

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Reporters WithoutBorders / Reporters sans frontières (RSF)

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://rsf.org/en>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

612547127497-45

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda

- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador

- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☒ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg

- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa

- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Julie

Surname

Majerczak

Email Address of the organisation (this information will not be published)

[REDACTED]

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

[REDACTED]

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☒ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal

- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

3000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

3000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

3000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

3000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

3000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

No substantive changes to report. For further information, please consult RSF's contributions to the previous Rule of Law reports.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

No substantive changes to report since the creation of ARCOM, except for adequacy of resources:

In order to handle the increased scope of its work, and to enforce the European DMA (Digital Markets Act) and DSA (Digital Service Act) regulations, which establish a new regulatory model and will apply to very large platforms as of 2023, ARCOM is set to benefit from reinforcements, with the creation of 15 new full-time jobs - to reach a total of 370 staff. In 2024, ARCOM should benefit from a further increase of 10 full-time jobs.

These changes were confirmed during the presentation of the Finance Bill for 2023 (enacted on 30 December 2022), by the Ministers for the Economy and Public Accounts on 26 September 2022.

However, it must be pointed out that this is the result of a request by the director of ARCOM, already expressed in January 2022, when ARCOM was created by merging the HADOPI and the CSA, for which the State had not granted an additional budget to the regulator, despite the fact that it had new prerogatives.

The increase in funding planned for 2023 for ARCOM is not the consequence of the merger but rather of the trend, which has been recurrent in recent years, of expanding its missions (2018: new competences in the fight against the manipulation of information on online platforms; 2020: fight against hateful content on the Internet; 2021: supervisory role of the obligations placed on platforms by the law consolidating the principles of the Republic...).

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

No substantive changes to report. For further information, please consult RSF's contributions to the previous Rule of Law reports.

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

No substantive changes to report. For further information, please consult RSF's contributions to the previous Rule of Law reports.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

In France, press aid schemes are public, controlled and transparent, and the amounts and beneficiary titles are accessible to all on the Ministry of Culture website.

On 7 September 2022, the Ministry of Culture published - with a significant delay - the list of publications that received direct funding in 2020 and 2021. The list includes direct aid (pluralism aid, including specific aid granted to ultra-marine titles created in 2021, portage aid, investment aid); distribution aid for the national daily press; social modernisation aid (benefiting former employees of the titles concerned) in 2020 and exceptional aid paid in 2020.

In 2021, the €91.54 million in direct and 'indirect' aid was distributed among 431 press titles. In addition to the aid traditionally provided by the State, the press industry was able to benefit from an additional package of 30 million euros in December 2022, to help the sector to cope with the increase in some of its production costs (including paper).

However, this "generosity" has been criticised by some of the French media, particularly independent online press publishers.

In his information report on the future of aid to the written press (16 June 2021), the rapporteur of the Senate's Finance Committee noted that "the improvement in the consideration of online press services within the Finance Act for 2021 may appear both late and insufficient." He also noted that the proportion of aid granted to online media does not reflect the ratio of these new media to printed titles, which "renders ineffective the principle of neutrality of distribution media in the allocation of funds."

The distribution of these grants among the different beneficiaries continues to be questioned in more general terms. The figures for 2021 show that 15 private groups receive 80% of press aid. Many denounce a system that needs to be reviewed, and which allows the owners of the four main beneficiaries, all billionaires and among the largest fortunes in France, to benefit from 37.7 million euros of aid, and - by the same token - to favour their dominant position in the French media landscape.

In July 2020, the government introduced a support plan for the press industry aimed at consolidating the future of the press - in particular by supporting the sector's ecological and digital transition. The government allocated €377 million to this plan for the period 2021-2022.

It came with an increase in the appropriations of the Strategic Fund for the Development of the Press (for a total of €50M) and the implementation of a plan for the transformation of printing plants (up to €18M per year).

