[FR] Act Reforming the Audiovisual Sector Adopted At Last

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After three years of preparation and any amount of being passed back and forth in Parliament, the Act reforming the audiovisual sector, aimed in particular at strengthening the public sector and opening the way for the development of terrestrially-broadcast digital television in France, was adopted on 29 June. Apart from a few minor points, most of the text was declared to be in compliance with the Constitution by the Constitutional Council on 27 July.

Firstly, the Act restructures public-sector audiovisual communication, making considerable amendments to the Act of 30 September 1986. The central feature is the creation of a holding company called France Télévision, responsible for defining strategic orientations and promoting the policies of three national programme companies - France 2, France 3, and La Cinquième, of which it holds all the capital. The term of office of the Chairman of the Board of Directors of France Télévision (who is also chairman of the boards of directors of France 2, France 3 and La Cinquième) is extended from three to five years. On 22 August the Conseil supérieur de l'audiovisuel (CSA) elected Marc Tessier, the previous Chairman of France 2 and France 3, as Chairman of the new holding company for a period of five years. The Act reduces the amount of time devoted to advertising on public-sector television to eight minutes per hour from 1 January 2001. The amount of advertising had already been reduced from 12 to 10 minutes per hour in the budget for 2000, starting on 1 January 2000. A further aim of the new Act is to perpetuate the financing of the public sector, with multi-annual contracts setting out aims and means between the State and France Télévision and the full repayment of waived licence fees.

The Act of 1 August also defines the legal framework within which terrestrially-broadcast digital television is to be developed. Six multiplexes (block of six channels on the same frequency) are to be created nationally and the allocation of digital frequencies should give priority to the public service at the same time as opening the market to new nationwide operators and allowing television companies run by associations to apply for these frequencies. The Constitutional Council was asked to consider the matter, and decided that there was a "strict framework" for the priority access for the public-service sector to terrestrially-broadcast digital television. The CSA has been instructed to issue authorisations valid for ten years; no single operator may be allocated more than five channels,

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no single person may hold more than 49% of any one digital channel, and the "existing" channels will be automatically entitled to use a frequency for terrestrially-broadcast digital television to show their programmes in simulcast.

The Act redefines and extends the duties of the CSA, which is in particular responsible for ensuring compliance with the "Television without Frontiers" Directive as regards the protection of minors and public access to "events of major importance", the list of which is to be drawn up shortly by decree. The CSA's operating procedures for guaranteeing the diversity and independence of information (particularly when examining applications and issuing authorisations) have also been redefined.

Because of the scope of the reform, it is not possible to present all the new provisions introduced by the Act in full here. It should nevertheless be mentioned that distribution by satellite is to be subject to a system of authorisation, there are to be quotas for broadcasting French-language songs by radio, TPS will no longer have exclusivity for broadcasting public-sector television, with all satellites having to carry the public-sector channels, and there will be new provisions concerning the status and liability of Internet intermediaries. (see report in this IRIS).

Loi n° 2000-719 du 1 août 2000 modifiant la loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication, JO du 2 août 2000, p. 11903 et suivantes.

Act no. 2000-719 of 1 August 2000 amending Act no. 86-1067 of 30 September 1986 on the freedom of communication, published in the Journal Officiel (official gazette) dated 2 August 2000, p. 11903 et seq.

Conseil constitutionnel, décision n° 2000-433 DC du 27 juillet 2000, JO du 2 août 2000, p. 11922 et suivantes.

Constitutional Council, Decision no. 2000-433 DC of 27 July 2000, published in the official gazette, dated 2 August 2000, p. 11922 et seq.

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