

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

Consolidated Version as of March 24, 2012

Article 1

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 and all of the French Union³ 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 users⁴ 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

Is hereby created a higher council⁵ charged with ensuring respect for the obligations laid out in Article 2.

¹ Source document in French, downloaded April 21, 2012:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068171&dateTexte=20081119>

² *Organisme autonome doté de la personnalité civile*

³ *Union française*: Now defunct, this was the colonial administration set up after World War II under the French fourth republic, in force when AFP's statutes were adopted.

⁴ *Usagers*

⁵ *Conseil supérieur*

Article 4

The composition of the higher council is as follows:

- A member of the Council of State⁶, either in activity or retired, 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, either in activity or retired, from the supreme appeals court⁷, elected by the general assembly of the said court;
- Two representatives of publication directors⁸ from daily newspapers appointed by the most representative professional organisations⁹ 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 organisations¹⁰;
- A representative of French television and radio services¹¹ appointed as laid down in the Council of State decree provided for in Article 17 of the present act;
- Two members chosen by the other members of the higher council, one from among figures who have held high administrative posts overseas and the other from among figures who have held a high post representing France abroad.

The members of the higher council are appointed for three-year terms. Their mandates may be renewed.

However, the mandates of the members of the first higher council only come to an end after four years.

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 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

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.

⁶ *Conseil d'Etat*: for a presentation of this state body, see the English pages of its web site at <http://www.conseil-etat.fr/cde/en/>

⁷ *Cour de cassation*: France's highest court of appeal

⁸ *Directeur de publication*: in French law he or she is the legal representative of the publisher.

⁹ *Organisations professionnelles*: the main French media employers' unions

¹⁰ Journalists' trade unions

¹¹ *Radiodiffusion-télévision française*; state-owned media. When the statutes were enacted, all radio and TV services in France were run by the state.

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 twelve.

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 from on Agence France Presse's activities in the light of the obligations laid down in Article 2.

Article 6

Agence France-Presse is administered by a board of governors¹³ chaired by the agency's chief executive officer¹⁴.

Article 7

· The following article was modified as a result of a ruling on a constitutional question (QPC n° 2011-128) delivered on May 6, 2011 - see below.

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

1. Eight 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 television and radio services¹⁶ appointed as laid down in the Council of State decree provided for in Article 17 of the present act;
3. Three representatives of public services which use the agency's services¹⁷ appointed on the same basis and respectively by the prime minister, the minister for foreign affairs and the minister for finance and economic affairs;
4. Two representatives of agency staff, namely:
A professional journalist 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.

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 three-year term. Their mandate is renewable. However the mandate of board members representing public services can be terminated at any time by the prime minister or 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.

¹² *Faute grave*

¹³ *Conseil d'administration*

¹⁴ *Président-directeur général (PDG)*. Often also referred to in French as simply «*le président*».

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

¹⁶ *Radiodiffusion-télévision française*; state-owned media. See note on previous page.

¹⁷ *Services publics usagers*: government entities which subscribe to AFP services.

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 provisions contained in articles 6 and 8 of the government decree of August 5, 1935 on company directors with respect to receivership and bankruptcy laws, calling for penalties including stripping such people of the right to run and administer a company, are applicable to members of the board.

NOTE:

Constitutional priority (QPC)¹⁸ ruling n° 2011-128 dated May 6, 2011 and issued by the Constitutional Council (NOR CSCX1112526S); *“In the sixth and seventh subheadings of Article 7 of the act of parliament n° 57-32 of January 10, 1957 laying down Agence France-Presse's statutes, the words “of French nationality” are declared to be contrary to the Constitution. The statement of unconstitutionality comes into force on publication of the present ruling, in conditions laid down in its 6th subheading.”*¹⁹

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.