Although the government has created an aid for online political and general information press services (up to €4M per year), it should be remembered that this aid only accounts for 2.8% of the €140M budget allocated to the press sector recovery plan for 2021-2022.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

-Safeguards to editorial independence

On 27 July, the National Assembly adopted a levy on VAT as the public broadcast media funding mechanism in the 2022 budget amendment bill. It was later confirmed by the Senate on 1 August. The government had proposed replacing the Public Broadcasting Contribution (CAP) – a tax levied annually on every household with a TV set – by an “ad hoc budgetary assignment” allocating funding for the public broadcast media directly from the state budget. The very different mechanism adopted by the Parliament maintains an earmarked tax system, isolating the resources allocated to public broadcasting from the rest of the state budget, thereby ensuring that they do not depend on the government’s goodwill and helping to protect public broadcast media independence. More details in the link to RSF’s website given below. The Constitutional Court ruled that the provisions of the Budget Amendment Act for 2022 on the financing of public broadcasting were in conformity with the Constitution, but added two interpretative reservations to the future choices to be made by the legislator, ruling that it is up to the legislator to decide on the financing of public broadcasting, on the one hand, in the Finance Acts for the years 2023 and 2024 and, on the other hand, for the period beyond 31 Dec 2024, to set the amount of this budget in order to ensure that the public broadcasting companies are able to carry out the public service missions entrusted to them. Many observers, including RSF, regard this evolution as making public media funding vulnerable to annual political wrangling and to potential budget cuts.

Regarding private media, the Senate commission of enquiry on concentration of the media recommended i. a. to “strengthen independence and ethics in the media whilst respecting the freedom of communication; give better collective guarantees to journalists; reforming aid to the press; and partially reform the law of 30 Sept. 1986, through a major reform project.”

-Information on legal provisions and procedures applying to media service providers

In a formal request submitted on 8 Sept, RSF asked ARCOM to order Eutelsat, one of the world’s biggest TV satellite operators, to stop broadcasting 3 Russian disinformation and propaganda TV channels. The French state has a 22.65% stake in Eutelsat and France is a depositary of the EUTELSAT IGO international convention. As these 3 TV channels are broadcast by a French TV satellite operator, they come under French jurisdiction and are subject to oversight by ARCOM. ARCOM disagreed with the reasoning, but the Council of State issued a summary ruling on 9 Dec, in response to RSF’s request introduced on 17 November for an injunction rejecting ARCOM’s claim that it lacked the authority to order Eutelsat to carrying the the Russian propaganda channels. The Council ruled that there is a “serious doubt about the legality” of ARCOM’s position and ordered the regulator to reexamine RSF’s request.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

In theory, the current legal framework provides for that. The law of 1 August 1986 reforming the regime of press companies was designed precisely to ensure the financial transparency and pluralism of press companies. It provides for the current transparency regime - prohibition of “dummies” (prête-noms), registered shares, financial transparency, transparency of changes in capital, prohibition of advertisements presented as information and transparency of persons in charge. This law is supplemented by the law of 30 September 1986 on the freedom of communication, which has been amended almost a hundred times since then, but which remains the reference framework for setting limits on media concentration.

However, an RSF report published in December 2017 highlighted how French media ownership is dangerously concentrated in the hands of a few billionaires who have constructed often very intricate and

opaque share-holding arrangements.

The survey was carried out for RSF by Professor Julia Cagé, a specialist in media economics. Using data gathered from December 2015 to August 2016, she compiled a list of all the shareholders in the news media together with the main economic sectors in which they are active.

One of her report's main conclusions was that the growing concentration of media ownership was not synonymous with clarity. This study showed that the media ownership structure in France is characterised by complexity and a lack of transparency. It also highlighted the fact that 51% of the print and online media are controlled by companies from the financial and insurance services sector, which have created complex and opaque shareholding structures that make it hard to identify the final owner.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

While there are no structural or legal changes to report for 2022 in that regard, it must be noted that this year again, on 14 December, three investigative journalists from Radio France and online media Disclose were summoned for interrogation by the French counter-intelligence services (DGSI), on suspicion of breaching national defence secrecy

As a consequence of a complaint filed in 2018, the three journalists are suspected of "having committed or attempted to commit the offence of revealing or disclosing information allowing the identification of a member of a special forces unit" of the French army, whose identity is protected by law.

