[FR] Challenge to the Classification of “Audiovisual Work”

IRIS 2002-1:1/15

Amélie Blocman
Légipresse

On 15 November last year the Conseil supérieur de l'audiovisuel (official regulatory body - CSA) decided to classify the programme Popstars, broadcast on M6 since 20 September, as an audiovisual work, as it considered that this televised reality show - the purpose of which is to select candidates with a view to constituting a pop group - did not fall within any of the categories excluded by the official definition. Article 4 of the Decree of 17 January 1990 (amended) indeed provides a negative definition of an audiovisual work, defining it as a broadcast "that does not fall into any of the following categories: cinematographic works, news and information programmes, variety programmes, games, broadcasts other than fiction mainly filmed in a studio, sports broadcasts, advertising; teleshopping, self-promotion, and teletext services". It is for the CSA, as part of its duties to ensure that television services fulfil their obligations, and more particularly as regards the broadcasting and production of audiovisual works, to determine which programmes fall into this category. In the present case the CSA considered that the way the programme was staged and put together meant that it could not be classified as a game. Like a documentary or a work of fiction, the programme therefore had to be included in the calculation of M6's quotas for the production and broadcasting of French and European audiovisual works. Three months earlier, the Centre national de la cinématographie (French national cinematographic centre - CNC) had for its part decided that the broadcast was eligible for financial assistance under the support scheme by virtue of the Decree of 2 February 1995 in the same way as fiction broadcasts, animations, documentaries and certain magazine programmes. The CNC had put the broadcast in the "documentary" category at that point, because of the presence of a producer and considerable post-production and the absence of live broadcasting. These two consecutive decisions produced lively reactions from the main professional organisations (producers, collective management companies, etc), claiming that this constituted a "threat to the balance of the system" for aid, support and regulation of audiovisual creation. As this type of programme, which is less expensive, could be to the advantage of the support system and be included in the channels' quotas for production and broadcasting, there was a risk of more of them being produced, to the detriment of audiovisual fiction, documentaries or animated works. In its communiqué of 15 November, the CSA had for its part expressed its desire for consideration in conjunction with creators, producers, broadcasters and the CNC on the suitability of the present definition of

© European Audiovisual Observatory (Council of Europe) 2026

an audiovisual work in the light of new concepts for programmes. On 7 December last year Catherine Tasca, the Minister for Culture, therefore decided to entrust the CNC with the task of considering in conjunction with the other parties concerned the evolution of television programmes and the possible consequences for regulation. Its initial conclusions are expected by the end of February.

Communiqué n° 467 du CSA du 15 novembre 2001 - Qualification en oeuvre audiovisuelle de l'émission Popstars

Communiqué no. 467 by the CSA on 15 November 2001 - Classification of the programme Popstars as an audiovisual work

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026