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FRANCE'S ACTION AGAINST THE SPREAD OF FAKE NEWS – A COMMENTARY ON THE FORTHCOMING REFORM OF THE PRESS LAW

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In France – as in other European states – an increasing amount of fake news circulates on social media and in press outlets. Fake news not only misinforms, but systematically and deliberately undermines social stability (IFOP, 2018). On 28 November 2025, at a forum held for readers of the regional newspaper group EBRA in Mirecourt, Vosges, French President Emmanuel Macron proposed that, as one step in the fight against disinformation, courts should be able to decide within forty-eight hours, in fast-track proceedings, on the removal of fake news or content infringing human dignity from a given platform. A few days earlier, on 19 November in Arras, in a debate with readers of *La Voix du Nord*, he argued that a distinction should be drawn between platforms whose business model is based on personalised advertising and news portals operating under editorial responsibility. He proposed that every reliable media outlet operating in an ethical manner should receive a certificate.

These proposals triggered fierce reactions. Vincent Bolloré and his Vivendi media empire (Canal+, CNews – the news channel often described as the French "Fox News", Europe 1, *Journal du Dimanche*, *Paris Match*) went so far as to conjure up the vision of an Orwellian "Ministry of Truth". Macron's two proposals are not isolated. Their significance is best understood in the light of the forthcoming reform of the press law and of the impact of fake news on French national security, while inevitably colliding with the boundaries of media pluralism and freedom of the press.

Fake news in French society

The concept of fake news already appears in Article 27 of the landmark 1881 Press Law (Loi du 29 juillet 1881, 1881). The intentional dissemination of false news (*fausses nouvelles*) is still punishable by a fine if it "has disturbed or may disturb public order". Fake news (*désinformation numérique*) as a distinct strategic issue of government only becomes a major topic for the French authorities roughly from 2015–2017 onwards, and since 2018 it has been regulated as an autonomous issue. President Macron's November proposals fit into this framework.

The French state treats the dissemination of fake news not only as a legal anomaly, but also as a democratic and national security threat. At the same time, a joint study by the Fondation Jean-Jaurès, IFOP and Conspiracy Watch holds the very operation of platform business models responsible for the spread of fake news (IFOP, 2018). The model is built on keeping users in the online environment for as long as possible – that is, algorithms privilege and rank higher those pieces of information that attract many clicks. Spectacular, sensationalist fake news stories lock users into information bubbles. Algorithm-driven disinformation is not an accidental side-effect, but a product of the platforms' business logic.

Since the mid-2010s, the French governmental administration has regarded fake news as a new type of security challenge for three main reasons. First, in connection with the wave of attacks in 2015–2016 (Charlie Hebdo, Bataclan, etc.), jihadist online propaganda and radicalisation appeared in the domestic security and counter-terrorism discourse under the labels "*propagande en ligne*" and "*contenus terroristes*".

Second, international disinformation operations – particularly in the context of the conflict in Ukraine and Russian information warfare (Russia Today, Sputnik, groups operating on social media) –

became increasingly active. The first Russian governmental documents announcing the launch of a French-language service of Russia Today appeared in 2014. The Russian budget earmarked specific funds for this step. In 2015 Russia Today established a foothold on the French market with a French-language website, and on 18 December 2017 at 19:00 the television channel itself went on air, operating until its ban from the EU in 2022. In parallel, Rossiya Segodnya's international news agency Sputnik, under the authority of the Kremlin, set up shop in France in January 2015, primarily as an online news portal, distributing among other things radio content and podcasts, with editorial offices in Paris and Moscow, and gradually embedding itself in the French information space. The portal targeted the French public with a strong focus on EU, migration, security and societal issues, using a highly polarising narrative that cast the Union in a crisis- and identity-politics frame. French media partners (such as the Paris-based radio station Aligre FM) used its images and audio material, while in 2019 the French media regulator (then CSA, now ARCOM) ordered the station to terminate its partnership with Sputnik (Conseil supérieur de l'audiovisuel, 2019).

Third, Russian-funded platforms escalated their disinformation operations when, in 2017, they interfered in the French presidential election campaign. Parliamentary inquiries revealed that Russia Today was one of the main platforms for smear campaigns targeted specifically at Macron. During Vladimir Putin's 2017 visit to Versailles, Macron publicly described them as organs of "lying propaganda" (*organes de propagande mensongère*).

