European Commission: Decision to Take France to the Court of Justice for Failing to Comply with the Directive

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The European Commission has decided to refer France to the Court of Justice for failure to comply with certain provisions of the "Television Without Frontiers" Directive (Directive 89/552/EEC). In 1992 an infringement procedure was started against France concerning the transposition of Directive 89/552/EEC. The revised directive on "Television Without Frontiers" (Directive 97/36/EC) has not amended the relevant provisions in such a way that it would affect the complaints. Thus, the complaints remain valid. With respect to earlier complaints of the Commission, the French authorities acknowledged that these were well founded. Until now, they have nevertheless failed to adopt any of the promised legislative measures.

The Commission's five complaints deal with: 1. a prior authorisation regime for the cable distribution of television services coming under the jurisdiction of another member state, which is contrary to Article 2(2) of the Directive; 2. Article 4 of decree no. 92-882 of 1 September 1992 which remains in force and which includes an ambiguous definition of the criteria used by France to establish jurisdiction over cable services, as well as an `anti-delocalisation' clause drafted in an inappropriate way; 3. inadequate transposition of Article 22 of the Directive relating to the protection of minors; 4. establishment of special rules for the broadcast by satellite of television services in a foreign language, which is contrary to Article 2(1) of the Directive and 5. lack of a decree establishing the legal framework for services broadcast by satellite using a frequency not managed by the audio-visual regulatory body, the Conseil Supérieur de l'Audiovisuel (CSA), which is contrary to Articles 2(1) and 3(2) of the Directive.

Decision to Take France to the Court of Justice for Failing to Comply with the "Television Without Frontiers" Directive. Press release IP/98/1067 of 7 December 1998.

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