[FR] New Agreement between the CSA and CANAL+

IRIS 2000-6:1/15

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As the Conseil supérieur de l'audiovisuel (French regulatory body - CSA) agreed at the end of last year to the possibility of renewing the authorisation issued to the channel CANAL+ (an encrypted pay-television service broadcast terrestrially) for a further five years, the channel and the CSA had to negotiate a new agreement setting out the rules applicable to the channel. This was finalised on 29 May. The agreement currently in force has been amended on several points, particularly as regards news ethics and the protection of children and young people.

In view of the growing proportion of the channel's air-time devoted to news, it had become necessary for the channel to make undertakings similar to those made by the channels M6 and TF1; these had not been included in its previous agreement. Thus Articles 5-15 of the new agreement include a number of provisions aimed at "ensuring the diversity of the expression of trends of thought and opinion", the credibility of the information broadcast, respect for rules governing "the broadcasting of programmes, images, opinions or documents relating to legal proceedings", and respect for the "rights of the individual concerning privacy, image, honour and reputation". Notably, this is the first time in France that a clause has been included requiring the channel to "take account in its broadcasting of the diversity of the origins and cultures of the national community" (Art.8).

A second set of provisions aimed at ensuring the protection of children and young people has also been introduced. Specific rules already required CANAL+ to respect the classification of films and audiovisual works into five groups and to mark them accordingly. Nevertheless, in order to bring the agreement into line with the "Television Without Frontiers" Directive and the draft legislation on the audiovisual sector currently under discussion in the French Parliament, the CSA insisted on revising the definition of the fifth category in order to totally forbid the broadcasting of films that offend human dignity. Works in this category will now be scrambled twice, while films prohibited for viewers under the age of 16 (category IV) may not be broadcast before 8.30 pm. The general provisions covering advertising and the production of audiovisual works or full-length films remain largely unchanged. The list of sports events for which the channel undertakes to refrain from acquiring exclusive broadcasting rights remains the same.

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The agreement does not however settle the practical question of the exact method for calculating works broadcast (calculation of quotas by number of broadcasts or by number of titles broadcast), which has recently been the cause of disagreement between CANAL+ and the CSA. The Minister for Culture and Communication has said that this matter would be settled by regulations shortly, and the CSA could use this as the basis for allowing the channel to count towards the quota the rebroadcast of films (for which it had acquired rights) for an eighth time. The new agreement will become applicable when the channel's new authorisation comes into force on 6 December this year.

Convention du 29 mai 2000 entre le Conseil supérieur de l'audiovisuel agissant au nom de l'État, d'une part, et la société CANAL+, d'autre part (à paraître au Journal Officiel).

Agreement of 29 May 2000 between the Conseil supérieur de l'audiovisuel (CSA), acting on behalf of the State, and the company CANAL+ (to be published in the official gazette (Journal Officiel)).

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