Picking up the gauntlet – the fight against fake news

The turning point came in 2018, when the French administration openly declared that it regarded fake news as a priority national security problem.

In his New Year's speech of 3 January 2018 to the press (*voeux à la presse*), Macron announced that the government intended to introduce a special piece of legislation to combat fake news during election periods (Présidence de la République, 2018). In the same year, on 22 December, parliament adopted the so-called "fake news law" ("*loi infox*" / "*loi fake news*" – Loi relative à la lutte contre la manipulation de l'information). The law was aimed specifically at intentional disinformation that threatens the integrity of elections or public order. It provided that fast-track judicial proceedings (*action en référé*) could be initiated against online content that is "manifestly false", that is disseminated online "deliberately, artificially or automatically and on a massive scale", and that "is likely to disturb public order or to undermine the integrity of the vote". The judge must decide within forty-eight hours and may order the removal of the online content from the platform. The act imposed obligations on content providers with at least five million monthly users or above a certain advertising-revenue threshold. They must disclose the list of sponsors of paid content related to political and public debate, and, above a given threshold, the amount of money spent on political advertising, as well as the ways in which they use user data to identify target audiences. The law strengthened the role of the media regulator and broadened its powers. On the one hand, the authority may refuse to licence a radio or television broadcaster if it seriously endangers pluralism, public order or France's fundamental interests – in particular where it is under the influence of a foreign state. On the other hand, it monitors whether platforms comply with their obligations to curb the dissemination of fake news, may issue recommendations and requires major platforms to appoint a designated legal representative in France. In practice, the 2018 *loi infox* has been applied only in a very limited number of cases (Loi n° 2018-1202, 2018).

State involvement was significantly reinforced on 13 July 2021 with the establishment of Viginum, the French governmental agency responsible for detecting foreign digital interference (*Service de vigilance et de protection contre les ingérences numériques étrangères*, Viginum). This technical and operational body, attached to the Élysée and having nationwide competence, is tasked with identifying attempts at foreign information interference in the French digital space and protecting French public

debate against foreign meddling. It analyses patterns of online operations (fake profiles, coordinated networks, bot activity) and focuses specifically on detecting whether foreign actors are attempting to destabilise the state or public opinion. The agency is not a "truth police": it is not its role to assess the veracity of content. Its task is to identify foreign interference and, where appropriate, to refer the matter to the judiciary or to the competent diplomatic body (Décret n° 2021-922, 2021).

On 29 September 2021, President Macron appointed French sociologist Gérald Bronner to set up, together with fourteen experts, a commission to examine the presence of information disorders, disinformation and conspiracy theories (*désordres informationnels*) and their impact on society. In January 2022 the commission summarised its findings and thirty recommendations in its extensive report *Enlightenment in the Digital Age* (*Les Lumières à l'ère numérique*). Among its recommendations was that Article 27 of the classic 1881 Press Law (on the offence of "*fausse nouvelle*") should not be rewritten, but that individuals who maliciously disseminate conspiracy theories harmful to others should be liable under civil law. It proposed that it should fall within the remit of the media regulator to ensure that platforms themselves act swiftly and effectively against unlawful content, and that ARCOM's role in curbing fake news should be strengthened. It further recommended that the forthcoming EU Digital Services Act (DSA) explicitly lay down special obligations for platforms to act against the dissemination of fake news capable of disturbing public order (Recommendation 21), and that an independent expert body be created to which platforms can quickly turn in cases of disputed content and whose opinions they would accept (Recommendation 22). Finally, it proposed the establishment of a co-regulatory framework between platforms, lawmakers and civil society, cooperating in the design of measures to counter disinformation. The Bronner Commission also stressed the importance of granting researchers working on disinformation risks broad access to data (Bronner, 2022).

On the basis of the commission's recommendations, in October 2023 Macron launched a consultation and expert process on the future of the information/communication system (*États généraux de l'information* – EGI). Under the leadership of Bruno Lasserre and Christophe Deloire, journalists, researchers, civil-society actors and state officials developed proposals for the protection of the French information space, media pluralism and the responsibility of platforms (Viginum, 2024). The final report, published on 12 September 2024 and entitled *Protecting and Developing the Right to Information: A Democratic Emergency* (*Protéger et développer le droit à l'information : une urgence démocratique*), already signalled in its title that fake news, disinformation and media concentration together put pressure on the integrity of democratic institutions (Lasserre & Deloire, 2024; Viginum, 2025).

