[FR] Council of State Refuses to Classify the Broadcast «Graines de star» as an «Audiovisual Work»

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The decree of 17 January 1990 defined the concept of an audiovisual work for national programme companies and private television channels broadcasting terrestrially without encryption. According to Article 4 of the decree, «audiovisual works comprise broadcasts not included in any of the following categories: full-length cinema films; games and information programmes; light entertainment; games; broadcasts other than fiction works, filmed mostly in a studio; broadcasts of sports events; advertising; teleshopping; a channel's own promotion; teletext services". On 11 December 1997, after viewing several broadcasts, the Conseil supérieur de l'audiovisuel (CSA - official regulatory body) withdrew the classification of the M6 broadcast Graines de star - which shows new talent, «sponsored» by well-known performers - as an «audiovisual work». Initially the programme was recorded without an audience, but the format was then changed, so that the recordings were made under conditions more like those of a live show, in a concert theatre before a paying audience. According to the CSA, the broadcast was not a «recording of a live show», but could be more aptly described as «light entertainment». M6 contested this classification and applied to the Council of State to have the CSA's decision annulled. The Council of State delivered its decision on 7 June; it held that Graines de star existed in a television context only and not on its own, and accepted that it was possible for the CSA to reclassify the programme. It felt that classification in the «light entertainment» category was justified. This is a very important decision, as French television stations broadcasting terrestrially are required to meet broadcasting quotas - 40% of the works broadcast must be originally in the French language and 60% of the works broadcast must be of EU origin - imposed by the decree of 17 January 1990, as amended.

Conseil d'État (section du contentieux), 7 juin 1999 – Société M6.

Council of State (disputes section), 7 June 1999 – Société M6.

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