

ACT OF PARLIAMENT

Law n°57-32 of January 10, 1957 Defining the Statutes of Agence France-Presse.¹

Consolidated Version as of June 8, 2017

Article 1

· Amended by article 15 of French law n° 2015-433 dated April 17, 2015

Is hereby created, under the name of Agence France-Presse, an autonomous civil entity² functioning under commercial rules.

The said body having as its purpose:

1. To seek out, in France 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.

Article 2

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 users³ 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.

Article 3

· Amended by article 12 of law n° 2015-433 dated April 17, 2015

Is hereby created a higher council⁴ charged with guaranteeing the long-term existence of Agence France-Presse and ensuring respect for the obligations laid out in Article 2. It convenes at least once in each half of the year to debate an agenda drawn up by its president.

¹ Source document in French, downloaded June 9, 2017:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068171&dateTexte=20170608>

² Organisme autonome doté de la personnalité civile

³ Usagers

⁴ Conseil supérieur

The higher council can submit to the chief executive officer⁵ observations on the implementation of AFP's strategy, which are non-binding. It is consulted by the CEO in advance of all strategic decisions for the agency, and also on plans concerning the aims and means contract⁶.

The CEO provides the higher council with all the documents and information that the council deems necessary for it to carry out its missions. At the council's demand, he makes himself available to account for the activities, the management and the independence of Agence France-Presse.

The higher council can publicise its decisions.

In a report submitted to parliament before June 30 each year, the council reports on the agency's economic, financial and social situation and also on its respect for the obligations laid down in Article 2.

Article 4

· Amended by articles 13 and 15 of law n° 2015-433 dated April 17, 2015

The composition of the higher council is as follows:

- A member of the Council of State⁷ in active service, elected by the Council of State's general assembly. To serve as president, with a casting vote in the event of a tie;
- A judge in active service on the supreme appeals court⁸, elected by the general assembly of the said court;
- Two representatives of publication directors⁹ from daily newspapers appointed by the most representative professional organisations¹⁰ representing the same. The representativity of the said organisations to be determined in line with the French act of parliament n° 53-287 of April 7, 1953 and by the texts applying that law;
- A professional journalist appointed by the most representative professional organisations¹¹;
- A representative of French national television and radio services as defined under Section III of act of Parliament N° 86-1067 dated September 30, 1986 and appointed as laid down in the Council of State decree provided for in Article 17 of the present act;
- Two members of Parliament, one nominated by the Standing Committee for Cultural Affairs of the National Assembly and the other by the same body in the Senate.

The composition of the higher council is such that the difference between the number of male members and the number of female ones is no more than one.

The members of the higher council are appointed for five-year terms. Their mandates may be renewed once. Membership of the council is not compatible with membership of either the board of directors or of the financial commission.

If in the course of a mandate a member ceases to qualify for the requirements laid down above, he or she automatically ceases to be a member of the higher council. When the mandate of a member

⁵ *Président-directeur général (PDG)*. Often also referred to in French as simply «*le président*».

⁶ *Contrat d'objectifs et de moyens*. A pluriannual agreement with the French government in which the latter lays down objectives and defines strategy for AFP. It did not exist in earlier versions of the statutes.

⁷ *Conseil d'Etat*: for a presentation of this state body, see the English pages of its web site at <http://english.conseil-etat.fr/>.

⁸ *Cour de cassation*: France's highest court of appeal

⁹ *Directeur de publication*: in French law he or she is the legal representative of the publisher.

¹⁰ *Organisations professionnelles*: the main French media employers' unions

¹¹ Journalists' trade unions

ends prematurely, for whatever reason, the term to be served by his or her successor comes to an end at the same time as those of the other members.

The higher council's operating procedures and funding arrangements are to be laid down in the Council of State decree provided for in Article 17 of the present act.

Article 5

· *Amended by article 13 of law n° 2015-433 dated April 17, 2015*

The higher council can be petitioned by a user or by a professional news organisation or, as laid down in Article 12, by the financial commission, concerning any issue liable to be considered a violation of the obligations laid out in Article 2.

If so petitioned, the higher council shall rule within three months as to whether the issue raised constitutes a violation of the obligations defined under Article 2.

If the petition is upheld, the higher council sends all necessary observations or decisions to the board of governors and the chief executive officer.

If the incident in question was the consequence of a decision made by the board of governors, the council can suspend implementation of the said decision and ask the board to deliberate a second time; this must be done within a month. The board decision thereby challenged can only be upheld if the board votes to do so with a majority of at least thirteen.

If the incident in question resulted from serious misconduct¹² on the part of the chief executive officer, the higher council shall rule, after consulting the board of governors in the absence of the CEO, to relieve the latter of his duties.

