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PRESS RELEASE

[Legal decision]

French DTT channels: the selection process has not yet been completed

The Conseil d'État rules that applications by the television channels C8, NRJ12 and Le Média to annul the shortlist of applicants for DTT frequencies are premature. At this stage, Arcom has simply drawn up a shortlist: it does not mean that applicants on the list will receive an allocation, nor that those not on the list are definitively rejected. Only Arcom's final decision, expected in December, will definitively establish the applicants selected for DTT, and these may be challenged before the Conseil d'Etat, through the urgent appeals process if required.

In February 2024, Arcom (the French regulatory authority for audiovisual and digital communication) launched a call for applications to renew the licences of 15 DTT channels that are due to expire at the end of February 2025. On 24 July, Arcom issued a press release announcing that it had “shortlisted 15 candidates as a preparatory measure”. Channels C8, NRJ 12 and Le Média, which are not on the list, appealed to the Conseil d'Etat to annul the shortlist, as they considered that it effectively rejected their applications.

The Conseil d'État today ruled that the appeals from C8, NRJ 12 and Le Média were inadmissible as they are premature. The shortlist cannot be referred to the administrative judge at this stage as it neither attributes DTT channels to the applicants listed on it nor rejects the other applications. This shortlist of applicants, which is an Arcom practice not provided for by law, is not the end of the procedure for allocating DTT frequencies. In fact, Arcom can only actually rule out an applicant once it has definitively chosen another, and this final selection can only be made following the negotiation of the agreement that must accompany the broadcasting licence. Even after the publication of this type of shortlist, Arcom may still choose to terminate negotiations with one of the shortlisted applicants, or to start negotiations with another applicant not on the shortlist, until the final decision has been made.

Decision Nos. 497830, 497986 and 497993, 22 November 2024

What recourse do applicants have?

Once the process has been completed, unsuccessful applicants may appeal to the Conseil d'Etat, including as an urgent application (*en référé*) if required, against the authorisations issued or against the rejection of their own applications.

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