

# Study to support the preparation of an EU instrument to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

## Mapping of national legislation – France

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>I. General information about the national legal framework</b>		
<b>National legal act(s)</b> governing political advertising	<p><b>Legislation:</b></p> <ul style="list-style-type: none"> <li>- Constitution of 4 October 1958</li> <li>- Electoral Code, in particular Chapter V relates to Propaganda (Articles L47 A à L52-3)</li> <li>- Organic Law and ordinary Law of 22 December 2018 on countering information manipulation</li> <li>- Ordinary law and organic law of 25 April 2016 modernising the rules applicable to elections and the presidential election</li> <li>- Law No. 2011-412 of 14 April 2011 simplifying provisions of the electoral code and relating to the financial transparency of political life</li> </ul>	<p><b>Please provide an overview of how political advertising is regulated in your Member State:</b></p> <p><i>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</i></p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing <b>online</b> political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory instruments applicable to political advertising, political campaigning and parties/candidates funding.</i></p> <p>Media freedom, including political advertising, is controlled by French law during election periods in order to guarantee “the pluralist expression of opinions and the fair participation of political parties and groups in the democratic life of the nation” mentioned in Article 4 Constitution of 4 October 1958.</p> <p>The dissemination of information of political nature and of electoral propaganda during elections period or referendum in France is mainly governed by the <b>provisions of the Electoral Code</b>. The Electoral</p>

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	<ul style="list-style-type: none"> <li>- Law No. 88-227 of 11 March 1988 on financial transparency in political life</li> <li>- Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls</li> <li>- Law No 86-1067 of 30 September 1986 on freedom of communication</li> <li>- Law of 29 July 1881 on freedom of the press</li> </ul> <p><b>Regulations:</b></p> <p>Resolution No. 2011-1 of 4 January 2011 on the principle of political pluralism in radio and television services during election periods of the Superior Audio-visual Council (CSA)</p> <ul style="list-style-type: none"> <li>- Resolution No 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services of the Superior Audio-visual Council (CSA)</li> <li>- Recommendation No 2019-03 of May 15, 2019 of the Superior Audio-visual Council to online platform operators as part of the duty of cooperation in the</li> </ul>	<p>Code had been subject to numerous revisions, and provisions from different main legislations have been added.</p> <p>Apart from that, the main legislations applicable to “electoral propaganda” include the Law of 29 July 1881 on freedom of the press, the Law of 30 September 1986 on freedom of communication, the Law of 11 March 1988 on financial transparency in political life, and the Law of 14 April 2011 on the simplification of provisions of the Electoral Code and on financial transparency in political life.</p> <p><b>Specific law on false information during elections period:</b></p> <p>Importantly, the organic Law and ordinary Law of 22 December 2018 relating to the manipulation of information aims to fight the manipulation of information in the digital age and to stem the spread of false information (“fake news”) during electoral campaign periods( three months prior to an election). The 2018 Law on manipulation of information has introduced news provisions in the Electoral Code, which are applicable to legislative, senatorial, presidential and European elections as well as referendums in relation to the manipulation of information.</p> <p>It must be noted the Constitutional Court has declared in its decisions n ° 2018-773 DC and n° 2018-774 DC of 20 December 2018, that the 2018 Law on manipulation of information was constitutional.</p> <p>For what concerns <b>self and co-regulation of political advertising in France</b>, regulations exist in the field of broadcasting media. For instance, in 2012, opinion poll organisations agreed to uphold the ban on the publication of opinion polls on the day of and the day before an election.</p>

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	fight against the dissemination of false information	
Legal and/or statutory definition of the notion of “political advertising” and “online political advertising” (if applicable)	Article L48-1 of the Electoral Code	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p>The Electoral Code refers to the term of “<b>electoral propaganda</b>”. In particular, Chapter V (Article L47 to Article L52-3) of the Electoral Code provides for rules applicable to “Propaganda”.</p> <p><i>Does your national legislation or regulations define <b>online</b> political advertising?</i></p> <p>It can be considered that the national legislation defines <b>online</b> political advertising as the Electoral Code refers to “<b>any message having the character of electoral propaganda disseminated by any means of communication to the public by electronic means</b>”, which are prohibited under Article L48-1 of the Electoral Code.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	Article L47 to Article L52-3 of the Electoral Code	<p><i>Examples: “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.</i></p> <p><i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i></p> <p>The Electoral Code refers to the term of “<b>electoral propaganda</b>”. In particular, Chapter V (Article L47 to Article L52-3) of the Electoral Code provides for rules applicable to “Propaganda”.</p>
Evaluation of the current legislative framework and draft legislations on political		<u><i>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</i></u>

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advertising and/or online political advertising		<p><u>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</u></p> <p>As underlined in the present report, several <b>legislative, regulatory and soft law developments</b> have aimed to respond to the challenges posed by online political advertising, such as the 2018 Law to counter information manipulation in France or the CSA Recommendation of 15 May 2019 of the High Audio-visual Council to online platform operators as part of the duty of cooperation in the fight against the dissemination of false information. The latter entails recommendations on the transparency of algorithms used, by stating in particular that “users must be able to exercise their critical mind in an informed manner on the content offered to them by online platforms”.</p>
<b>II. Political advertising rules during pre-election campaigns</b>		
Definitions of <b>pre-election campaigns</b> in the Member State (if applicable)	Article L47A of the Electoral Code	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p><b>Pre-election period</b> corresponds in the legislation to the <b>six months prior to an election and until the date of the ballot when it is acquired</b>, during which prohibitions of electoral propaganda apply.</p> <p><b>Campaigning period begins on the second Monday before polling day and ends the day before polling day at midnight.</b> In the event of a second round of elections, campaigning opens the day after the first round and ends the day before polling day at midnight. (Article L47A of the Electoral Code)</p>
National rules on <b>paid political advertising</b> during pre-election campaigns	Article L52-1 of Electoral Code	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p>

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		<p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p><b>Privately paid-for TV and radio advertisements are prohibited by French law. Paid referencing is also strictly prohibited.</b></p> <p>In particular, during the <b>six months prior to an election and until the date of the ballot when it is acquired</b>, the use, for the purposes of electoral propaganda, of any process of commercial advertising in the press or in any means of audio-visual communication is <b>prohibited</b>. (Article L52-1 of Electoral Code)</p>
<b>National rules on financing of political parties/candidates in relation to political adverts</b>		<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p>
National rules on <b>free political advertising (or free airtime)</b> during pre-election campaigns	<p>Article L167-1 of the Electoral Code</p> <p>Resolution No 2011-1 of 4 January 2011 relating to the principle of political pluralism in radio and television services during the election period</p>	<p><i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i></p> <p>During the electoral campaigns, the broadcasts of the public audio-visual communication services shall be made available to political parties and groups, according to Article L167-1 of the Electoral Code. In particular, for the first ballot, a transmission time of seven minutes shall be made available to each party or political group. For broadcasts preceding the second ballot, a five-minute broadcast period is made available to the same parties and political groups.</p>