At the start of each year the chief executive submits to the higher council a report on Agence France Presse's activities in the light of the obligations laid down in Article 2.

Article 6

· *Amended by article 13 of law n° 2015-433 dated April 17, 2015*

Agence France-Presse is administered by a board of governors¹³ chaired by the agency's chief executive officer. The board convenes at least four times per year.

Article 7¹⁴

· *Amended by article 13 of law n° 2015-433 dated April 17, 2015*

In addition to the chief executive officer, the board of governors is made up of:

1. Five representatives of publication directors¹⁵ from daily newspapers designated by the most representative professional organisations representing the same. The representativity of the said organisations to be determined in line with the French act of parliament n° 53-287 of April 7, 1953 and by the texts applying that law;
2. Two representatives of French national television and radio services as defined under Section III of act of Parliament N° 86-1067 dated September 30, 1986 and appointed as laid down in the Council of State decree provided for in Article 17 of the present act;

¹² *Faute grave*

¹³ *Conseil d'administration*

¹⁴ *This article was modified as a result of a ruling on a constitutional question (QPC n° 2011-128) delivered on May 6, 2011. The ruling struck down a provision in the original law which said that board members had to be of French nationality. The article was further modified by Act of Parliament N° 2015-433 dated April 17, 2015, which changed the composition of the board.*

¹⁵ *Directeur de publication*: See note on previous page.

3. Three representatives of public services which use the agency's services¹⁶ appointed on the same basis and respectively by the minister for foreign affairs, the minister for communications and the minister for economic affairs;
4. Three representatives of agency staff¹⁷, namely:
Two professional journalists elected by the body of professional journalists belonging to the agency's editorial staff;
A member of personnel from among other staff categories, elected by staff from the said categories.
5. Five personalities appointed¹⁸ by the higher council on the basis of their knowledge of the media and digital technologies and their economic and management skills, at least three of whom must have significant experience at the European or the international level. The said members may not be selected from any public entities or companies from which other members of the board of governors or the higher council come.

The board elects, in a majority vote, a vice-president chosen from among its members representing publishing company directors. The chief executive officer does not take part in the vote.

Board members serve a five-year term. Their mandate is renewable. However the mandate of board members representing public services can be terminated at any time by the ministries to which they belong.

If a board member no longer possesses the qualifications which justified his or her appointment to the board, he or she ceases to be a member.

If the mandate of a member ends prematurely, for whatever reason, the term to be served by his or her successor comes to an end at the same time as those of the other members.

The restrictions laid out in article L. 249-1 of French company law¹⁹ are applicable to the members of the board of governors..

Article 8

The board of governors is vested with the broadest powers to manage and administer the agency.

The chief executive officer has the job of drafting and executing the proceedings of the board of governors, of running all the agency's services and representing the agency.

The vice-president assists or stands in for the chief executive officer in his or her missions of representation. In the event of the chief executive officer being unable to carry out his or her duties, he or she is replaced on the board by the vice-president or by a board member chosen by the board. In such circumstances the other duties of the chief executive officer are carried out by the agency's directors or heads of service, as mandated by the chief executive with the agreement of the board.

The respective powers of the board of governors and the chief executive officer are laid out in the Council of State decree called for under Article 17 of the present act.

The board of governors may delegate some of its powers to the chief executive officer.

Article 9

The status of the agency's staff is laid down by the board of governors as proposed by the chief executive officer, and after consultation with the financial commission.

¹⁶ *Services publics usagers*: government entities which subscribe to AFP services.

¹⁷ The April 2015 law raised the number of staff representatives from two to three, adding an extra journalist.

¹⁸ The five "civil society" members of the board constitute a new category, added by the April 2015 law.

¹⁹ Company law: *Le code de commerce*.

The said status is determined in line with the collective bargaining agreements²⁰ prevailing for staff categories in a press company²¹.

Article 10

· Amended by articles 13 and 15 of law n° 2015-433 dated April 17, 2015

Within three months of the post of chief executive officer falling vacant, a new CEO is appointed by the board of governors for a renewable five-year term. The CEO is not selected from among the board's members.

The successful candidate must gain the votes of at least thirteen board members. He or she must present a strategic project for the agency; the decision being made on the basis of that project.

If after three rounds of voting carried out under the conditions laid down in the aforementioned Council of State decree, no candidate has gained the requisite number of votes, the higher council proposes two candidates to the board. Whichever of the two wins the larger number of votes is elected chief executive officer.

The board of governors may terminate the mandate of the chief executive officer in the event of serious managerial misconduct²² in the exercise of his or her functions or for any act deemed incompatible with the fulfilment of his or her mission. Any such decision must be voted by at least thirteen board members, during a session held in the absence of the chief executive.