The repetition of such summonings over the past few years is heavily preoccupying, and may have a deterrent effect for other journalists investigating - or wanting to engage in investigating - potential abuses and misbehaviours among the French armed forces.

Protection of journalistic sources and communications has also been endangered in the case of France-based Bulgarian reporter Atanas Tchobanov, whose life was dissected by teams of Avisa Partners, a French business consultancy and economic intelligence firm, as revealed by the French news website Mediapart in August 2022.

In the complaint filed with French prosecutors on 3 October, his lawyers - acting on behalf of RSF and himself - alleged the "collection of personal data by fraudulent, unfair or illicit means." It claimed that a large amount of personal information about Tchobanov, his private life, his resources, his network of journalistic contacts, his activities and his reputation was collected without his knowledge.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

Although some journalists were arbitrarily prosecuted or hampered in their coverage of public events by the authorities in 2022, RSF did not register any cases of arbitrary arrests for the first time in the past few years. While the lower number or intensity of protests might have contributed to this development, the attitude of the law-enforcement authorities towards journalists on the ground has clearly improved and a structural

dialogue was launched to sustain the change. Following the adoption of the National Law Enforcement Plan (SNMO) on December 6, 2021, a "contact group" composed of representatives of the authorities and the profession (including RSF) was set up and met approximately once per month to discuss past and potential threats to journalists and the measures to tackle them.

However, in 2022, journalists suffered many violent attacks by protesters, sports fans and members of the extreme-right movements. One of the most serious cases is the attack on the Agence France-Presse crew on 15 January 2022. The journalists were threatened with death and assaulted while one of the security guards protecting them suffered a head injury during a rally against the vaccination pass organised by Florian Philippot's Les Patriotes movement.

After an initial trouble-free shooting of the rally, the situation escalated after the demonstration left the Palais de Tokyo, with about 150 individuals, identified as far-right extremists by the media, converging on the crew. According to the victims, an individual wearing a balaclava and carrying a megaphone shouted: "It's the AFP, fuck those sons of bitches!" In response to the call, at least 50 people came towards the videographer to attack her. The security guards intervened, allowing the two reporters to escape. The security guards were then beaten, including with batons, as they protected the videographer, who was cornered by about 20 demonstrators. Eventually, the videographer and the two reporters managed to take cover behind a line of mobile gendarmerie and gave up covering the rally.

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

While there are no structural or legal changes to report for 2022 in that regard, it must be noted that following the increasing number of revelations about the mistreatment of residents of residential institutions for the dependent elderly (Ehpad) in January 2022, the newspaper Le Monde questioned the government to find out the state/scale of mistreatment in the Ephad.

When questioned a month later, the government said it did not have reliable national figures on the subject. However, an "annual national statistical report" on situations of abuse in the medico-social sector has been drawn up by the Ministry of Health since 2010. These reports have so far been kept secret by the government, which initially refused to communicate them to Le Monde. However, the Commission for Access to Administrative Documents (CADA), which Le Monde turned to, found there was no reason not to publish them. Following the CADA's opinion on 7 July, the Ministry of Health finally sent the daily the last four editions of this national report, dated from 2018 to 2021.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

While there are no structural or legislative changes to report for 2022 in that regard, it must be noted that on 18 November, a Paris judge imposed a gagging order on French news website Mediapart which prohibited it from publishing new revelations in its investigation into the highly questionable political practices of Gaël Perdriau, mayor of Saint-Étienne.