Macron's recent proposal on a forty-eight-hour fast-track judicial procedure fits into this process. It would extend the 2018 regulation beyond election periods. Its aim is the swift removal of fake news disseminated on social networks and of content infringing human dignity, by empowering judges to order the harasser or the platform to delete it. In early December, at a meeting of the Defence Council, Macron discussed the issue of disinformation and asked the government to submit a concrete legislative proposal to him by the end of the year. Among the ideas to combat disinformation is a requirement that major platforms ensure that "every account corresponds to a real person" and that they develop a system of certification to distinguish reliable media operating according to professional ethics.

The criticisms

The proposal on fast-track proceedings has been criticised not only by the Bolloré group and the Rassemblement National. While the former primarily voiced political objections, lawyers, human-rights organisations and media bodies articulated professional concerns.

The Bolloré group and the politicians associated with it argue that the project is in reality about disciplining channels "not favourable to Macron". Marine Le Pen, Jordan Bardella and other far-right actors have labelled the initiative "censorship", an "authoritarian drift" and an "Orwellian" plan, a

"*ministère de la vérité*" (Ministry of Truth). The Élysée's response has been clear. In line with constitutional principles, it would not be the government, but independent professional bodies and jurists who decide. The aim is not to silence media critical of the government, but to protect personality rights and to defend against disinformation.

Constitutional and legal critiques closely resemble those raised against the 2018 law. The definition of "*fausse nouvelle / fausse information*" is elusive: it is difficult to distinguish it from opinion, from partially true but distorted or exaggerated statements, and from parody or satire. Most criticism has focused on the forty-eight-hour deadline. Under the proposal the injured party would receive a judicial decision on the removal of the content within forty-eight hours in expedited proceedings. Judicial decision-making, however, is time-consuming. Previous opinions by the Council of State and the French Digital Council (Conseil national du numérique, CNNum) stress that courts have limited capacity and that, given the large volume of online content, speed may come at the expense of thoroughness. Experience from the 2018 electoral procedures shows that in truly complex information-warfare cases it is difficult to decide within such a short time whether something is in fact fake news. Concerns about freedom of expression arise primarily because of the short deadline, not because of political pressure.

Several professional press organisations consider the proposal more of a symbolic gesture than an effective weapon. The conceptual fluidity of fake news also surfaced here, alongside concerns about over-regulation and excessive censorship. In terms of over-regulation they criticise the fact that the European Union and France have introduced several rules simultaneously, which overlap and may even neutralise each other, while existing press and criminal-law instruments (defamation, invasion of privacy, incitement, etc.) already make it possible to act against unlawful content. The EU Regulation on Digital Services obliges major platforms to remove illegal content, to carry out risk assessments and to ensure transparent operation. Materials of the National Assembly and the Senate had already pointed out in 2024–25 that the EU DSA overlaps with certain provisions of the 2018 *loi infox*, some of which therefore had to be amended or repealed. If complainants can pick and choose between different legal instruments according to their interests, an overly complex legal environment creates uncertainty.

Professional critiques also raise the possibility of excessive censorship and strong state intervention. Several human-rights organisations warn of the emergence of an "Internet ORTF 2.0" (the ORTF was the state broadcasting authority in the 1970s, where the government of the day exerted strong control over broadcasters). The current framework stresses that the primary locus of content moderation remains platform-based self-regulation within administrative and legal frameworks (DSA, ARCOM). For decades, critics have argued that, in addition to or instead of regulation, the focus should be shifted to strengthening media literacy, as legal repression alone cannot solve the problem. Europe is already at the forefront of the fight against disinformation. In the long term, strengthening media literacy, critical thinking and press pluralism is more effective than introducing ever new "fast-track procedures".

EU-level regulation

French action against disinformation fits well into the European regulatory framework. Both treat disinformation as a systemic risk and focus on the operation of platforms. French regulation also addresses the fast-track removal through the courts of specific harassing content.