In the event of an application lodged under the preceding paragraph being rejected, or if it has not been possible to win the support of thirteen board members during two meetings held fifteen days apart, an application can be lodged with the higher council by at least three board members. The higher council then rules on the application.

Article 11

The chief executive officer bears civil responsibility towards Agence France-Presse for serious misconduct²³ in the exercise of his or her duties. His or her responsibility can be contested by the president of the financial commission called for in Article 12, below. In such circumstances the president of the financial commission is considered to be legally acting for Agence France-Presse.

Article 12

· Amended by articles 13 and 14 of law n° 2015-433 dated April 17, 2015

Is hereby created a financial commission²⁴ for Agence France-Presse.

The commission comprises three current members of the government accounting office²⁵ nominated by the first president of the office, one of whom chairs the commission. The members of the financial commission are appointed for a five-year term, which is renewable.

The annual report laying out expected income and expenses is submitted to the financial commission, which checks whether the figures projected therein can be expected to result in a balanced budget.

If the commission concludes that the budget will not balance, it sends it back to the chief executive who then convenes a new board meeting in order to adopt a balanced budget.

²⁰ *Conventions collectives*

²¹ *Entreprise de presse*. A specific form of legal entity in France.

²² *Faute lourde de gestion*

²³ *Faute lourde*

²⁴ *Commission financière*

²⁵ *Cour des comptes*

The financial commission is charged with keeping tabs on Agence France-Presse's financial management in general and on a permanent basis. Each year it verifies that the financial compensation provided by the state under the terms of Article 13 does not exceed the net costs incurred by the carrying-out of Agence France-Presse's public interest missions.²⁶

To that end it has full powers to investigate, both by demanding documents and visiting the agency's premises. It sends all necessary comments on the agency's financial management to both the chief executive and the board. The members of the commission sit on the agency's board of governors, in a consultative capacity.

If the financial commission concludes that despite its observations, the board has not taken all necessary measures to ensure the agency's financial equilibrium, it can demand, after consulting the higher council, the appointment of a provisional administrator²⁷. The latter is appointed by the president of the commercial court²⁸ acting at the request of the financial commission's president. In such an event the board of governors is to be replaced within a period of six months, in line with the principles laid down by the Council of State in Article 17 of the present act.

The mission of the provisional administrator comes to an end once the new board of governors is in place.

The financial commission audits Agence France-Presse's accounts.

It submits an annual report on Agence France-Presse's financial management to the board of governors, which passes it on to the higher council.

The financial commission can bring to the attention of the higher council any issues it has noted which may constitute a failure to respect the obligations laid down in Article 2, above.

Article 13

· Amended by article 100 of the French law n°2012-387, dated March 22, 2012²⁹ and by article 14 of law n° 2015-433 dated April 17, 2015

Agence France Presse's resources comprise the income it gains from the sale of documents and news services to its customers, financial compensation from the state for the net costs incurred by the carrying out of its general interest missions, as those missions are laid down in Articles 1 and 2, and revenue from its assets.

Those activities of Agence France-Presse which do not involve general interest missions as laid down in articles 1 and 2 above are treated separately in the accounts.³⁰

²⁶ "In 2014, following a decision of the European Commission, to which the French government and AFP's management clearly contributed, the agency's public interest mission was limited to just part of its activity based on an a temporary agreement with the French state which has to be re-examined every 10 years. Thus AFP's public interest mission went from being global and permanent to partial and limited in duration." Source: union-sponsored platform for the election to replace the three staff representatives on AFP's board, July 2017. Cf. <http://www.sud-afp.org/spip.php?article468>.

²⁷ *Administrateur provisoire*

²⁸ *Tribunal de commerce*: the main jurisdiction for trade and business disputes in France. It considers cases arising from the Commercial Code (*code de commerce*), one of the main corpuses of French law.

²⁹ The amendment in question, adopted definitively by the French parliament on Tuesday, February 29 2012, added the phrase "financial compensation from the state for the net costs incurred by the carrying out of its general interest missions, as those missions are laid down in Articles 1 and 2". ("*la compensation financière par l'Etat des coûts nets générés par l'accomplissement de ses missions générales telles que définies par les articles 1er et 2*").

³⁰ This clause, added in April 2015, explicitly states that AFP may engage in activities other than the "general interest missions" laid down in the original statutes.

The conditions under which it sells to public state services³¹ are laid down in an agreement³² between the state and Agence France-Presse; the said agreement sets the number and price of the subscriptions taken out by the services in question, on the basis of the general rates levied by the agency. The said rates and sales agreements include conditions making them subject to change.

The agreement may be revised in the event of changes in the conversion rate applicable to international telex and radiotelegraphy taxes.

Article 14

· Amended by articles 14 and 15 of law n° 2015-433 dated April 17, 2015

Agence France-Presse cannot be wound up³³ other than by an act of parliament.

