[FR] New Definition of Classifications for Cinema Films

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Last summer the Conseil d'État cancelled the exploitation licence issued to the film Baise-moi allowing the film to be shown to anyone over the age of 16 years. The case gave rise to considerable controversy regarding gaps in the classification of cinema films in France. According to the 1990 decree, there are four common-law classifications for cinema films - authorisation for showing the film to the general public, authorisation for showing the film to anyone over the age of 12 years, authorisation for showing the film to anyone over the age of 16 years, or a total ban on showing the film. In addition to these four common-law classifications there is a further categorythe film may be included on the list of films that are "pornographic or encourage violence" and referred to as "X-rated"; such films may not be shown to anyone under the age of 18 years. Thus the case of the film Baise-moi highlighted a legal gap, since it was impossible to guarantee the protection of minors without giving the film an X-rating. However, the economic consequences of such a rating (specific taxation and total exclusion from the State's support mechanisms for the cinema), and the additional obligation that such films may only be shown in specialist cinemas, are considerable and usually mean their economic failure.

The Government therefore wanted to address the problem and made a considerable effort to allow the showing outside specialist cinemas of films including violent or sexually explicit scenes that, although they undoubtedly should not be shown to minors, are nevertheless of real artistic value. The Decree of 12 July 2001, amending that of 23 February 1990, now sets out six categories for the Film Classification Board that advises the Minister for Culture, who in turn issues exploitation licences. Those categories are - authorised for showing to the general public; authorised, but not to be shown to anyone under the age of 12 years; authorised, but not to be shown to anyone under the age of 16 years; authorised, but not to be shown to anyone under the age of 18 years; listing as a "pornographic film or a film inciting violence" (and not to be shown to anyone under the age of 18 years); and total ban.

Thus the film Baise-moi is now being shown in a cinema in Paris; it is now authorised for showing to anyone over the age of 18 years but is not X-rated, so it can be shown in an ordinary cinema.

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Décret n° 2001-618 du 12 juillet 2001 modifiant le décret n° 90-174 du 23 février 1990 pris pour l'application des articles 19 à 22 du Code de l'industrie cinématographique et relatif à la classification des oeuvres cinématographiques, JO 13 juillet 2001

Decree No. 2001-618 of 12 July 2001 amending Decree No. 90-174 of 23 February 1990 adopted in application of Articles 19 to 22 of the Film Industry Code, concerning film classification, Official Journal dated 13 July 2001

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