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		<p>In addition, the expenses related to the official audio-visual campaign are the responsibility of the State.</p> <p>As regards presidential elections, during the official campaign period, as prescribed by the law, all presidential candidates were granted free airtime slots to convey their messages on public televisions and radios. Prior to the first round of the election, the eleven candidates were offered a total of 43 minutes in each public broadcast media, while during the last week of the official campaign for the second round the two contestants were granted one-hour of free airtime each<sup>1</sup>.</p> <p>Further to that, during the <b>six weeks</b> preceding polling day, audio-visual media, in particular, the publishers of radio and television services must, in their election coverage, ensure that the candidates and their supporters “are presented fairly and given fair access to airtime”, according to the Resolution No 2011-1 of 4 January 2011 relating to the principle of political pluralism in radio and television services during the election period. News coverage unrelated to the election remains subject to these rules.</p>
National rules on political advertising on <b>broadcast media</b> during pre-election campaigns (incl. public service and private broadcasters)	<p>Article 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom of communication</p> <p>Article L52-1 of the Electoral Code</p>	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i></p> <p><b>Privately paid-for TV and radio advertisements are prohibited by French law.</b></p> <p><b>Promotional audio-visual programmes of a political nature are prohibited at all times</b>, including during pre-elections period (Article 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom</p>

<sup>1</sup> OSCE/ODIHR (2017) Republic of France, Presidential Election, 23 April and 7 May OSCE/ODIHR Election Expert Team Final Report, OSCE/ODIHR, Warsaw.

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		<p>of communication). Any violation is punished by a <u>fine of 75 000 euros</u> (Article L90-1 of the Electoral Code).</p> <p>The <b>prohibition</b> of electoral propaganda during the six months leading up to up to the elections is applicable to the communication by any means of audio-visual communication, thus including broadcast media, according to Article L52-1 of the Electoral Code.</p> <p>Further to that, during the <b>six weeks</b> preceding polling day, audio-visual media, in particular, the publishers of radio and television services must, in their election coverage, ensure that the candidates and their supporters “are presented fairly and given fair access to airtime”, according to the Resolution No 2011-1 of 4 January 2011 relating to the principle of political pluralism in radio and television services during the election period. News coverage unrelated to the election remains subject to these rules.</p>
National rules on political advertising in <b>print media</b> during pre-election campaigns	Article L52-1 of the Electoral Code.	<p><i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i></p> <p>The <b>prohibition</b> of electoral propaganda during the six months leading up to up to the elections is also applicable to the communication by means of the press, according to Article L52-1 of the Electoral Code.</p>
National rules on political advertising on <b>online media applicable to political parties</b> , during pre-election campaigns	Article L48-1 of the Electoral Code	<p><i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p>Article L48-1 of the Electoral Code specifies that <b>the prohibitions and restrictions rules on electoral propaganda are applicable to any message having the character of electoral propaganda disseminated by any means of communication to the public by electronic means</b>. The introduction of this provision within the Electoral Code aimed to codify the national case law according to which <u>all means of communication (including communication by</u></p>



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		Internet) are subject to the propaganda restrictions provided for in the Electoral Code <sup>2</sup> . It must be underlined that the ban on distributing publicity for propaganda purposes prohibits the commercial referencing of a website in a search engine prior to an election, but not the creation of a website that is only accessible to voters who visit it intentionally.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during pre-election campaigns	Organic Law and ordinary Law of 22 December 2018 on countering information manipulation  Article L. 163-1 and Article L163-2 of the Electoral Code  Article L. 112 of the Electoral Code	<i>Are there any particular rules to online platforms during pre-election campaigns in your Member State?</i>  <b><u>Specific rules applicable to online platforms during the campaigning period:</u></b>  <b><u>2018 Law on countering information manipulation:</u></b> The Law of 22 December 2018 on countering information manipulation specifically aims to fight the manipulation of information in the digital age and to stem the spread of false information ("fake news") during electoral campaign periods.  <b>Transparency obligations of online platform operators relating to the promotion of information content linked to a debate of general interest:</b> <u>During the three months prior to an election and until the date of the ballot when it is acquired</u> , Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating to the promotion of information content linked to a debate of general interest. As such, online platforms and intermediaries whose number of connections on French territory exceeds 5 million unique visitors per

<sup>2</sup>CE, 3ème et 8ème sous-sect. réunies, 13 février 2009, n° 317637. See at: [https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT0000202530\\_73&fastReqId=1760283217&fastPos=1](https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT0000202530_73&fastReqId=1760283217&fastPos=1)



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		<p>month on average per year<sup>3</sup> must provide the users with fair, clear and transparent information on the identity of the private person or the company, which pays to the platform for the promotion of information content related to a debate of general interest.</p> <p>Online platforms and intermediaries must also make public the amount of the remuneration received for the promotion of such content when the amount exceeds a specific threshold.</p> <p>These information must be made available to the public in a register, regularly updated during the campaigning period.</p> <p>Article L. 112 of the Electoral Code punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000€</u>.</p> <p>Over this same period, Article L163-2 of the Electoral Code provides for the application for interim measures for the cessation of the dissemination of false information on communication services to the public online, when they are likely to undermine the integrity of elections.</p>
Specific rules relating to “ <b>false information</b> ”, <b>fake news</b> ” or “ <b>disinformation campaigns</b> ” during pre-election campaigns		<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during pre-election campaigns?</i></p> <p><b><u>Specific rules applicable to online platforms during the campaigning period:</u></b></p> <p><b><u>2018 Law on manipulation of information:</u></b>  The Law of 22 December 2018 relating to the manipulation of information specifically aims to fight the manipulation of information in the digital age and to stem the spread of false information (“fake news”) during electoral campaign periods.</p>

<sup>3</sup> Online platforms operators are within the meaning of Article L 111-7 of the Consumer Code, ‘whose activity exceeds five million unique visitors per month, per platform, calculated on the basis of the last calendar year’.

