[FR] New Decree on Channels' Contribution to Cinema Film and Audiovisual Production

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An Act of 1 August 2000 has amended the Freedom of Communication Act of 30 September 1986, and in particular its Articles 27 and 71 on the contribution of channels to the development of cinema film and audiovisual production. The aim was to increase the financing of production by the television channels, reinforce the economic independence of production companies and improve the circulation of cinema film and audiovisual works. The Decree of 9 July 2001 now replaces the Decree of 17 January 1990 adopted on the basis of the 1986 Act.

Heading I covers contributions to the development of cinema film and audiovisual production. Television services broadcasting more than 52 full-length cinema films per year are now required to devote 3.2% of their net annual turnover to European cinema film production (compared with 3% under the previous regulations). The percentage to be devoted to works originally in French remains the same, at 2.5%. At least three-quarters of the contribution must be devoted to independent production. Heading II of the decrees covers contributions to the development of audiovisual production. The minimum rate of contribution applicable to the production of audiovisual works originally in French is increased from 15% to 16% of annual turnover. As before, this investment is tied to the obligation to broadcast 120 hours of European audiovisual works or works originally in French that have never been broadcast, and to start their first broadcast between 8 and 9 pm.

The Decree also confirms the option scheme whereby channels undertaking to pay a higher financial contribution may reduce the number of hours of broadcasting of works not previously broadcast. A scheme of this type is currently being used for M6 and for France 2 and France 3, whereas TF1 and La Cinquième remain subject to the basic scheme. The Decree confirms that at least two-thirds of the contribution must be devoted to independent production. The criteria used for determining independence have been relaxed somewhat and brought into line with those in force in the cinema sector. The duration of exclusive broadcasting rights allowed by the producer is limited to eighteen months for a single broadcast on the network operated by the editor service. It should be emphasised that this reform, which is to come into force on 1 January next year, concerns the unencrypted channels broadcast terrestrially in analog mode. It will be supplemented subsequently by other regulatory provisions covering analog terrestrially-broadcast channels that charge their users, channels broadcast

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terrestrially in digital mode, and cable and satellite channels.

Décret n° 2001-609 du 9 juillet 2001 pris pour l'application du 3° de l'article 27 et de l'article 71 de la loi n° 86-1067 du 30 septembre 1986 et relatif à la contribution des éditeurs de services de télévision diffusés en clair par voie hertzienne terrestre en mode analogique au développement de la production d'oeuvres cinématographiques et audiovisuelles, JO du 11 juillet 2001

Decree No. 2001-609 of 9 July 2001 adopted in order to apply Articles 27(3) and 71 of Act No. 86-1067 of 30 September 1986 and concerning the contributions of editors of television services broadcast terrestrially without encryption in analog mode to the development of the production of cinema film and audiovisual works, Official Journal dated 11 July 2001

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