[FR] Quotas for Songs in French not Contrary to Treaty of Rome

IRIS 1998-6:1/8

Charlotte Vier
Légipresse

In applying Article 25 of the Act of 30 September 1986 (loi relative à la liberté de communication) amended by the Act of 1 February 1994, which introduced the obligation for radio and audiovisual broadcasting companies to comply with quotas for broadcasting songs in French, the CSA (Conseil Supérieur de l'audiovisuel - the national radio and television supervisory body) proposed on 21 June 1994 that the company operating the Fun Radio station should amend its agreement in order to comply with the statutory provisions. In reply to the CSA, the radio station expressed reservations about these new obligations and in the end called for the codicil and the decision signed by the CSA Chairman to be cancelled.

In contesting the amendments to its agreement, the company maintains that the obligation that at least 40% of the songs it broadcasts be in French, half of them by new talent or new productions, is contrary to Articles 30 and 59 of the Treaty of Rome, which prohibit import quotas, and to the freedom to supply services within the Community.

The response of the Conseil d'État should still the debate on the matter, at least temporarily, as it holds that the requirements of the disputed codicil are not of an economic nature but are part of a cultural policy defined by the legislator with a view to assuring both the defence and promotion of the French language and the renewal of the musical heritage in French. The Court of Justice of the European Communities has already found that the general interest connected with the enhancement of this heritage constitutes an overriding reason justifying a limitation of the free movement of goods and the freedom to provide services. Thus the percentage of 40% of songs in French was not disproportionate.

Conseil d'Etat, Ass., 8 avril 1998, Sté SERC Fun Radio

State Council, session 8 April 1998, Société SERC Fun Radio

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026