

Parliament Squeezes AFP into EU Straitjacket



The French parliament has just given its final stamp of approval to a law entitled "*modernisation of the press sector*", making profound changes to AFP's 1957 statutes.

The reforms involved are taking place amid a deafening silence which can only partly be explained by the fact that media attention has recently been concentrated, quite rightly, on the strike underway in the French public radio service.¹

The issues at stake in the new dispositions for AFP are nonetheless huge. In a media landscape dominated by large private interests, an agency like AFP can only prove its usefulness if it conforms scrupulously to the public interest mission laid down in its statutes, without drifting into infotainment, advertorials or simple disinformation. This is already a problem, and the mission creep in question is only likely to get worse thanks to the new reforms.

During previous efforts to undermine AFP's independence, starting with the Sarkozy reforms in 2008, the agency's trade unions and staff united in successful opposition². Unfortunately that has not been the case with the most recent changes.

The deafening silence can also be explained by the clever way in which the traditional defenders of media rights in France have managed to convince both themselves and others that the new law does not impinge on either AFP's independence or press freedom. They have presented the changes as mostly cosmetic, and focussed their attention on the clauses affecting AFP's governance (new board members, an extension of the CEO's mandate from three to five years, etc.)

The Elephant in the Room

However the elephant in the room is the fact that the law alters AFP's statutes to make the agency compatible with the sacro-saint *free and undistorted competition* that lies at the heart of present European Union dogma.³

By adopting the new text the French parliament has turned the page on the 1957 law that laid down AFP's statutes, described by founder CEO Jean Marin as "*the statute of liberty*." That text defined the agency as a sui generis entity, neither public nor private, with the sole mission of "*provid[ing] French and foreign users with exact, impartial and trustworthy information on a regular and uninterrupted basis*".⁴

The law, rushed through the French parliament to satisfy a timetable laid down by the European Commission, goes a long way towards reducing AFP to just another private company.

¹ News on the strike (in French) at <http://www.sud-afp.org/spip.php?article335>.

² For an overview in English, see <http://www.sud-afp.org/spip.php?mot116>. Also: <http://www.sos-afp.org/en>.

³ See SUD's January 13 statement: "'Appropriate Measures' for AFP - Painless or Toxic?" <http://www.sud-afp.org/spip.php?article324>.

⁴ A full translation of the statutes, by SUD-AFP, can be found at <http://www.sos-afp.org/en/statutes>.

The following are the key measures:

- The addition to the statutes of a paragraph authorising AFP to engage in **commercial activities that are not part of its public interest mission**. This change is aimed at providing cover for the many non-public interest activities that AFP is already engaged in, in violation of the existing statutes. It is already clear that the said activities will provide an ideal excuse to further chip away at the state contribution.⁵
- A change to the clause which previously protected AFP against the risk of **bankruptcy**. The agency is now subject to the same rules as a private company.
- The end of AFP's **structural independence**. Although article 2 of the statutes states that the agency "*may under no circumstances fall under the control, either de facto or de jure, of any ideological, political or economic grouping*", the pluriannual "*Aims and Means contracts*" that AFP has been signing with the French government are now to be written into law. In effect, the agency is being placed under a double tutelage, of the European Commission and the French state.⁶

It is also noteworthy that French MPs have legislated to bring AFP's operations into line with European Union competition law, even though the *general public has never been allowed to see the main document outlining the consequences of the said decision*.⁷ A striking contrast with the transparent and democratic way in which the original statutes were adopted in 1957!

The ill-effects of this counter-reform will soon make themselves felt, notably via the upcoming version of the multi-year Aims and Means Contract. The latter will notably call for further cuts to the agency's wages bill, and will pave the way to yet more disengagement by the French state from AFP's finances. Not forgetting the creation of a financial subsidiary whereby the agency's technical infrastructure will effectively be externalised, and the CEO's plans for a new collective bargaining agreement that will further curb staff rights.

SUD-AFP says:

- **The right to free and unbiased news is central to both democratic and citizens' rights.**
- **Both AFP and the French public broadcasting service must be defended against increasing commercialisation of news and culture!**

SUD-AFP Trade Union (Solidarity – Unity – Democracy) – April 2, 2015

- SUD-AFP statements in English can be found at <http://www.sud-afp.org/spjp.php?mot274>.
- To sign up for the union's e-mail newsletter in French and English, visit <http://lists.sud-afp.org/mailman/listinfo/sud-infos>.

⁵ The European Commission has already acknowledged that the missions laid down in articles 1 and 2 of AFP's historic statutes can be defined as a "*Service of general economic interest*", which can legitimately be financed via state aid. Cf. <http://www.sud-afp.org/spjp.php?article101>.

⁶ Translated extracts from the 2009-13 contract can be found at <http://www.sos-afp.org/en/com>.

⁷ Before the text was adopted, SUD-AFP made repeated requests to see the document in question, but to no avail.