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		<p><b>Transparency obligations of online platform operators relating to the promotion of information content linked to a debate of general interest:</b></p> <p><u>During the three months prior to an election and until the date of the ballot when it is acquired</u>, Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating to the promotion of information content linked to a debate of general interest. As such, online platforms and intermediaries whose number of connections on French territory exceeds 5 million unique visitors per month on average per year<sup>4</sup> must provide the users with fair, clear and transparent information on the identity of the private person or the company, which pays to the platform for the promotion of information content related to a debate of general interest.</p> <p>Online platforms and intermediaries must also display to users information on use of personal data when promoting content related to a debate of general interest.</p> <p>Online platforms and intermediaries must finally make public the amount of the remuneration received for the promotion of such content when the amount exceeds a specific threshold.</p> <p>These information must be made available to the public in a register, regularly updated during the campaigning period.</p> <p>Article L. 112 of the Electoral Code punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000€</u>.</p> <p>Over this same period, Article L163-2 of the Electoral Code provides for the application for interim measures for the cessation of the dissemination of false information on communication services to the public online, when they are likely to undermine the integrity of elections.</p>

<sup>4</sup> Online platforms operators are within the meaning of Article L 111-7 of the Consumer Code, 'whose activity exceeds five million unique visitors per month, per platform, calculated on the basis of the last calendar year'.

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		Article L. 112 punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000€.</u>
<b>III. Political advertising rules during elections period</b>		
Definitions of <b>elections period in the Member State (if applicable)</b>	Article L47A of the Electoral Code	<p><i>How is the elections period defined in your Member State?</i></p> <p>The campaigning period ends the day before polling day at midnight. Therefore, the elections period starts <b>after 0:00 the day before polling day</b> (Article L47A of the Electoral Code).</p>
National rules on <b>paid political advertising</b> during elections period	Article L52-1 of Electoral Code	<p><i>Is paid political advertising during election period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction (e.g. enforcement of ‘silence periods’ online)</i></p> <p>General prohibitions apply to all media, both traditional and online, for the dissemination of information concerning elections or a referendum.</p> <p><b>Privately paid-for TV and radio advertisements are prohibited by French law. Paid referencing is also strictly prohibited.</b></p> <p>In particular, during the <b>six months prior to an election and until the date of the ballot when it is acquired</b>, the use, for the purposes of electoral propaganda, of any process of commercial advertising in the press or in any means of audio-visual communication is <b>prohibited</b>. (Article L52-1 of Electoral Code)</p>

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National rules on financing of political parties/candidates in relation to political adverts		<i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i>
National rules on <b>free political advertising (or free airtime)</b> during elections period		<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>See free airtime granted to political parties and groups during the electoral campaigns period.</p>
National rules on political advertising on <b>broadcast media</b> during elections period (incl. public service and private broadcasters)	<p>Article L48 of the Electoral Code Article L48-2 of the Electoral Code Article L49 of the Electoral Code Article L52-1 of the Electoral Code Article L52-2 of the Electoral Code Article L90-1 of the Electoral Code</p> <p>Law of 29 July on freedom of the press</p> <p>Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls</p> <p>Resolution No 2011-1 of 4 January 2011 relating to the principle of political pluralism in radio and television services during the election period</p>	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i></p> <p><b><u>General rules applicable to the campaigning period, also applicable to the elections period:</u></b></p> <p><b>Promotional audio-visual programmes of a political nature are prohibited at all times</b>, including during elections period (Article 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom of communication). Any violation is punished by a <u>fine of 75 000 euros</u> (Article L90-1 of the Electoral Code).</p> <p>The <b>prohibition of electoral propaganda during the six months leading up to the elections</b> is applicable to the communication by any means of audio-visual communication, thus including broadcast media, according to Article L52-1 of the Electoral Code.</p> <p>During the <b>six weeks</b> preceding polling day, audio-visual media, in particular, the publishers of radio and television services must, in their election coverage, ensure that the candidates and their supporters “are presented fairly and given fair access to airtime”, according to the</p>

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		<p>Resolution No 2011-1 of 4 January 2011 relating to the principle of political pluralism in radio and television services during the election period. News coverage unrelated to the election remains subject to these rules.</p> <p><b>“New element of electoral controversy”:</b> Additionally and in order to maintain the adversarial nature of the electoral debate, it is forbidden for any candidate to bring to the attention of the public a <b>new element of electoral controversy</b> at a time such that his opponents do not have the opportunity to respond usefully before the end of the electoral campaign.</p> <p>Subsequently, broadcasting media are also banned from publishing comments by a candidate that include a new electoral argument to which their opponents are unable to offer a considered response before the end of the election campaign. (Article L48-2 of the Electoral Code).</p> <p><b>Legal proceedings for insult, defamation or incitation to hatred, violence or discrimination, or demand the right of reply for candidates/political parties:</b> Under Article L48 of the Electoral Code, which provides for the application of the Law of 29 July on freedom of the press to electoral propaganda, candidates or parties criticised by the media in the run-up to an election or referendum can instigate legal proceedings for insult, defamation or incitation to hatred, violence or discrimination, or demand the right of reply.</p> <p><b><u>Specific rules applicable to elections period (under the so-called “silence period”):</u></b></p> <p><b>Silence period:</b> The so-called “silence period” begins at midnight on the day before the election, according to Article L49 of the Electoral Code. During the silence period, audio-visual media, including</p>

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		<p>broadcasting media, are forbidden from disseminating any message having the character of electoral propaganda.</p> <p><b>Dissemination of election results in the media:</b> Under Article L52-2 of the Electoral Code, “no election results, either partial or final, may be communicated to the public <u>by any means</u>” before the last polling station is closed.</p> <p><b>Opinion polls during elections period:</b> According to Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls, <b>the publication, dissemination or comment of electoral opinion polls by any means are forbidden</b> the day before an election or a referendum as well as during the polling day. For the election of the President of the Republic, the election of deputies and the election of members the European Parliament as well as for national referendums, this prohibition applies from the Saturday preceding the ballot. This bans ends when the last polling station is closed.</p>
National rules on political advertising in <b>print media</b> during elections period	<p>Article L48-2 of the Electoral Code Article L49 of the Electoral Code Article L52-1 of the Electoral Code Article L 52-8 of the Electoral Code Article L89 of the Electoral Code</p> <p>Law of 29 July on freedom of the press</p> <p>Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls</p>	<p><i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i></p> <p><b><u>General rules applicable to the campaigning period, also applicable to the elections period:</u></b></p> <p><b>The prohibition of electoral propaganda during the six months leading up to the elections is applicable to the communication by means of the press, according to Article L52-1 of the Electoral Code.</b></p> <p><b>However, one exception for the advertisement in the press exists and is set out in Article L 52-8 of the Electoral Code.</b> Candidates or lists of candidates are <b>allowed to use press advertising to solicit</b></p>