In the event of insolvency being confirmed by the commercial court as a result of an appeal either from the board of governors, from the financial commission or from creditors, the government must submit to parliament, within a month, all information required to allow the latter to adopt a law which either lays down the conditions under which Agence France-Presse can remain in business, or pronounces the agency to be dissolved and disposes of its assets. In both of these eventualities, the provisions laid down in Title VI of French commercial law concerning the identification of sums owed and the lack of conflicts of interest on the part of its creditors are applicable. The state may not take on responsibility for Agence France's Presse's debts to its creditors. The Council of State may issue a decree placing Agence France-Presse under provisional administration pending enactment of the law.

Article 15

· Amended by article 15 of law n° 2015-433 dated April 17, 2015

The commercial court can strip the chief executive officer and the other members of the board of their posts in line with Article L. 249-1 of French commercial law.

Article 16

· Modified by Decree 81-156 1981-02-18 article. 1, published in the official government gazette³⁴ on February 20, 1981

The government order of September 30, 1944 setting up Agence France-Presse on a provisional basis is repealed.

The premises, facilities, equipment and other assets placed at the disposal of the aforementioned agency under the government order of September 30, 1944 or acquired since by the agency are handed over free of charge to the body set up under the present law, for a period of three years. That period can be renewed via a decree issued by the council of ministers³⁵ until such time as the disposal of the said assets has been settled definitively.

As regards premises under construction for use by Agence France-Presse, an agreement³⁶ between the state and the new agency will settle the conditions under which they are to be transferred, or made available, to it.

Agence France-Presse is moreover invested in general with the rights and obligations of the body set up by the government order of September 30, 1944.

³¹ Services publics de l'Etat

³² Une convention

³³ Dissoute (literally: dissolved)

³⁴ Le journal officiel (JORF)

³⁵ Conseil des ministres: the cabinet

³⁶ Convention

Any future transfer of the aforementioned assets and rights shall not give rise to any payout of profit to the Treasury³⁷. All acts and conventions arising from the application of the present article are exempted from stamp and other duties arising from the recording of property or mortgage rights.

Article 17

Amended by article 15 of law n° 2015-433 dated April 17, 2015

A decree issued by the Council of State will set down the terms on which the present act is to be applied.

For the President of the Republic: RENE COTY.

The president of the council of ministers³⁸, GUY MOLLET.

Minister of state, keeper of the seals³⁹ in charge of justice, FRANCOIS MITTERRAND.

Minister of foreign affairs, CHRISTIAN PINEAU.

Minister for economic and financial affairs, PAUL RAMADIER.

Minister for social affairs, acting minister for France overseas⁴⁰, ALBERT GAZIER.

Minister for social affairs, ALBERT GAZIER.

Preparatory Proceedings

National Assembly⁴¹:

Draft law (n° 1196);

Consultation of the Assembly of the French Union⁴² (n° 2288) on the basis of a report from M. Junillon on behalf of its information committee;

Report by M. Soulié for the Parliamentary Press Committee (n° 2061);

Debate and adoption on July 3, 1956.

Senate⁴³:

Draft law adopted by the National Assembly (n° 603, S.O. 1955-1956);

Report from M. Pezet on behalf of the Senate Press Committee (n° 72, S.O. 1956-1957);

Debate and adoption on November 15, 1956.

National Assembly:

Draft law amended by the Senate (n° 3260);

Report by M. Soulié for the Parliamentary Press Committee (n° 3418);

Adopted without debate on December 19, 1956.

Senate:

Draft law amended by the National Assembly (n° 192, S.O. 1956-1957);

³⁷ *Le Trésor (public)*: the French Treasury department

³⁸ *Le président du conseil des ministres*: the prime minister

³⁹ *Garde des sceaux* (justice minister)

⁴⁰ *Ministre de la France d'outre-mer*: at the time, minister for overseas territories and colonies.

⁴¹ *Assemblée nationale*: the lower house of the French parliament

⁴² *Union française*: Colonial administration, long defunct.

⁴³ The upper house of the French parliament, known as the *Conseil de la République* at the time the statutes were adopted in 1956.

Report from M. Pezet on behalf of the Senate Press Committee (n° 207, S.O. 1956-1957);
Debate and adoption on December 28, 1956.

National Assembly:

Act declared adopted on December 28, 1956.

Translation by the SUD-AFP Trade Union: <http://www.sud-afp.org> - sudafp@orange.fr.

Translator: David Sharp, david.sharp@sharp-words.com

Address of this document on the Internet: <http://www.sos-afp.org/en/statutes>

Agence France-Presse web site: <http://www.afp.com>

Paris, September 5, 2011 - amended April 21, 2012 and June 10, 2017