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

¹⁸ *Question prioritaire de constitutionnalité (QPC)*. For an explanation of this mechanism in English, see the Constitutional Council's web site: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/english/homepage.14.html>

¹⁹ Under the original AFP statutes only French nationals could vote or be candidates for the two posts of staff representative on the board. This dispensation was changed in 1998 to extend the same rights to all staff from the 30 states of the European Economic Area (the EU plus Iceland, Liechtenstein and Norway). The May 2011 ruling extended the right to all AFP staff of whatever nationality. For more information in English on this see the web site of the SUD-AFP trade union: <http://www.sud-afp.org/spip.php?article102>.

²⁰ *Conventions collectives*

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

Article 10

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 three-year term. The CEO is not selected from among the board's members. The appointment of the agency's first chief executive must take place under the same conditions within three months of the present law being promulgated.

The successful candidate must gain the votes of at least twelve board members.

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 twelve 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 twelve 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

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

The commission comprises two members of the government accounting office²⁵ nominated by the prime minister, one of whom chairs the commission, and an expert nominated by the finance ministry.

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.

The financial commission is charged with keeping tabs on Agence France-Presse's financial management in general and on a permanent basis.

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.

If the financial commission observes 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

²² *Faute lourde de gestion*

²³ *Faute lourde*

²⁴ *Commission financière*

²⁵ *Cour des comptes*

higher council, the appointment of a provisional administrator²⁶. The latter is appointed by the president of the commercial court²⁷ 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 in Article 17 of the present act.

The mission of the provisional administrators 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, 2012.²⁸

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.

The conditions under which it sells to public state services²⁹ are laid down in an agreement³⁰ 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 rates applied to French press companies.

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

Article 14

Agence France-Presse cannot be wound up³¹ 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, a draft 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. Pending the passage of such a law, arrangements may be made for Agence France-Presse to temporarily go on operating, via a decree approved by the Council of State.

²⁶ *Administrateur provisoire*

²⁷ *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.

²⁸ 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*").

On March 15, 2012, the French Constitutional Court threw out a challenge to the omnibus law of which the amendment was a part. The challenge in question did not concern the amendment relating to AFP.

²⁹ *Services publics de l'Etat*

³⁰ *Une convention*

³¹ *Dissoute* (literally: dissolved)

Article 15

The commercial court can strip the chief executive officer and the other members of the board of their posts in line with Article 10 of the decree dated August 8, 1935 relating to the application of insolvency and bankruptcy legislation to company managers and directors.

Article 16

· *Modified by Decree 81-156 1981-02-18 article. 1, published in the official government gazette³² 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 ministers³³ 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 agreement³⁴ 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.

Any future transfer of the aforementioned assets and rights shall not give rise to any payout of profit to the Treasury³⁵. 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

The terms on which the present act is to be applied will be laid down in an administrative regulation³⁶.

For the President of the Republic: RENE COTY.

The president of the council of ministers³⁷, GUY MOLLET.

Minister of state, keeper of the seals³⁸ 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 overseas³⁹, ALBERT GAZIER.

Minister for social affairs, ALBERT GAZIER.

³² *Le journal officiel (JORF)*

³³ *Conseil des ministres*: the cabinet

³⁴ *Convention*

³⁵ *Le Trésor (public)*: the French Treasury department

³⁶ *Règlement d'administration publique*: known today as a "*décret en Conseil d'Etat*", this is a government decree issued after consultation of the State Council.

³⁷ *Le président du conseil des ministres*: the prime minister

³⁸ *Garde des sceaux* (justice minister)

³⁹ *Ministre de la France d'outre-mer*: at the time, minister for overseas territories and colonies.

Preparatory Proceedings

National Assembly⁴⁰:

Draft law (n° 1196);

Consultation of the Assembly of the French Union⁴¹ (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.

Senate⁴²:

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);

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.

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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

⁴⁰ *Assemblée nationale*: the lower house of the French parliament

⁴¹ *Union française*: Colonial administration. See footnote on page 1.

⁴² The upper house of the French parliament, known as the *Conseil de la République* at the time the statutes were adopted in 1956.