[FR] CSA's Tenth Birthday

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In 1982, the creation of an audiovisual regulatory body responded to a political motive, whereas in 1990 questions were being asked about the raison d'être of such a regulatory function. And yet the CSA (Conseil supérieur de l'audiovisuel - official audiovisual regulatory body), the successor to the Haute autorité de la communication audiovisuelle (19821986) and the Commission nationale de la communication et des libertés (19861989), has survived, and has reached its tenth birthday.

The composition of the CSA is no longer contested, although the designation of its members remains political. One-third of its nine members is designated respectively by the President of the Republic, the President of the Senate, and the President of the National Assembly, for a period of six years. It would seem that the authority of the two successive Chairmen of the CSA, Mr Jacques Boutet followed by Mr Hervé Bourges, have guaranteed the body's independence, particularly on the occasion of the appointment of the chairmen of the public-sector radio and television channels.

The exercise of the regulatory function is recognised by law. It is nevertheless covered by the regulatory powers of the government and is residual as regards case-law and the growing importance of European law on the audiovisual sector. Thus the Conseil constitutionnel and the Conseil d'État have recalled that the CSA's regulatory power cannot but be subordinate to the decrees for which the government has responsibility; thus the Directive of Television without Frontiers and case-law at the Court of Justice of the European Communities define the direction which regulatory action should take.

The CSA regulates both support and content, although the universal nature of such competence is becoming increasingly hard to maintain in the face of multimedia developments. The rarity of terrestrial frequencies does probably justify the CSA's intervention in distributing this resource, but its intervention in the use of cable networks is not so easily justified. With the development of digital transmission and broadcasting, such intervention seems even less required. There is now no difference between supports and the principle of the "neutrality of the transporter" might lead to the creation of a regulatory body which would merge, for such matters, the responsibilities of the CSA and those of the telecoms regulatory authority. The audiovisual sector has become the domain of large

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industrial groups, but the law merely gives the CSA responsibilities which, basically, regulate the diversity and objectivity of programmes. It can do nothing about the questions of competition and concentration currently being raised in France, and even more seriously on a European and world scale.

In 1982, one writer defined the Haute autorité as a "complaints board" because its main work involved ethical problems raised by programmes (violence, sex, etc). In 1999 the CSA is much more than just a "complaints board", but it does not have the ability to regulate communication in the digital era. Reformation seems unavoidable.

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