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		<p><b>donations.</b> Advertising may not contain any other mentions than those specific to allowing the payment of the donation (Article L52-8 (7) of Electoral Code).</p> <p><b>As regards advertising by posting means,</b> during the six months prior to an election until the date of the ballot when it is acquired, any posting relating to the election, even by stamped posters, is <b>prohibited</b> outside that location or on the location reserved for other candidates, as well as outside free expression billboards where they exist. (Article L51 of Electoral Code).</p> <p>Distributing or get distributed leaflets, circulars and other documents is forbidden from the day before the ballot at midnight (Article L49 of the Electoral Code). Any violation shall be punished by a <u>fine of 3 750€</u> (Article L89 of the Electoral Code)</p> <p><b>“New element of electoral controversy”:</b> In order to maintain the adversarial nature of the electoral debate, it is forbidden for any candidate to bring to the attention of the public a <b>new element of electoral controversy</b> at a time such that his opponents do not have the opportunity to respond usefully before the end of the electoral campaign.</p> <p>Subsequently, print media are also banned from publishing comments by a candidate that include a new electoral argument to which their opponents are unable to offer a considered response before the end of the election campaign. (Article L48-2 of the Electoral Code).</p> <p><b>Legal proceedings for insult, defamation or incitation to hatred, violence or discrimination, or demand the right of reply for candidates/political parties:</b> Under Article L48 of the Electoral Code, which provides for the application of the Law of 29 July on freedom of the press to electoral propaganda, candidates or parties criticised by</p>



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		<p>the media in the run-up to an election or referendum can instigate legal proceedings for insult, defamation or incitation to hatred, violence or discrimination, or demand the right of reply. In addition, the deadlines for publishing a reply in a <b>daily newspaper</b> and appearing in court in cases involving alleged defamation or insult against a candidate for elective office should be twenty-four hours, with the judgment required before election day.</p> <p><b><u>Specific rules applicable to elections period (under the so-called “silence period”):</u></b></p> <p><b>Silence period:</b> The so-called “silence period” begins at midnight on the day before the election, according to Article L49 of the Electoral Code. During the silence period, it is prohibited to disseminate to the public, in print media, any message that constitutes election propaganda.</p> <p><b>Dissemination of election results in the media:</b> Under Article L52-2 of the Electoral Code, “no election results, either partial or final, may be communicated to the public <u>by any means</u>” before the last polling station is closed.</p> <p><b>Opinion polls during elections period:</b> According to Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls, the publication, dissemination or comment of electoral opinion polls <b>by any means are forbidden</b> the day before an election or a referendum as well as during the polling day. For the election of the President of the Republic, the election of deputies and the election of members the European Parliament as well as for national referendums, this prohibition applies from the Saturday preceding the ballot. This bans ends when the last polling station is closed.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising on <b>online media applicable to political parties</b> , during elections period	Article L48-1 of the Electoral Code Article L49 of the Electoral Code Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls	<p><i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p><b><u>General rules applicable to the campaigning period, also applicable to the elections period:</u></b></p> <p>Article L48-1 of the Electoral Code specifies that <b>the prohibitions and restrictions rules on electoral propaganda are applicable to any message having the character of electoral propaganda disseminated by any means of communication to the public by electronic means</b>. The introduction of this provision within the Electoral Code aimed to codify the national case law according to which <u>all means of communication (including communication by Internet) are subject to the propaganda restrictions provided for in the Electoral Code<sup>5</sup></u>.</p> <p>It must be underlined that the ban on distributing publicity for propaganda purposes prohibits the commercial referencing of a website in a search engine prior to an election, but not the creation of a website that is only accessible to voters who visit it intentionally.</p> <p><b><u>Specific rules applicable to elections period (under the so-called “silence period”):</u></b></p> <p><b>Silence period applicable to online media:</b> From the day before the ballot at midnight, it is prohibited to disseminate by any means of communication to the public by electronic means any message having the character of electoral propaganda (Article L49 of the Electoral Code).</p>

<sup>5</sup>CE, 3ème et 8ème sous-sect. réunies, 13 février 2009, n° 317637. See at: [https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT0000202530\\_73&fastReqId=1760283217&fastPos=1](https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT0000202530_73&fastReqId=1760283217&fastPos=1)

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<b>Opinion polls during elections period:</b> According to Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls, the publication, dissemination or comment of electoral opinion polls <b>by any means are forbidden</b> the day before an election or a referendum as well as during the polling day. For the election of the President of the Republic, the election of deputies and the election of members the European Parliament as well as for national referendums, this prohibition applies from the Saturday preceding the ballot. This bans ends when the last polling station is closed.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during elections period	Article L. 163-1 of the Electoral Code Article L163-2 of the Electoral Code Article L. 112 of the Electoral Code punishes  Law of 22 December 2018 on countering information manipulation	<i>Are there any particular rules to online platforms during elections period in your Member State?</i>  <b><u>General rules applicable to the campaigning period to online platforms, also applicable to the elections period:</u></b> <b><u>2018 Law on manipulation of information:</u></b> <b>The Law of 22 December 2018 relating to the manipulation of information specifically aims to fight the manipulation of information in the digital age and to stem the spread of false information ("fake news") during electoral campaign periods.</b>  <b>Transparency obligations of online platform operators relating to the promotion of information content linked to a debate of general interest:</b> <u>During the three months prior to an election and until the date of the ballot when it is acquired, Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating to the promotion of information content linked to a debate of general interest. As such, online platforms and intermediaries whose number of connections on French territory exceeds 5 million unique visitors per</u>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>month on average per year<sup>6</sup> must provide the users with fair, clear and transparent information on the identity of the private person or the company, which pays to the platform for the promotion of information content related to a debate of general interest.</p> <p>Online platforms and intermediaries must also display to users information on use of personal data when promoting content related to a debate of general interest.</p> <p>Online platforms and intermediaries must finally make public the amount of the remuneration received for the promotion of such content when the amount exceeds a specific threshold.</p> <p>These information must be made available to the public in a register, regularly updated during the campaigning period.</p> <p>Article L. 112 of the Electoral Code punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000€</u>.</p> <p><b>Transparency obligations of online platform operators relating to the promotion of information content linked to a debate of general interest:</b></p> <p><u>During the three months prior to an election and until the date of the ballot when it is acquired</u>, Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating to the promotion of information content linked to a debate of general interest.</p> <p><b><u>Specific rules applicable to elections period (under the so-called “silence period”):</u></b></p> <p><b>Silence period applicable to online platforms and intermediaries:</b></p> <p>From the day before the ballot at midnight, it is prohibited to disseminate by any means of communication to the public by electronic</p>

<sup>6</sup> Online platforms operators are within the meaning of Article L 111-7 of the Consumer Code, ‘whose activity exceeds five million unique visitors per month, per platform, calculated on the basis of the last calendar year’.

