[FR] CSA Puts Out Four Calls for Candidates for Local Television

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On 17 November the CSA (Conseil Supérieur de l'Audiovisuel - national radio and television supervisory body) put out four calls for candidates to use frequencies with a view to authorising terrestrial-broadcast television channels for local expression in Tours, Clermont-Ferrand, Luçon and Les Sables-d'Olonne. Companies awarded an authorisation would be required to provide a minimum of between one and a half and two hours each day of locally-produced broadcasts being shown for the first time, with the lion's share being reserved for local expression.

Until now, the CSA has hesitated to give definite authorisations for a fifteen-year period for projects of this kind. Thus in 1994 it rejected an application from the company JL Électronique to operate a local television service in the Vendée on the grounds that such authorisation could only be granted following a call for candidates. The CSA indicated moreover that it did not intend putting out a call for candidates for that particular area as it felt it was necessary to first consider the definition and importance of local television services broadcast terrestrially as part of the audio-visual scene, bearing in mind particularly the financial difficulties encountered by three of the five services in existence in mainland France; a further reason was the possibility opened up by Article 28 of the Act of 30 September 1986, as amended, of authorising nation-wide services to operate local handovers. However, in a decision delivered on 29 July last year the CSA's decision to not instigate the procedure for putting out for applications was held by the Conseil d'Etat to infringe the principle of the freedom of audio-visual communication. To be lawful, it should in fact have been based on one of the exceptions provided for in Article 1 of the Act of 30 September, as amended (respect for human dignity, freedom, property of others and the diverse nature of ways of thinking and opinions; upholding public order; technical constraints inherent in the means of communication; the need to develop a national industry for audio-visual production).

Although by virtue of this case-law the CSA is now required to put out calls for applications for local television projects, it nevertheless remains entitled to refuse to authorise any projects submitted, in accordance with the criteria listed in Article 29 of the Act of 30 September 1986, as amended.

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Décisions du CSA n° 98-820, 98-821, 98-822 et 98-823 du 17 novembre 1998 relatives à des appels aux candidatures pour l'usage de fréquences en vue de l'exploitation d'un service de télévision privé à caractère local diffusé en clair par voie hertzienne terrestre, Journal Officiel, 26 novembre 1998. Conseil d'État, 29 juillet 1998, SARL JL Électronique.

Decisions of the CSA nos.98-820, 98-821, 98-822 and 98-823 of 17 November 1998 concerning calls for candidates to apply to use frequencies with a view to operating a local private unencrypted television service broadcast terrestrially; official gazette (Journal Officiel), 26 November 1998.

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