Since 2015 the European Union has been slowly but steadily building its regulatory system. In 2015 the European External Action Service (EEAS) set up the East StratCom Task Force, whose flagship project is EUvsDisinfo (European External Action Service, 2015). This is essentially a database and analytical platform documenting pro-Russian disinformation and examining how Russian narratives build on global conspiracy systems. In 2018, the Action Plan against Disinformation (JOIN(2018) 36), adopted by the European Commission and the Union's High Representative for Foreign Affairs and Security Policy, laid down coordinated action based on the principles of

transparency and accountability. Building on this, a Rapid Alert System (RAS) was launched in 2019, enabling Member States and EU institutions to exchange information in real time on disinformation campaigns in order to protect elections (European Commission, 2019).
In 2018 the major platforms (Google, Facebook, Twitter/X, etc.) made voluntary commitments, laid down in the Code of Practice on Disinformation (European Commission, 2018). In 2022 it was significantly strengthened: it now contains forty-four commitments and more than 120 specific measures, including the "demonetisation" of disinformation (cutting advertising revenues for disinformation sites), transparency of political and issue-based advertising, action against manipulative techniques, empowerment of users and fact-checkers, enhanced data access for researchers and the establishment of a robust monitoring system (European Commission, 2022). In February 2025 the Code of Practice was formally integrated by the Commission and the European Board for Digital Services, thereby becoming a de facto co-regulatory instrument for platforms.

Regulation (EU) 2022/2065, the Digital Services Act, overhauls the liability regime of digital intermediary service providers. Legally it does not create a separate category of fake news, but it does several things. It defines "illegal content" as any information that is unlawful under EU or Member State law (this can include defamation, hate speech, harmful content for minors, etc.). It requires major online platforms to analyse "systemic risks", including impacts on democratic processes, public security and fundamental rights (which may cover disinformation). It obliges them to take a series of measures, such as modifying recommender systems, supporting fact-checkers, ensuring transparency and providing researcher access. The EU thus primarily addresses the symptoms: it does not directly touch the business model (algorithms) that enables the rapid spread of disinformation (European Parliament & Council, 2022).

Disinformation as a weapon

French governmental activism is no accident. Official reports – above all those of Viginum – have revealed that Russian (or Kremlin-linked) networks systematically manufacture and disseminate conspiracy theories on French social media.

In February 2024 the agency published its report on a disinformation operation dubbed "Portal Kombat", a network of 193 websites. The network redirected queries to hacked websites to its own servers and replaced the original content with its own. The aim was the mass dissemination in European countries of Russian narratives (e.g. the "special military operation", the West as aggressor, etc.). The General Secretariat for Defence and National Security (SGDSN) unequivocally classified the network's activities as "Russian-origin digital interference".

In May 2024 Viginum issued a detailed report on the activities of Storm-1516 (Information Manipulation Set, IMS). From August 2023 Storm-1516 carried out dozens of operations to influence Western public opinion by combining fake news sites (e.g. "*Enquête du jour*"), stolen journalistic identities and AI-generated videos. The network was run by actors close to the Russian government: John Mark Dougan, a former US police officer who emigrated to Moscow, the Prigozhin and Dugin circles, and even the name of a suspected GRU officer, Yury Khoroshenko, emerged. Viginum identified seventy-seven information operations, in which numerous disinformation narratives appeared. Among them was the fabricated story about Brigitte Macron's gender identity (NewsGuard & Viginum, 2025). In the spring of 2025 NewsGuard and Viginum identified another disinformation operation, again linked to the Kremlin. Five large narratives were disseminated, partly through networks associated with Portal Kombat/Storm-1516, and spread widely, reaching tens of millions of users. The operation relied on AI-generated videos, fake news sites and paid influencers.

The forthcoming reform of the media law

As noted above, in 2023–24, on Macron's initiative, a broad expert and citizen consultation (*États généraux de l'information* – EGI) took place on the future of media regulation and of press and audiovisual law, whose final report was published on 12 September 2024. The report proposed fifteen measures to counter disinformation, media concentration and the distortive effects of platform operations, seven of which, according to public press reports, will be incorporated into the draft bill (Lasserre & Deloire, 2024).

At a Senate sitting on 17 October 2024, France's Minister of Culture Rachida Dati announced that her ministry was working on a reform of the media law based on the results of the consultation. At the sitting, the Senate debated an autumn 2024 bill aimed at strengthening media independence, drawn up on the initiative of Senator Sylvie Robert, several of whose provisions – such as the right of editorial teams to veto certain editor-in-chief candidates – had been hollowed out by the government. Responding to the Senate proposal, Dati announced that her ministry was preparing a bill based on the EGI's conclusions that would comprehensively address issues of pluralism, concentration and independence. Macron thus entrusted her with preparing the reform of the media law. At the end of 2024 the President of the Republic confirmed this mandate (Sénat, 2024).