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>means any message having the character of electoral propaganda (Article L49 of the Electoral Code).</p> <p><b>Opinion polls during elections period:</b> According to Article 11 of the Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls, the publication, dissemination or comment of electoral opinion polls <b>by any means are forbidden</b> the day before an election or a referendum as well as during the polling day. For the election of the President of the Republic, the election of deputies and the election of members the European Parliament as well as for national referendums, this prohibition applies from the Saturday preceding the ballot.</p>
Specific rules relating to “ <b>false information</b> ,” “ <b>fake news</b> ” or “ <b>disinformation campaigns</b> ” during elections period	<p>Article L. 163-1 of the Electoral Code Article L163-2 of the Electoral Code Article L. 112 of the Electoral Code</p> <p>Law of 22 December 2018 on countering information manipulation</p>	<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during elections period?</i></p> <p><b><u>General rules applicable to the campaigning period to online platforms, also applicable to the elections period:</u></b></p> <p><b><u>2018 Law on manipulation of information:</u></b> The Law of 22 December 2018 relating to the manipulation of information specifically aims to fight the manipulation of information in the digital age and to stem the spread of false information (“fake news”) during electoral campaign periods.</p> <p><b>Transparency obligations of online platform operators relating to the promotion of information content linked to a debate of general interest:</b> <u>During the three months prior to an election and until the date of the ballot when it is acquired</u>, Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>to the promotion of information content linked to a debate of general interest.</p> <p>As such, online platforms and intermediaries must provide the users with fair, clear and transparent information on the identity of the private person or the company, which pays to the platform for the promotion of information content related to a debate of general interest.</p> <p>Online platforms and intermediaries must also make public the amount of the remuneration received for the promotion of such content when the amount exceeds a specific threshold.</p> <p>These information must be made available to the public in a register, regularly updated during the campaigning period.</p> <p>Over this same period, Article L163-2 of the Electoral Code provides for the application for interim measures for the cessation of the dissemination of false information on communication services to the public online, when they are likely to undermine the integrity of elections.</p> <p>Article L. 112 punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000€</u>.</p>
<b>IV. Political advertising rules outside of elections period</b>		
National rules on <b>paid political advertising</b> outside of elections period	<p>Law n ° 86-1067 of 30 September 1986 relating on freedom of communication (Art. 14)</p> <p>Article L90-1 of the Electoral Code</p>	<p><i>Is paid political advertising outside of elections period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>If allowed, are there restrictions on paid political advertising?</i></p> <p><i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>Privately paid-for TV and radio advertisements are prohibited by French law at all times. Paid referencing is also strictly prohibited.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		Advertising broadcasts of a political nature are prohibited. Any violation is punished by a 75 000 euros fine.
National rules on financing of political parties in relation to political adverts		<i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i> N/A
National rules on <b>free political advertising (or free airtime)</b> outside of elections period	Article 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom of communication  Article L90-1 of the Electoral Code  Resolution no. 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services	<i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i> The pluralist expression of opinions and the fair participation of political parties and groups in the democratic life of the nation” mentioned in Article 4 Constitution of 4 October 1958, must be guaranteed at all times. Outside of elections periods, Resolution no. 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services provides that the publishers of radio and television services must respect the <b>principle of political pluralism for news coverage unrelated to an election.</b>
National rules on political advertising on <b>broadcast media</b> outside of elections period (incl. public service and private broadcasters)	Article 13, 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom of communication  Article L90-1 of the Electoral Code  Resolution no. 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services	<i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i>  <b>Promotional audio-visual programmes of a political nature are prohibited at all times</b> , including outside of elections period (Article 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom of communication). Any violation is punished by a <u>fine of 75 000 euros</u> (Article L90-1 of the Electoral Code).  “The pluralist expression of opinions and the fair participation of political parties and groups in the democratic life of the nation”



Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>mentioned in Article 4 Constitution of 4 October 1958, must be guaranteed at all times.</p> <p>Outside of elections periods, Resolution no. 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services provides that the publishers of radio and television services must respect the <b>principle of political pluralism for news coverage unrelated to an election</b>.</p> <p>Accordingly, the radio and television services must transmit data relating to the intervention times of political figures in newspapers and newsletters, magazines and other program broadcasts to CSA. The CSA then communicates each month to the Presidents of the National Assembly and of the Senate and to the leaders of the various political parties represented in Parliament the record of the intervention times of political figures in newspapers and newsletters, magazines and other program broadcasts. This statement is also published in an open format (Art. 13 of Law No 86-1067 of 30 September 1986 on freedom of communication)</p>
National rules on political advertising in <b>print media</b> outside of elections period	Law No 86-1067 of 30 September 1986 on freedom of communication	<p><i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i></p> <p>The pluralist expression of opinions and the fair participation of political parties and groups in the democratic life of the nation” mentioned in Article 4 Constitution of 4 October 1958, must be guaranteed at all times.</p> <p>Outside of elections periods, Resolution no. 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services provides that the publishers of radio and television services must respect the <b>principle of political pluralism for news coverage unrelated to an election</b>.</p> <p>Accordingly, the radio and television services must transmit data relating to the intervention times of political figures in newspapers and newsletters, magazines and other program broadcasts to CSA. The CSA then communicates each month to the Presidents of the National</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		Assembly and of the Senate and to the leaders of the various political parties represented in Parliament the record of the intervention times of political figures in newspapers and newsletters, magazines and other program broadcasts. This statement is also published in an open format (Art. 13 of Law No 86-1067 of 30 September 1986 on freedom of communication)
National rules on political advertising on online media <b>applicable to political parties</b> , outside of elections period		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>
<b>V. Rules and obligations applicable to online platform operators and intermediaries of political advertising</b>		
Particular rules <b>applicable to online platforms and intermediaries</b> such as social media for political advertising	Article L. 163-1 and Article L163-2 of the Electoral Code Article L. 112 of the Electoral Code  Law of 22 December 2018 on countering information manipulation	<p><i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i></p> <p><i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i></p> <p><i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i></p> <p><b><u>2018 Law on manipulation of information:</u></b></p> <p><b>The Law of 22 December 2018 relating to the manipulation of information specifically aims to fight the manipulation of information in the digital age and to stem the spread of false information ("fake news") during electoral campaign periods.</b></p> <p><b>Transparency obligations of online platform operators relating to the promotion of information content linked to a debate of general interest:</b></p> <p><u>During the three months prior to an election and until the date of the ballot when it is acquired, Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating</u></p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>to the promotion of information content linked to a debate of general interest.</p> <p>As such, online platforms and intermediaries must provide the users with fair, clear and transparent information on the identity of the private person or the company, which pays to the platform for the promotion of information content related to a debate of general interest.</p> <p>Online platforms and intermediaries must also make public the amount of the remuneration received for the promotion of such content when the amount exceeds a specific threshold.</p> <p>These information must be made available to the public in a register, regularly updated during the campaigning period.</p> <p>Over this same period, Article L163-2 of the Electoral Code provides for the application for interim measures for the cessation of the dissemination of false information on communication services to the public online, when they are likely to undermine the integrity of elections.</p> <p>Article L. 112 punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000</u></p>
<b>VI. Transparency rules for political parties/candidates funding</b>		
Rules on <b>direct public funding<sup>7</sup> to political parties and/or candidates</b>	<p>Article L52-8 of the Electoral Code</p> <p>Article L52-10 of the Electoral Code</p> <p>Articles 9, 11-4, 11-7 of the Law of 11 March 1988 on financial transparency in political life</p>	<p><i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i></p> <p>Overall, public funding available for parties based on the share of votes in the previous election which is allocated proportionally.</p>

