

# Unanswered Questions

A new law submitted to the French parliament "on various provisions to help modernise the press sector" would involve more changes to the 1957 law defining AFP's statutes<sup>1</sup>. If it were adopted, articles 1 and 2 would look like this, with the key addition in bold type:

## Article 1

Is hereby created, under the name of Agence France-Presse, an autonomous civil entity functioning under commercial rules.

The said body having as its purpose:

1. To seek out, in France ~~and all of the French Union~~ as well as abroad, the elements of a complete and objective information service;
2. To place that information at the disposal of users in exchange for payment.

**"The accounts of those activities of Agence France-Presse which are not part of the general interest missions laid out in the two preceding paragraphs and in Article 2 are to be drawn up separately."**

## Article 2 [unchanged]

The activities of Agence France-Presse must comply with the following fundamental obligations:

1. Agence France-Presse may under no circumstances take account of influences or considerations liable to compromise the exactitude or the objectivity of the information it provides; it may under no circumstances fall under the control, either de facto or de jure, of any ideological, political or economic grouping;
2. Agence France-Presse must, to the full extent that its resources permit, develop and enhance its organisation so as to provide French and foreign users with exact, impartial and trustworthy information on a regular and uninterrupted basis;
3. Agence France-Presse must, to the full extent that its resources permit, ensure the existence of a network of facilities giving it the status of a worldwide information service.

## Mysterious Non-Core "Activities"

In its original version AFP's basic law restricted the agency to providing "**complete and objective information**" throughout the world, specifying in its second article the criteria of precision, objectivity and independence which should govern that activity. And now suddenly we find a strange proposal for new "**activities**" that would be exempt from those constraints.

The proposed addition states clearly that AFP's core "**general interest missions**" are fully defined by those first two articles of the law. At first sight this seems reassuring – but is it really the case?

In seeking to understand what AFP's non-core missions are supposed to be, according to the above-mentioned addition, we can ask the following logical question:

Precisely which of AFP's activities—present or to come—fulfil one or several of the following conditions?

1. **They do not involve** "Seeking out, in France as well as abroad, the elements of a complete and objective information service";
2. **They do not involve** requiring payment for the services provided;
3. **They entail AFP bending to** "influences or considerations liable to compromise the exactitude or the objectivity of the information provided";
4. **They tend to ensure that AFP** "falls under the control, either de facto or de jure, of an ideological, political or economic grouping";
5. **They prevent AFP from** "developing and enhancing its organisation so as to provide French and foreign users with exact, impartial and trustworthy information on a regular and uninterrupted basis";
6. **They hinder AFP in its attempts** "to ensure, to the full extent that its resources permit, the existence of a network of facilities giving it the status of a worldwide information service" ?

(.../...)

<sup>1</sup> A full English translation of AFP's statutes can be found at <http://www.sos-afp.org/en/statutes>. Information about the new proposal is at [http://www.sos-afp.org/en/2014\\_new\\_draft\\_law](http://www.sos-afp.org/en/2014_new_draft_law).

The second obvious question is: "Why?" Why should AFP be allowed to engage in activities that are not laid out in the first two articles of its statutes? For it is clear that such activities can themselves threaten the agency's core missions, by losing money and/or by corrupting the quality of the news produced.

## Why So Much Secrecy?

Up until now everyone involved in the debate about AFP's statutes—management, unions and associations—had agreed that the first two articles of the 1957 law were sacred. The new law before Parliament would take a sledgehammer to that principle.

The lack of curiosity on the part of certain people at this huge change, the stated aim of which is to bring AFP's statutes in line with European Union competition law, is striking. What would all this mean for the agency's editorial independence, for its development prospects and finances, and therefore for the pay and working conditions of its staff?

So far, CEO Emmanuel Hoog has been to say the least reluctant to provide us with basic information. *SUD* is still waiting for his answers to the following questions:

- If our general interest missions are so clearly laid out in articles 1 and 2 of the statutes, how is it that the European Commission has only agreed to recognise their validity for a period of 10 years, while imposing other restrictive conditions? In addition to short-term labour contracts, is AFP now to get short-term statutes?
- Why does the European Commission consider AFP's activities in German to be outside its "General Interest Mission"?
- Why is the Commission pushing the French authorities to *"implement a normalising act which would make tangible AFP's obligation to spin off ["filialiser"] and develop activities other than those laid out in articles 1 and 2 of the law of January 10, 1957, in the framework of companies with distinct judicial identities"*<sup>2</sup>, as is already the case for AFP GmbH in Germany? Is AFP to be sliced up like a salami?
- What exactly is the purpose of the €15.7 million earmarked for investments in *"knowledge of, and service to, customers"*, in the parliamentary report by MP Michel Françaix, who wrote the provisions of the draft law pertaining to AFP?<sup>3</sup> Would this spending by any chance relate to those non-core missions that the European Commission wants to see *"spun off"*?
- Even if, as has been stated, the French government agrees to subsidise the full estimated cost of AFP's general interest mission for 2015, what will happen in later years? Is the creation of a special subsidiary to finance AFP's technical investments—also called for in the Françaix report—not simply another way of reducing the state's role? After all, the mission given to M. Françaix stressed not only the need to *"respect European competition law"* but also *"to improve public accounts"*.

**To ensure democratic debate about these major changes, both the government and AFP management need to show some transparency!**

- The government must publish its exchanges with the European Commission about AFP's finances and the planned obsolescence of its core missions!
- The CEO must reveal the text of the Aims and Means Contract for 2014-2018 and at long last answer our questions on the true growth of AFP's wages bill. These questions are central to the new measures proposed in the Françaix report, in the new contract and the planned law!

Paris, September 29, 2014

**SUD-AFP Trade Union (SUD Culture & Médias Solidaires)**



<sup>2</sup> See our leaflet "Why So Much Secrecy?" - <http://www.sud-afp.org/spip.php?article284>

<sup>3</sup> The Françaix report (French only) is at <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/144000218/0000.pdf>