[FR] Amended Descriptions of Duties and Terms of Reference for France 2 and France 3

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A decree dated 6 May 1998 amends the descriptions of duties and terms of reference of the public-service television channels France 2 and France 3, in an attempt to close the gap between the legal systems governing private channels and public-service channels, thereby making supervision by the regulatory body, the Conseil Supérieur de l'Audiovisuel (CSA) easier.

The decree of 6 May covers firstly the relations between France 2 and France 3 and audiovisual producers. In 1997 these producers - through their main professional union, the audiovisual production union (USPA - Union Syndicale de la Production Audiovisuelle) - signed an agreement with the private television channels. The CSA acknowledged the agreement, making compliance compulsory (Art.28 of the Act of 30 September 1986, amended). As the descriptions of duties and terms of reference of the public-sector channels are determined by decree, it is this text which made the agreement compulsory. Basically, the agreement covers the annual investment which France 2 and France 3 must each devote to independent production (11.5% of turnover). In principle, the maximum duration of rights acquired by France 2 and France 3 may not exceed three years, being extended to five years where a number of companies have financed the production. These periods are extended by six months for works of fiction in a number of episodes. Lastly, a distinction is drawn between terrestrial broadcasting and multi-broadcasting by cable and satellite. In the case of satellite, the duration of rights is limited to two years on condition that the company has priority in any subsequent transfer of ownership.

According to the report to the Prime Minister prior to the decree of 6 May 1998, the other amendments made to the descriptions of duties and terms of reference of France 2 and France 3 cover "adaptations with a view to ensuring coherence of provisions applicable to all television channels broadcasting terrestrially, whether public or private". The desire to treat the two groups in the same way could not be any clearer. There are four changes.

Since November 1996, all television channels are required to broadcast films and television films with symbols designed to inform viewers and protect young people. The decree makes the use of these symbols compulsory as a regulation.

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Article 70 of the Act of 30 September 1986, amended, concerning the freedom of communication (loi relative à la liberté de communication), covers relations between television and cinema. As this text was amended by the Act of 1 February 1994, it was necessary to adopt new regulations. The public-sector channels are not allowed to broadcast more than 192 films a year, of which 104 may be shown between 8.30 pm and 10.30 pm. The decree of 6 May 1998 recalls the former rule intended to protect cinemas, according to which films may not be shown on Wednesday evenings, at any time on Saturdays, and before 8.30 pm on Sundays; films may be broadcast on Friday evenings on condition that they are cinema-club films and are shown after 10.30 pm. The other provisions concerning the cinema concern the broadcasting of art films and general rules for broadcasting.

The decree of 6 May 1998 harmonises the methods of calculating the broadcasting time of advertisements on public and private channels. From now on, and in accordance with the Television without Frontiers Directive, as amended in 1997, broadcasting time is to be measured as a daily average and not as an annual average. Supervision of the public-sector channels by the CSA is emphasised by the fact that the CSA may demand communication from the company of any information necessary for ensuring that its legal and regulatory obligations are being complied with. For this purpose, as stated in the Decree of 6 May, the company must retain a recording of its broadcasts, and the corresponding trailers, for at least fifteen days.

Décret no 98-348 du 6 mai 1998 portant approbation de modifications des cahiers des missions et des charges des sociétés France 2 et France 3.

Statutory instrument no. 98-348 of 6 May 1998 approving the amendments to the descriptions of duties and terms of reference of the companies France 2 and France 3.

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