<sup>7</sup> Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates . Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

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		<p><b>Donations from natural persons:</b> Donations from natural persons of French nationality or French residents to a political candidate are <b>allowed</b>. Donations made by a private person for <u>the financing of the campaign of one or more candidates during the same elections cannot exceed 4,600 euros<sup>8</sup></u> (Article L52-8 (1) of Electoral Code).</p> <p>Donations from natural persons of French nationality or French residents to a political party or group are allowed. Donations made and contributions paid as a member of one or more parties or political groups by a natural person <u>cannot exceed 7,500 euros annually</u>. (Article 11-4 of the Law of 11 March 1988 on financial transparency in political life)</p> <p><b>Anonymous donations:</b> Any donation of more than 150 euros made by a natural person to a candidate for his campaign or a political party or group must be paid by check, transfer, direct debit or bank card. The law does not require the identity of donors to be disclosed as cash donations of 150 euros or less can be made anonymously. In the other way around, all donations above 150 euros must include the donor's identity. (Article L52-8 of Electoral Code and Article 11-4 of the Law of 11 March 1988 on financial transparency in political life).</p> <p><b>Direct funding from legal persons:</b> Legal persons are <b>prohibited</b> from participating in the financing of a candidate's electoral campaign, neither by granting this candidate donations in any form whatsoever, with the exception of political parties and groups. Credit institutions or finance companies having their head office in a EU Member States or EEA States, can neither grant loans to a candidate, nor provide him with their guarantee for obtaining loans. (Article L52-8 (2) of Electoral Code).</p> <p><b>The same ban applies to legal persons for direct public funding of political parties.</b> According to Article 11-4 of the Law of 11 March 1988 on financial transparency in political life, legal persons are</p>

<sup>8</sup> N.B.: All amounts authorised are updated every year by decree.

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		<p>prohibited from participating in the financing or to make donations to political parties or groups, except the political parties and groups themselves.</p> <p><b>Transparency rules applicable to candidates:</b> Candidates or lists of candidates can use press advertising to solicit donations. However, advertising cannot contain any other mentions than those specific to allowing the payment of the donation. <u>(Article L52-8 (7) of Electoral Code).</u></p> <p><b>Aids allocated to political parties and groups:</b> In addition, Article 9 of the Law of 11 March 1988 on financial transparency in political life regulated the amount of aids allocated to political parties and groups. To be eligible for public funding, political parties must endorse at least 50 candidates who in turn must get at least 1 % of votes in their respective constituencies.</p> <p><b>Importantly, the Law has introduced new disclosure requirements towards political parties/groups stipulated in</b> the Law of 11 March 1988 on financial transparency in political life. Therefore, Article 11-4 of Law of 11 March 1988 on financial transparency in political life now stipulates that the political party or group must communicate <b>each year</b> to the <b>National Commission for Campaign Accounts and Political Funding</b> the list of persons having consented to pay him one or more donations or contributions, as well as the amount thereof.</p> <p>In the same vein, according to Article 11-7 of the Law of 11 March 1988 on financial transparency in political life, political parties or groups are required to <b>keep yearly accounts</b> in accordance with regulations established by the Accounting Standards Authority. The yearly account has to be deposited to the National Commission in the following semester.</p> <p>Article L52-10 of the Electoral Code states that the <b>election fundraising association or financial agent must provide the donors/contributors with a receipt for each donation.</b> The</p>

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		<p>candidates must also communicate to the National Commission for Campaign Accounts and Political Funding the list of donors and the amount of donations.</p> <p>Finally, according to Art. 11-5 the Law of 11 March 1988 on financial transparency in political life, people who made a donation or granted a loan to one or more political parties or groups in violation of articles 11-3-1 and 11-4 are punished by three years' imprisonment and € 45,000. fine.</p>
Rules on <b>indirect public funding<sup>9</sup> to political parties and/or candidates</b>	<p>Article L52-8 of Electoral Code</p> <p>article L167 of the Electoral Code</p> <p>Article 11-4 of the Law of 11 March 1988 on financial transparency in political life</p>	<p><i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p><b>Indirect funding from legal persons:</b> Legal persons are <b>prohibited</b> from participating in the financing of a <u>candidate's</u> electoral campaign, by providing this candidate with goods, services or other indirect advantages/benefits at prices lower than those usually charged, with the exception of political parties and groups as well as credit institutions or finance companies having their head office in a EU Member States or EEA States, can neither grant loans to a candidate, nor provide him with their guarantee for obtaining loans. (Article L52-8 (2) of Electoral Code).</p> <p><b>The same ban applies to legal persons for the indirect funding of <u>political parties</u>.</b> According to Article 11-4 of the Law of 11 March 1988 on financial transparency in political life, legal persons are prohibited from participating in the financing of political parties or groups by providing them with goods, services or other indirect</p>

<sup>9</sup> Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>advantages/benefits at prices lower than those usually charged, with the exception of the political parties and groups themselves.</p> <p>Finally, according to Art. 11-5 of the Law of 11 March 1988 on financial transparency in political life, people who made a donation or granted a loan to one or more political parties or groups in violation of articles 11-3-1 and 11-4 are punished by three years' imprisonment and 45,000€ fine.</p> <p><b>Indirect public funding from the State:</b> In addition, the State covers itself costs associated with the official campaign, such as debates and programmes on radio and television, direct mail and the printing and displaying of official campaign posters. Another indirect source of public funding consists of the 66 per cent tax relief accorded to donors on their donation<sup>10</sup>.</p> <p>In addition, candidates who obtain at least 5% of the votes cast are reimbursed for the cost of paper, the printing of ballot papers, posters, circulars as well as posting costs (article L167 of the Electoral Code).</p>
Rules on free or subsidised access to media for political parties and/or candidates	Article L167-1 of the Electoral Code	<p><i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>Subsidized access to the media exists under French law and tax relief in the form of exemption from stamp duty.</p> <p><u>During the electoral campaigns</u>, the broadcasts of the public audio-visual communication services shall be made available to political parties and groups, according to Article L167-1 of the Electoral Code.</p>

<sup>10</sup> OSCE/ODIHR (2017) Republic of France, Presidential Election, 23 April and 7 May OSCE/ODIHR Election Expert Team Final Report, OSCE/ODIHR, Warsaw.



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		<p>In particular, for the first ballot, a transmission time of seven minutes shall be made available to each party or political group. For broadcasts preceding the second ballot, a five-minute broadcast period is made available to the same parties and political groups.</p> <p>In addition, the expenses related to the official audio-visual campaign are the responsibility of the State.</p> <p><u>As regards presidential elections in particular</u>, during the official campaign period, as prescribed by the law, all presidential candidates were granted free airtime slots to convey their messages on public televisions and radios. Prior to the first round of the election, the eleven candidates were offered a total of 43 minutes in each public broadcast media, while during the last week of the official campaign for the second round the two contestants were granted one-hour of free airtime each<sup>11</sup>.</p>
Rules on <b>foreign contributions to political parties and political candidates</b>	<p>Article L52-8 of Electoral Code</p> <p>Article 11-4 of the Law of 11 March 1988 on financial transparency in political life</p>	<p><i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i></p> <p><b>Foreign contributions to political candidates: French law forbids political candidates to receive, directly or indirectly, for any expense whatsoever, foreign contributions or material aid from a foreign State or a legal person governed by foreign law.</b> Political candidates are also prohibited from receiving loans from a foreign State or a legal person governed by foreign law, with the exception of the credit institutions or finance companies. (Article L52-8 of Electoral Code).</p>

<sup>11</sup> *Ibid.*

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p><b>Foreign contributions to political parties: The same ban applies to political parties</b>, according to Article 11-4 of the Law of 11 March 1988 on financial transparency in political life. Donations to political parties coming from foreign countries and from legal persons based in a foreign country are forbidden.</p> <p><b>Contributions of foreign natural persons that reside in France:</b> An exception applies to foreign natural persons that reside in France. They can contribute to a campaign or donate money to a political party. Such donations cannot exceed 4,600 euros (Article L52-8 of the Electoral Code).</p>
<b>VII. Monitoring and enforcement of national rules on political advertising by national authorities</b>		
National (or regional/local if applicable) <b>authority or body responsible</b> for monitoring national rules on political advertising	<p>Articles 13, 14 of Law No 86-1067 of 30 September 1986 on freedom of communication</p> <p>Article L167-1 of the Electoral Code</p> <p>Law of 15 January 1990 relating to the limitation of electoral expenses and the clarification of the financing of political activities</p>	<p><i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i></p> <p>At national level, the <b>High Audio-visual Council (CSA)</b> is entitled to ensure the respect for the pluralistic expression of the currents of thoughts and opinions in radio and television programmes, in particular for the broadcasts of political and general information. (Article 13 of Law No 86-1067 of 30 September 1986 on freedom of communication)</p> <p>According to Article 14 of the Law No 86-1067 of 30 September 1986 on freedom of communication, the CSA exercises a control, <b>by all appropriate means</b>, on the object, the contents and the modalities of programming of the advertising programs diffused by the services of audio-visual communication.</p> <p>In particular during the electoral campaigns, the Superior Audio-visual Council (CSA) monitors the attribution of the durations of emission and</p>

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		<p>the attribution of airtime slots to political parties and groups. (Article L167-1 of the Electoral Code)</p> <p>In addition and as explained, parties are required to keep yearly account in relation to election campaigns, must reveal the identity of donors and must be made public. Reports are overseen by the <b>National Commission for Campaign Accounts and Political Funding, which was created by</b> the Law of 15 January 1990 relating to the limitation of electoral expenses and the clarification of the financing of political activities. Its role is to control the campaign accounts of candidates for all types of elections and to verify the parties' compliance with their accounting and financial obligations.</p>
Particular measures for <b>supervising online political advertising</b> within and outside elections periods	<p>Article 11 of Law of 22 December 2018 to counter information manipulation</p> <p>Recommendation of 15 May 2019 of the CSA to online platform operators as part of the duty to cooperate in the fight against the dissemination of false information</p> <p>Source: CSA, "Political advertising on social media study of the Facebook ad library for social, electoral and political content", November 2020. See at: <a href="https://www.csa.fr/Informer/Collections-du-CSA/Focus-Toutes-les-etudes-et-les-comptes-rendus-synthetiques-proposant-un-zoom-sur-un-sujet-d-actualite/La-publicite-politique-sur-les-reseaux-sociaux-etude-du-CSA-de-la-bibliotheque-publicitaire-de-la-plateforme-Facebook">https://www.csa.fr/Informer/Collections-du-CSA/Focus-Toutes-les-etudes-et-les-comptes-rendus-synthetiques-proposant-un-zoom-sur-un-sujet-d-actualite/La-publicite-politique-sur-les-reseaux-sociaux-etude-du-CSA-de-la-bibliotheque-publicitaire-de-la-plateforme-Facebook</a></p>	<p><i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the enforcement powers of the relevant authority/body, as well as procedural safeguards?</i></p> <p>The application of the 2018 Law to counter information manipulation in France is monitored by the <b>High Audio-visual Council (CSA)</b>. <b>Indeed, Article 11 of Law of 22 December 2018 to counter information manipulation specifies the duty of cooperation of online platforms in the first against the dissemination of false information.</b> Consequently, the CSA can indeed issue recommendations towards online platforms to improve the effort to combat the propagation of false information that is likely to disturb public order or to affect the sincerity of the ballot.</p> <p>As such, the CSA issued its first recommendation on 15 May 2019 of the CSA to online platform operators as part of the duty to cooperate in the fight against the dissemination of false information, the CSA monitors the obligations on online platforms operators, which can involve "informing users about the nature, origin and methods of disseminating content and the identity of persons paying remuneration</p>

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		<p><i>in return for the promotion of information content".</i> This recommendation also suggests how each of the possible measures should be implemented: 'transparency of algorithms'; 'promotion of content from press companies and news agencies and from audio-visual communication services'; 'combatting accounts disseminating false information on a massive scale'; 'information of users on the nature, origin and modalities for dissemination of content, and the identity of individuals providing remuneration in return for the promotion of information content'; 'promote media and information literacy'.</p> <p>As regards the monitoring of the implementation of these actions by online platforms, according to Article 11 of the Law of 22 December 2018 Platforms must provide an annual declaration to the CSA of the methods of implementation of each of the measures taken pursuant to Article 11.</p>
<b>Sanctions, penalties and remedy measures</b> applicable in violation of the law	<p>Article L. 112 of the Electoral Code</p> <p>Article L163-2 of the Electoral Code</p> <p>Article L89 of the Electoral Code</p> <p>Article L90-1 of the Electoral Code</p>	<p><i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i></p> <p>During the three months prior to an election and until the date of the ballot when it is acquired, Article L. 163-1 of the Electoral Code imposes on online platform operators transparency obligations relating to the promotion of information content linked to a debate of general interest. Article L. 112 of the Electoral Code punishes the violation of these obligations with a <u>one-year prison sentence and a fine of 75 000€</u>.</p> <p>Over this same period, Article L163-2 of the Electoral Code provides for the <u>application for interim measures</u> for the cessation of the dissemination of false information on communication services to the public online, when they are likely to undermine the integrity of elections.</p>

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		<p>The violation of the obligations under articles L. 158 , paragraphs 2 and 3, and L. 165 to L 167 is punished with a fine of 3,750 euros and imprisonment for three months or one of these two penalties only.</p> <p>Distributing or get distributed leaflets, circulars and other documents is forbidden from the day before the ballot at midnight (Article L49 of the Electoral Code). Any violation shall be punished by a <u>fine of 3 750€</u> (Article L89 of the Electoral Code)</p> <p>Promotional audio-visual programmes of a political nature are prohibited at all times, including during pre-elections period (Article 14, para 2 and 3 of Law No 86-1067 of 30 September 1986 on freedom of communication). Any violation is punished by a fine of 75 000 euros (Article L90-1 of the Electoral Code).</p> <p>Finally, according to Art. 11-5 the Law of 11 March 1988 on financial transparency in political life, people who made a donation or granted a loan to one or more political parties or groups in violation of articles 11-3-1 and 11-4 are punished by three years' imprisonment and 45,000 € fine.</p>

## Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Code électoral	<a href="https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070239/">https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070239/</a>	Electoral Code
Loi n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037847559/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037847559/</a>	Organic Law and ordinary Law of 22 December 2018 relating to the manipulation of information
Loi organique n° 2016-506 du 25 avril 2016 de modernisation des règles applicables à l'élection présidentielle	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032451659/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032451659/</a>	Ordinary Law and organic Law of 25 April 2016 modernising the rules applicable to elections and the presidential election
Loi n° 2011-412 du 14 avril 2011 portant simplification de dispositions du code électoral et relative à la transparence financière de la vie politique	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000023877131/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000023877131/</a>	Law No. 2011-412 of 14 April 2011 simplifying provisions of the electoral code and relating to the financial transparency of political life
Loi n° 88-227 du 11 mars 1988 relative à la transparence financière de la vie politique.	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000321646/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000321646/</a>	Law No. 88-227 of 11 March 1988 on financial transparency in political life
Loi n° 77-808 du 19 juillet 1977 relative à la publication et à la diffusion de certains sondages d'opinion	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000522846/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000522846/</a>	Law No 77-808 of 19 July 1977 relating to the publication and dissemination of certain opinion polls
Loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication (« Loi Léotard »)	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000512205/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000512205/</a>	Law No 86-1067 of 30 September 1986 on freedom of communication

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Loi du 29 juillet 1881 sur la liberté de la presse	<a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000877119/">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000877119/</a>	Law of 29 July 1881 on freedom of the press
Recommandation n° 2019-03 du 15 mai 2019 du Conseil supérieur de l'audiovisuel aux opérateurs de plateforme en ligne dans le cadre du devoir de coopération en matière de lutte contre la diffusion de fausses informations	<a href="https://www.csa.fr/Reguler/Espace-juridique/Les-textes-reglementaires-du-CSA/Les-deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-d-autres-sujets/Recommandation-n-2019-03-du-15-mai-2019-du-Conseil-superieur-de-l-audiovisuel-aux-operateurs-de-plateforme-en-ligne-dans-le-cadre-du-devoir-de-cooperation-en-matiere-de-lutte-contre-la-diffusion-de-faussees-informations">https://www.csa.fr/Reguler/Espace-juridique/Les-textes-reglementaires-du-CSA/Les-deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-d-autres-sujets/Recommandation-n-2019-03-du-15-mai-2019-du-Conseil-superieur-de-l-audiovisuel-aux-operateurs-de-plateforme-en-ligne-dans-le-cadre-du-devoir-de-cooperation-en-matiere-de-lutte-contre-la-diffusion-de-faussees-informations</a>	Recommendation of 15 May 2019 of the CSA to online platform operators as part of the duty to cooperate in the fight against the dissemination of false information
Délibération du 4 janvier 2011 relative au principe de pluralisme politique dans les services de radio et de télévision en période électorale	<a href="https://www.csa.fr/Reguler/Espace-juridique/Les-textes-reglementaires-du-CSA/Les-deliberations-et-recommandations-du-CSA/Recommandations-du-CSA-en-vue-de-consultations-electorales-ou-referendaires/Deliberation-du-4-janvier-2011-relative-au-principe-de-pluralisme-politique-dans-les-services-de-radio-et-de-television-en-periode-electorale">https://www.csa.fr/Reguler/Espace-juridique/Les-textes-reglementaires-du-CSA/Les-deliberations-et-recommandations-du-CSA/Recommandations-du-CSA-en-vue-de-consultations-electorales-ou-referendaires/Deliberation-du-4-janvier-2011-relative-au-principe-de-pluralisme-politique-dans-les-services-de-radio-et-de-television-en-periode-electorale</a>	Resolution No. 2011-1 of 4 January 2011 on the principle of political pluralism in radio and television services during election periods of the Superior Audio-visual Council (CSA)
Délibération du 21 juillet 2009 relative au principe de pluralisme politique dans les services de radio et de télévision	<a href="https://www.csa.fr/Reguler/Espace-juridique/Les-textes-reglementaires-du-CSA/Les-deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-d-autres-sujets/Deliberation-du-21-juillet-2009-relative-au-principe-de-pluralisme-politique-dans-les-services-de-radio-et-de-television">https://www.csa.fr/Reguler/Espace-juridique/Les-textes-reglementaires-du-CSA/Les-deliberations-et-recommandations-du-CSA/Recommandations-et-deliberations-du-CSA-relatives-a-d-autres-sujets/Deliberation-du-21-juillet-2009-relative-au-principe-de-pluralisme-politique-dans-les-services-de-radio-et-de-television</a>	Resolution No 2009-60 of 21 July 2009 on the principle of political pluralism in radio and television Services of the Superior Audio-visual Council (CSA)