[FR] Decree Specifying the Conditions under which Radio Stations May Broadcast Local Advertising and May Be Subject to Local Sponsoring

IRIS 1995-1:1/22

Ad van Loon
European Audiovisual Observatory

The judgement made by the Conseil d'Etat (Council of State) on 18 February 1994 (JCP 1994: 22327, observations by Truchet; JCP 1994: 212, observations by Lienhard Petitot) remains in the memory. The Conseil d'Etat decided that the law, according to which local advertising was restricted to radios broadcasting local programmes, was out of the jurisdiction of the C.S.A. (Conseil Supérieur de l'Audiovisuelthe French Media Authority).

This decision threw into confusion the work being carried out by the C.S.A. into restoring order on the FM wave band and also dealt a severe blow to its image, while limiting its legal powers. As Truchet pointed out, a C.S.A. shorn of its powers will face an uphill struggle to carry out its supervisory work. The decision meant that the legality of all the broadcasting licenses issued so far was now open to question and had forced the C.S.A. to suspend applications for broadcasting frequencies in Nancy and Lyon.

The legislative authorities came to the rescue of the C.S.A., sunk in a quagmire where no one quite knew if the other legislation could still be applied: the decree taken to implement article 27 of the law of 30 September 1986, re-enacted the legal rule that the C.S.A. had wrongly prescribed: local advertising on local radios. The law did however leave a grey area in its text: could a category D radio (nationallybroadcast theme radio station) put together a local programme in order to gain access to local advertising? The C.S.A. hardly waited before drawing the inferences of the Decree. On 10 November 1994, it issued a communiqué confirming the existence of 5 categories of radio. One point to note here was that, compared to communiqué 34, the C.S.A. had taken a more flexible approach to Category B radios (independent local or regional radios with no clear national broadcasts): the local progammes now only had to account for a minimum of 4 hours of the programming grid. The C.S.A. also decided to cancel the call for applications from Alsace Lorraine and to proceed with a new call.

Décret du 9 novembre 1994 définissant les obligations relatives à la publicité locale et au parrainage local des services de radiodiffusion, Journal Officiel du 10 novembre 1994: 15999-16000.

© European Audiovisual Observatory (Council of Europe) 2026

Decree of 9 November 1994 defining the relationship between radio broadcasting and local advertising and sponsorship, Journal Officiel of 10 November 1994: 15999-16000.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026