awareness of the threat and sharing of best practices. It would contribute to a cross-cutting strategy to fight manipulation aimed at all citizens, also involving the education system, business,

media outlets and institutions. It is also essential to strengthen and develop mechanisms for researcher access to platform data, as provided for in Article 40 of the DSA.