In 2025 Dati submitted a major public-service reform package to the National Assembly (grouping France Télévisions, Radio France, INA and news platforms into a "France Médias" holding as of 1 January 2026). In parallel she indicated that a second text, based on the EGI's proposals, would deal with media pluralism and media companies.

According to public statements by the minister and the Élysée, the contours of the draft law are structured around four major clusters. Before the text is submitted to the government – expected in early 2026 – and then tabled by the government in parliament, the Council of State will review and revise it.

The EGI documentation and parliamentary debates clearly show that media concentration and ownership structures will be key themes of the new law. The consultation documents specifically recommend that, when regulating media concentration, lawmakers should not limit themselves to traditional press outlets, but should also include new communication interfaces encompassing social media; and that in assessing mergers regulators should measure the actual influence of a given medium rather than only its market share. According to Senate reports, one important element of the draft law is that ARCOM will have to use this "influence-based" approach when measuring concentration. According to *Le Monde*, the Dati bill is expected to borrow certain elements of the 2024 opposition proposal on the "independence of the media", integrating them into the government's own text and extending oversight to the market positions of large private groups, including the Bolloré group.

On the basis of the information currently available, one of the main aims of the draft is to protect editorial autonomy from ownership and financial pressure. On several occasions the minister and the government have indicated that the new bill, based on the EGI, will address guarantees for journalistic professional independence, the internal decision-making rules of editorial teams and the management of conflicts of interest. The government considers media pluralism one of the cornerstones of the democratic system. The final text is not yet public and the specific provisions are unknown, but professional expectations are that the new law will in some form reinstate the reinforced legal status of editorial charters, increase editorial say in the appointment of management, and create stronger guarantees for the protection of journalistic sources, as well as for protection against ownership, financial or political pressure.

Rachida Dati has repeatedly stressed that the draft law under preparation is based on the principles of pluralism and is specifically intended to regulate issues of media concentration, pluralism and independence. According to a report by Categorynet, however, professional actors fear that any certification or quality-rating mechanism could conflict with Article 11 of the 1789 Declaration of the Rights of Man and of the Citizen, Article 10 of the European Convention on Human Rights, the French

constitutional principle of pluralism and the case-law of the French Council of State and the European Court of Human Rights. Professional organisations therefore call on the Council of State to ensure that the new law expressly excludes any form of administrative certification or listing system, while at the same time strengthening equal access by journalists and media outlets to state information and accreditation, and providing for swift and effective remedies against arbitrary refusals of accreditation (Categorynet, 2024).

In recent weeks Macron has spoken of a broader reform package on the relationship between "democracy and social media", comprising several strands: raising the "digital age of majority" to fifteen years, increasing the transparency of algorithms, and introducing a fast-track judicial procedure to stop the rapid spread of manifestly false information on social media. According to the French press, these elements are to be laid down in specific legislation in early 2026, and the Dati bill is expected to provide a framework for this from the perspective of the media system.

The debate on certification is partly separate from this. Macron has repeatedly suggested that a professionally operated quality label for "trusted media" could strengthen public confidence and contribute to the fight against disinformation. This, however, has provoked strong pushback from outlets belonging to the Bolloré group and from the right. In response, Dati has repeatedly made it clear that the state will not create a state-run certification scheme. The idea of certification stems from professional proposals formulated during the EGI consultation, and even if such a system were to be created, it could at most take the form of a voluntary, profession-run initiative. For the professional community it is crucial that the forthcoming Dati law should, at most, indirectly take account of third-party rating systems – for example when allocating state advertising or subsidies – such as Reporters Without Borders' Journalism Trust Initiative, but that it should not create a state filter that legally differentiates between "good" and "bad" media (Reporters sans frontières, 2021; *Le Monde*, 2025).

On the basis of information available so far, it appears that the Dati draft primarily addresses the structural issues of the media system – ownership, pluralism, independence – and is only indirectly linked to the direct regulation of online disinformation and network platforms, which will be dealt with partly through separate instruments (the DSA, French digital legislation, and a possible new French act specifically on social networks, which would regulate child protection, hate speech and platform liability – partly by relaunching the 2023 law, partly through new instruments).

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