Prior to this unprecedented gagging order, Mediapart's investigation had revealed the blackmailing of the

town's deputy mayor, a rival of Perdriau's, using a compromising 'sex tape' video. Even more worrying is the fact that the gagging order had been imposed at the request of Perdriau and without allowing Mediapart any legal opportunity to oppose it. Speaking as one voice, the French media and press freedom advocates denounced this move as an unprecedented attack against press freedom in France.

Hopefully, the order was overturned by the Judicial Court of Paris in its 30 November ruling. However, when speaking at the appeal hearing, even the prosecutor reminded the room that this case "illustrates the importance of the adversarial principle and the difficulty of issuing rulings without adversarial debate."

Another worrying judicial signal was sent by the decision in Altice v. Reflets.

In a protective order issued on 6 October, the Nanterre Commercial Court ordered the independent online media Reflets to refrain from publishing information about the French telecoms and media group Altice, considering that doing so would violate trade secrets. The ruling followed a complaint by Altice in August 2022.

While the plaintiff's request to withdraw published articles was rejected, the decision is outrageous in several respects. First, the court imposed a ban on articles that had not yet been published; it refused to apply the journalistic privilege clearly provided for in the law on trade secrets; and it applied commercial law in a case that should have been governed by press law, thereby depriving the media of the guarantees set out in the 1881 Press Freedom law.

Other - please specify

3000 character(s) maximum

Links to sources for each question:

(B1)

<https://data.culturecommunication.gouv.fr/explore/dataset/aides-a-la-presse-classement-des-titres-de-presse-aides/table/?disjunctive>.

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<https://www.culture.gouv.fr/Presse/Communiqués-de-presse/Annonce-aide-de-30-millions-d-euros-aux-editeurs-de-presse>

<https://blogs.mediapart.fr/spiil/blog/070921/panorama-2021-des-aides-la-presse>

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<https://www.mediapart.fr/journal/economie-et-social/020123/l-etat-finance-fonds-perdu-et-sans-fondement-la-presse-vieillissante-des-milliardaires>

<https://www.culture.gouv.fr/Presse/Communiqués-de-presse/Annonce-du-plan-de-soutien-a-la-filiere-presse>

(B2(a))

<https://rsf.org/en/france-must-drop-makeshift-approach-public-broadcast-media-funding>

<https://www.conseil-constitutionnel.fr/decision/2022/2022842DC.htm>

http://www.senat.fr/espace_presse/actualites/202203

/commission_denquete_sur_la_concentration_des_medias_en_france.html

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<https://rsf.org/en/french-regulator-told-reconsider-rsf-s-request-ban-russian-propaganda-broadcasts-eutelsat>

<https://rsf.org/en/rsf-asks-french-regulator-order-eutelsat-stop-carrying-russian-war-propaganda>

(B3)

<https://rsf.org/en/who-owns-media-france>

(C1)

https://www.lemonde.fr/actualite-medias/article/2022/12/07/la-dgsi-convoque-trois-journalistes-de-radio-france-et-disclose-pour-des-soupcons-d-atteinte-au-secret-de-la-defense-nationale_6153423_3236.html

<https://rsf.org/en/rsf-files-complaint-about-french-business-intelligence-firm-s-report-bulgarian-journalist>

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<https://reporterre.net/Lettre-au-ministre-de-la-Justice-sur-la-liberte-d-informer>

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https://www.lemonde.fr/les-decodeurs/article/2022/09/06/ehpad-les-autorites-sanitaires-incapables-de-mesurer-les-maltraitances_6140434_4355770.html

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https://www.mediapart.fr/en/journal/france/211122/judge-slaps-gagging-order-mediapart-investigation?_locale=en

<https://rsf.org/en/rsf-hails-paris-court-decision-quashing-order-censoring-mediapart>

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<https://rsf.org/fr/altice-reflets-le-tribunal-de-commerce-de-nanterre-refuse-une-censure-posteriori-mais-la-prononce>

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

3000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu