

## Conseil supérieur de l'audiovisuel

*Created by a decree from the delegate minister charged with communication on July 26, 1989, the CSE replaced another regulating authority set into place in 1986, the Commission nationale de la communication et des libertés (National commission on communication and freedom). The CSA ensures the supervision of pluralism in the audiovisual sector and the respect of its code of behaviors. It also names the presidents of public television stations and channels. The CSA is an independent administrative authority.*

"Audiovisual communication is free." This principle is affirmed in the 1<sup>st</sup> article of the September 30, 1986 law relative to the freedom of communication. This same article establishes a framework and limits for the exercise of the freedom of communication. This includes respect "for the pluralist character of the expression of currents of thought and opinion" which this authority for regulation is charged with overseeing. This principle should be considered as a fully exercised guarantee for the freedom to communicate. The Constitutional council <sup>1</sup> has emphasized this, recalling the constitutional value of this principle: "Considering that the pluralism of currents of sociocultural expressions is in itself an objective with constitutional value; that the respect for this pluralism is one of the conditions of democracy, that the free communication of thoughts and opinions, guaranteed by article 11 of the Declaration of rights of man and citizen from 1789, would not be effective if the public to whom means of communication address themselves were not able to dispose, both in the context of the public sector and the private sector, of programs that guarantee the expression of tendencies of different character in respect of the imperative of honesty of information; that the objective to be realized is that listeners and spectators, who number within the essential addressees of the freedom proclaimed in article 11 of the Declaration of 1789, are able to exert their free choice without either private interests nor public powers substituting their own decisions, nor that they can be made into objects of a market."

Within "current of thought and opinion," political pluralism has particular importance: democracy relies on the exercise of universal suffrage for which "parties and political groups compete," as it is written in the Constitution. The importance of political pluralism has led successive regulating authorities to rely on a preexisting quantitative reference point: the rule said to be of three thirds, in other words a third of airtime for the government, a third for the parliamentary majority, a third for the parliamentary opposition. Conscious of the rigid and reductive nature of this sole arithmetical reference point, over the past few months, the Council has studied the definition of new modalities of evaluating pluralism by proceeding with auditions from political groups and directors

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<sup>1</sup> September 18, 1986 decision.

of networks. At the conclusion of this reflection, the Council judged that a quantitative approach, measured in particular through the time allowed for interventions, is necessary and allows to account for politicians' access to airtime. The qualitative dimension in the appreciation of pluralism can nevertheless not be denied. Evaluating it is however difficult and because of its nature includes a subjective aspect. The Council has therefore decided to add to the quantitative criterion indicators that allow it to analyze airtime in the context of current events and of the general conditions of programming. The Council then considers that the distribution of political personalities among the categories government, parliamentary majority, and parliamentary opposition continues to have both an institutional and a political significance. In addition, the Council deems it useful to take into account a fourth category, that of the political formations that are not represented in parliament. A predetermined division of airtime on a strictly arithmetical basis between these four categories does not for as much seem necessary. The Council's thinking has led to the definition of a principle of reference that applies the respect of political pluralism to editors and to the creation of new tools for measuring its respect on all terrestrial national television stations. [...]

*CSA, Deliberation relative to the evaluation of the respect of political pluralism in the media* (February 8, 2000), translated by Will Bishop

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